



## Localized Policy Manual

# Update 102

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

### Denton ISD

Update 102 addresses several recent changes in state and federal law; such as amendments to the Texas Administrative Code on special education services, community and student engagement, and community-based fine arts programs; and revised federal rules on the definition of spouse under the Family and Medical Leave Act. As part of Update 102, TASB Policy Service engaged an outside law firm with expertise in bond issues and investments to conduct a periodic review of the legal and local policies addressing bonds and investments. Another significant change at Update 102 includes a reorganization of the DE series of policies addressing compensation to focus the series on the primary component—the board-adopted compensation plan.

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 102 packet contains:

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

*Vantage Points—A Board Member's Guide to Update 102* 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 102 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, Tammy Jordan, at 800-580-7529 or 512-467-0222.

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## Regarding board action on Update 102 . . .

- Board action on Localized Update 102 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 102, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 102, 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.
- A suggested motion for board action on Localized Update 102 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 102 [with the following changes:]”*
- The board’s action on Localized Update 102 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator’s Guide to Policy Management* available in the myTASB Policy Service Resource Library at [http://www.tasb.org/services/policy/mytasb/admin\\_guide/index.aspx](http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx).

## Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. You will need to notify us of the board’s action on Update 102 so that your district’s Localized Policy Manual as it appears on TASB’s web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 102 Adoption Notification Form enclosed), by e-mail ([pol-support@tasb.org](mailto:pol-support@tasb.org)), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 102 policy changes should be inspected and revised by the district as needed.

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

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# Instruction Sheet

## TASB Localized Policy Manual Update 102

District      Denton ISD

<b>Code</b>	<b>Action To Be Taken</b>	<b>Note</b>
A25 (INDEX)	Replace cross-index	Revised cross-index
AIB (LEGAL)	Replace policy	Revised policy
BBG (LEGAL)	Replace policy	Revised policy
CCA (LEGAL)	Replace policy	Revised policy
CDA (LEGAL)	Replace policy	Revised policy
CDA (LOCAL)	Replace policy	Revised policy
D (LEGAL)	Replace table of contents	Revised table of contents
DBB (LOCAL)	Replace policy	Revised policy
DEA (LEGAL)	Replace policy	Revised policy
DEA (LOCAL)	Replace policy	Revised policy
DEAA (LEGAL)	Replace policy	Revised policy
DEAA (LOCAL)	Replace policy	Revised policy
DEAB (LEGAL)	Replace policy	Revised policy
DEAB (LOCAL)	ADD policy	See explanatory note
DEE (LEGAL)	Replace policy	Revised policy
DEE (LOCAL)	Replace policy	Revised policy
DFFA (LOCAL)	Replace policy	Revised policy
DHE (LEGAL)	Replace policy	Revised policy
DHE (LOCAL)	Replace policy	Revised policy
EHBA (LEGAL)	Replace policy	Revised policy
EHBAA (LEGAL)	Replace policy	Revised policy
EHBAB (LEGAL)	Replace policy	Revised policy
EHBAD (LEGAL)	Replace policy	Revised policy
EHBAE (LEGAL)	Replace policy	Revised policy
EHBC (LEGAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
EJ (LEGAL)	Replace policy	Revised policy
EL (LEGAL)	Replace policy	Revised policy
FEA (LEGAL)	Replace policy	Revised policy
FEB (LEGAL)	Replace policy	Revised policy
FNC (LOCAL)	DELETE policy	See explanatory note
FO (LOCAL)	Replace policy	Revised policy

Instruction Sheet  
TASB Localized Policy Manual Update 102

FOF (LEGAL)	Replace policy	Revised policy
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# Explanatory Notes

## TASB Localized Policy Manual Update 102

District: Denton ISD

A25 (INDEX) CROSS-INDEX

The cross-index, shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*, has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2013.

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

AIB (LEGAL) ACCOUNTABILITY  
PERFORMANCE REPORTING

New commissioner rules, effective June 25, 2014, provide guidance on the process for evaluating community and student engagement and the LOCAL PERFORMANCE AND COMPLIANCE REPORTING. The rules specify that this evaluation requirement does not apply to budgeted, DAEP, or JJAEP campuses or to facilities operated by the Texas Juvenile Justice Department. The rules also clarify that a district:

- Must post the results of the performance and compliance evaluation on its website;
- May assign a rating of Not Applicable for a community and student engagement program or performance category if the district determines that the program or category is not applicable to the district or campus but may not assign a rating of Not Applicable for the overall performance rating for a campus or the district or for the compliance indicator;
- Must require the local committee to determine the criteria for the overall performance rating for each campus and the district; and
- Must require the local committee to determine the criteria for the reporting and policy compliance evaluation.

We have added provisions from the No Child Left Behind Act that were previously postponed through state waivers. These provisions require districts receiving Title I funding to prepare and disseminate an annual FEDERAL REPORT CARD. The report card must include data about campuses and the district and must be disseminated to parents.

BBG (LEGAL) BOARD MEMBERS  
COMPENSATION AND EXPENSES

A Note has been added to this legally referenced policy to reference TEA guidance on board member expense reimbursement and income tax issues in the Financial Accountability System Resource Guide.

CCA (LEGAL) LOCAL REVENUE SOURCES  
BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bond issues to provide legal review of this legally referenced policy to ensure that the policy addresses all relevant legal material. As a result of that review, we have reordered several provisions within the policy, adjusted provisions to better reflect statutory language, and made a number of other revisions, including:

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- Clarifying at BONDS AND BOND TAXES, on page 1, that bonds may be issued only if approved in a bond election;
- Adding detail regarding the ELECTION ORDER and NOTICE OF ELECTION;
- Referencing the 50 CENT TEST FOR NEW DEBT, for which the district must demonstrate compliance to the attorney general before issuing bonds;
- At GUARANTEE OF BONDS BY THE PERMANENT SCHOOL FUND, adding the procedures to re-apply if the district does not receive approval for the guarantee;
- Adding existing Administrative Code provisions that prohibit a district from representing bonds as being guaranteed or approved for credit enhancement before approval by the commissioner; and
- Adding references at FEDERAL SECURITIES LAW to the requirement for a district to prepare an official disclosure statement prior to publically offering bonds and outlining the district's liability under the antifraud provisions.

A Note at the end of the policy provides some best practice guidance on preparing the official statement based on SEC materials.

### CDA (LEGAL) OTHER REVENUES INVESTMENTS

TASB Policy Service engaged an outside law firm with expertise in the area of investments to provide legal review of this legally referenced policy to ensure that the policy meets legal requirements and industry best practices. As a result of that review, we have made several revisions to the policy.

We have clarified that the required QUARTERLY REPORTS cover investment transactions for the preceding reporting period. See page 4.

At AUTHORIZED INVESTMENTS, we added existing statutory text explaining that the board may specify that any of the statutorily authorized investments are not suitable for the district and have deleted the definition of corporate bond in favor of the statutory citation.

### CDA (LOCAL) OTHER REVENUES INVESTMENTS

As mentioned at CDA(LEGAL), an outside law firm with expertise in the area of investments provided legal review of this local policy to ensure that the policy continues to meet legal requirements and industry best practices. Several recommended policy changes resulted from that review:

- A change at SAFETY, stating that the primary goal of the investment program is to ensure safety of principal, maintain liquidity, and maximize financial results aligns the standards set by the investment policy with statutory text and the goals of the investment program.
- A new paragraph addresses the statutory requirement for the written investment policy to address the quality and capability of INVESTMENT MANAGEMENT. The policy text requires the investment management to be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.
- At MONITORING MARKET PRICES, a revision adds a requirement for the investment officer to keep the board informed of any significant "changes" in the market value of the district's investment portfolio, not just declines in the value.

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- As required by law, board policy must include a written investment strategy for each fund or group of funds under the board's control and describe the investment objectives for each fund by prioritizing six factors listed in law. A new sentence, added to better address this requirement, emphasizes that the strategies for the investment of each fund type listed in the policy must be based on these factors. Likewise, at each of the fund types listed in the policy, text has been added to indicate the *primary* objectives. See FUNDS/STRATEGIES.
- New provisions have been added to highlight the statutory requirements for the board to perform an ANNUAL REVIEW and for the district to perform an ANNUAL AUDIT.

**Please note:** A district that qualifies as an issuer of corporate bonds may invest in those bonds if, among other requirements, it amends its investment policy to authorize corporate bonds as an eligible investment. See CCF(LEGAL) in your policy manual to determine if your district qualifies as an issuer. If your district meets these criteria and will permit investment of district funds in corporate bonds, please contact your policy consultant for appropriate text.

We have retained your locally developed language at PROPRIETARY FUNDS and FIDUCIARY FUNDS.

### D (LEGAL) PERSONNEL

Update 102 includes a reorganization of the DEA series of policies addressing compensation to focus the series on the primary component—the board-adopted compensation plan. As a result, DEA, the overarching policy in the series, has been renamed Compensation Plan, with subtitled policies on Incentives and Stipends at DEAA and Wage and Hour Laws at DEAB.

### DBB (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

A board is authorized by statute to adopt a policy to place an educator on temporary disability leave (TDL) if the educator's condition interferes with the performance of regular duties. However, any such policy must allow the educator the right to present testimony or other information relevant to the educator's fitness to continue the performance of regular duties.

To comply with this policy requirement, a recommended change at PLACEMENT ON TEMPORARY DISABILITY, BY BOARD AUTHORITY permits an employee who the board has placed on TDL to follow the existing DGBA complaint process to present relevant testimony or other information to the board.

Because districts define which employees are eligible for TDL at DEC(LOCAL), a cross reference to that policy has been added, along with policy language to clarify that only "eligible" employees may be placed on TDL.

**Please note:** If your district requires a tuberculosis test of all new employees prior to employment, please contact your policy consultant for an adjustment to this policy.

### DEA (LEGAL) COMPENSATION AND BENEFITS COMPENSATION PLAN

As part of the reorganization of the DEA series, the subtitle of this policy has been changed to Compensation Plan.

The legally referenced text addressing various salary and compensation issues, previously at DEAB, has been moved unaltered to this code.

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### DEA (LOCAL) COMPENSATION AND BENEFITS COMPENSATION PLAN

Provisions on the Fair Labor Standards Act (FLSA) have been moved to DEAB, Wage and Hour Laws, except for a provision on assigning supplemental duties, which has been moved to DEAA, Incentives and Stipends.

Because this local policy focuses on the board's and the administration's roles regarding compensation, we have moved text regarding wages and hours to DEAB. Recommended changes to the first paragraph clarify that the board reviews and approves the annual compensation plan, which should support the district's goals for hiring and retaining highly qualified employees. In addition, the policy makes the board responsible for determining the superintendent's compensation.

PAY ADMINISTRATION outlines the superintendent's role, which includes implementing the annual compensation plan and establishing procedures for plan administration. In classifying jobs within the plan, a recommended revision requires the superintendent to consider the market value of the position in addition to the employee qualifications and duties, as required by the existing language. Due to the superintendent's overall authority to administer the plan, a sentence referring to the superintendent's responsibility to determine pay for new employees and employees reassigned to different positions is recommended for deletion as it is unnecessary.

Text at ANNUALIZED SALARY has been added to reflect the common practice of paying all salaried employees over 12 months. If your district's practice does not match the text, please contact your policy consultant to adjust this policy.

The first sentence at MID-YEAR PAY INCREASES addresses the circumstances when a contract employee's pay may be increased in light of the constitutional prohibition against increasing an employee's compensation after performance on the contract has begun. To prevent a gift of public funds, the text permits increases if authorized by the compensation plan or if the employee's assignment or duties have changed. Any changes in pay that do not conform with the compensation plan require board approval.

Recommended to replace your current provisions addressing disaster pay, the text at PAY DURING CLOSING continues to reflect that the district will pay employees during an emergency closure. The text clarifies that the board must authorize by resolution or other board action the public purpose served by the expenditure in order to avoid an improper use of public funds and other details regarding the continued payment. TASB Policy Service has developed a sample resolution to assist the board in addressing the public purpose for these payments and other relevant details, such as which employees will be eligible for payment and the duration of payments. After the board has adopted the resolution, it may remain in effect on an ongoing basis and serve as authorization during future closings for employee payments that fall within the parameters of the resolution. A copy of the resolution is available at <https://www.tasb.org/Services/Policy-Service/Resources/u102.aspx>.

We have retained your unique provisions addressing premium pay for hourly employees who are required to work during an emergency closing. Please note that based on your current policy language, this commitment for additional pay would apply during any closure whether or not that closing is related to a federally declared disaster. When the closure is related to a federally declared disaster, the district could seek reimbursement from the Federal Emergency Management Administration (FEMA) for certain labor costs for disaster-related emergency work. The district would not be eligible to receive a reimbursement of those costs if the closure is not related to a federally declared disaster. For more information, see <http://www.fema.gov/9500-series-policy-publications/95257-labor-costs-emergency-work>. If you wish to consider premium payments only when a closure is associated with a federally declared disaster, please contact your policy consultant.



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For further information on mid-year pay increases and payments during closings, see the TASB eSource articles at <https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Personnel/Compensation-and-Leaves-of-Absence.aspx#compensation>.

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

As part of the reorganization of the DEA series, the title of this policy has been changed to Compensation Plan, with the subtitle remaining Incentives and Stipends.

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

As part of the reexamination of the DEA series, we have recommended several changes to this local policy on incentives and stipends:

- Due to lack of funding for a master teacher program, provisions on master teacher stipends are recommended for deletion.
- We have recommended a new sentence to require the superintendent to include a STIPEND pay schedule as part of the compensation plan described at DEA.
- Moved from DEA is the provision authorizing the superintendent to assign noncontractual supplemental duties to exempt employees.
- In response to changes in state incentive programs, specifically the Educator Excellence Innovation Program, we have revised the relevant policy text giving the superintendent the authority to submit plans and grant applications for incentive and “innovation” programs and submit those documents to TEA “or other granting organizations.”
- Any locally developed incentive programs must be addressed in the district’s compensation plan.

### DEAB (LEGAL) COMPENSATION PLAN WAGE AND HOUR LAWS

As part of the reorganization of the DEA series, the title of this policy has been changed to Compensation Plan, and the subtitle has been changed to Wage and Hour Laws.

The legally referenced text on wage and hour laws, previously at DEA, has been moved unaltered to this code.

### DEAB (LOCAL) COMPENSATION PLAN WAGE AND HOUR LAWS

Provisions on the Fair Labor Standards Act (FLSA), except for a provision on assigning supplemental duties, have been moved from DEA to this new local policy on wage and hour laws with the following revisions.

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Some NONEXEMPT employees paid on a salary basis are scheduled to work less than a 40-hour work week. For example, it is common for some salaried employees to work 37.5 hours per week. However, as the revised policy text clarifies, the salary is intended to cover any time worked “up to and including” 40 hours in a week without obligating the district to pay the employee additional compensation if the employee works 40 hours or less that week. If an employee works more than 40 hours in a week, FLSA overtime provisions will apply.

At COMPENSATORY TIME, ACCRUAL, the current policy text states that nonexempt employees may not accrue compensatory time over the number of hours stated in policy. If an employee exceeds that number of hours, the district will require the employee to use the compensatory time, or the district can decide to pay the employee for the compensatory time. For consistency in this paragraph and at USE, we have revised the text to refer to “compensatory time” rather than “overtime.” Contact your policy consultant if the policy provisions do not match the maximum number of compensatory hours an employee may accrue in your district.

At USE, we have changed a reference from “fiscal” year to “duty” year for consistency within the paragraph. The policy requires an employee to use any compensatory time within the duty year in which it is earned. The district must pay the employee for any unused compensatory time remaining at the end of the “duty” year, previously “fiscal” year. Contact your policy consultant for a policy adjustment if this does not match your district’s practice.

### DEE (LEGAL) COMPENSATION AND BENEFITS EXPENSE REIMBURSEMENT

This legally referenced policy has been amended to:

- Delete expired Administrative Code provisions on CLASSROOM SUPPLY REIMBURSEMENT;
- Move to the beginning of the policy the general provision permitting a district employee engaged in official business to participate in the comptroller’s contract for TRAVEL SERVICES; and
- Add a Note at the beginning of the policy to point to TEA resources on expense reimbursement and income tax issues in the Financial Accountability System Resource Guide.

### DEE (LOCAL) COMPENSATION AND BENEFITS EXPENSE REIMBURSEMENT

As discussed with Kim Stevenson on April 16, 2015, your current policy language permits per diems for any authorized travel, whether overnight or for a single day. Recommended for your consideration is similar TASB-developed text permitting per diem expense reimbursement for meals associated only with authorized overnight travel that is not related to a state or federal grant. Receipts will not be required for expenses for which a per diem is paid. For any travel that is not overnight, the employee would be required to provide meal receipts.

TEA resources on expense reimbursement and income tax issues can be found in the Financial Accountability System Resource Guide, Module 1: Financial Accounting and Reporting, Section 1.9.2.2 at [http://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_\\_Accountability\\_System\\_Resource\\_Guide/](http://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial__Accountability_System_Resource_Guide/).

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DFFA (LOCAL) REDUCTION IN FORCE  
FINANCIAL EXIGENCY

As a result of the reorganization of material at the DEA series, we have changed two cross references at PLAN TO REDUCE PERSONNEL COSTS from DEAB to DEA.

DHE (LEGAL) EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

We have added existing provisions from federal Department of Transportation (DOT) rules to this legally referenced policy addressing drug and alcohol testing. For employees subject to federal DOT drug and alcohol testing requirements, the rules explain that the district has the option of permitting an employee to return to work after a failed drug or alcohol test. If the district permits the employee to return to work, the district must ensure that the employee is evaluated by a substance abuse professional (SAP), complies with the SAP's recommendations, and passes a return-to-duty test. The district's decision is reflected in DHE(LOCAL), see below.

DHE (LOCAL) EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

This local policy addressing searches, including drug and alcohol testing, has been reorganized based on U.S. Department of Transportation (DOT) guidelines for employers, which require policies to clearly delineate between the items and actions that are required by DOT and that are required by the district. As a result, we have revised margin notes to distinguish between the FEDERALLY REQUIRED DOT TESTING PROGRAM guidelines and DISTRICT-IMPOSED CONSEQUENCES.

Regarding the federal DOT program provisions, we have made the following revisions:

- Moved up in the policy the provision requiring the district to disseminate relevant information to employees covered by the testing program.
- Added an affirmative statement that employees who commit DRUG-RELATED VIOLATIONS will not be reinstated as drivers.
- Moved up in the policy the DOT requirement that a driver who has ALCOHOL RESULTS BETWEEN 0.02 AND 0.04 must be suspended from driving for 24 hours and added a cross reference to DISTRICT-IMPOSED CONSEQUENCES for subsequent test results within this concentration, since consequences based on such results beyond suspension for 24 hours are not governed by federal rules.
- Also at ALCOHOL RESULTS BETWEEN 0.02 AND 0.04, deleted the provision indicating that the suspension would be "without pay" because this is not required by federal law. Existing text at DISTRICT-IMPOSED CONSEQUENCES authorizes the district to suspend an employee without pay as appropriate in accordance with the district's DF series policies.
- Deleted provisions on participating in consortiums because there is no requirement to address this issue in board policy, even though participation remains an option for districts.

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At DISTRICT-IMPOSED CONSEQUENCES, a revision clarifies that an employee who has a second or subsequent test result with an alcohol concentration between 0.02 and 0.04 is subject to district-imposed discipline. If the district imposes consequences more severe than the DOT guidelines, those consequences are more appropriately conveyed here.

At REASONABLE SUSPICION SEARCHES not related to the DOT testing program (see the first paragraph of this policy), we have changed terminology from “reasonable cause” to “reasonable suspicion” to reflect the more common term and have added a sentence to explain that searches that reveal a violation of the district’s standards of conduct may result in disciplinary action as provided at DH(LOCAL).

Additional information on the DOT testing program can be found at <http://www.dot.gov/sites/dot.gov/files/docs/ODAPC%20EmployerGuidelinesOctober012010.pdf>.

EHBA (LEGAL) SPECIAL PROGRAMS  
SPECIAL EDUCATION

Changes to this legally referenced policy are prompted by revised State Board of Education rules on special education services effective January 1, 2015.

The rules provide that INSTRUCTIONAL ARRANGEMENTS AND SETTINGS must include the items listed in the rules. In addition, item 9, vocational adjustment class/program, was clarified to encompass services to a student who is placed on a paid or unpaid job. Districts can also deliver special education and related services to a student through OTHER PROGRAM OPTIONS, such as contracts with other districts and TEA-approved programs.

A definition of EXTENDED SCHOOL YEAR SERVICES was added on page 3. Citations have also been updated.

EHBA (LEGAL) SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Amended commissioner rules on special education services, effective January 1, 2015, resulted in reorganization and several other changes to this legally referenced policy:

- To correspond with SB 816 from the 83rd Legislative Session, the rules require a written response from the district within 15 school days of a written PARENTAL REQUEST for a full individual and initial evaluation. See REQUESTS AND REFERRALS FOR EVALUATION beginning on page 1.
- At TIME FRAME FOR COMPLETION OF WRITTEN REPORT, beginning on page 3, the rules define when a student is considered absent and define “school day” for purposes of complying with relevant time lines.
- New provisions at TRANSFER STUDENTS beginning on page 4 address the time line for completing an evaluation that was in progress in a previous district when a student enrolls in a new district and require the new district to coordinate with the previous district to complete the evaluation by the deadlines established in law, with certain exceptions.
- As reflected on page 5 at DETERMINATION OF INITIAL ELIGIBILITY, the ARD committee must make decisions about initial eligibility, the IEP, and placement within 30 calendar days of the completed initial evaluation report or, if the 30th day falls during the summer, by the first day of the following school year unless the evaluation indicates that services are needed during the summer. Special deadlines for the ARD committee to meet apply when a report is provided to a parent by June 30.

Wording was adjusted throughout the policy to align with the rules.

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### EHBAB (LEGAL) SPECIAL EDUCATION ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

Based on changes to the commissioner rules on special education services, effective January 1, 2015, wording and citations have been adjusted throughout this legally referenced policy to align with the rules.

Beginning on page 1, the rules clarify that the ARD COMMITTEE MEMBERS must include a representative of any participating agency likely to be responsible for providing transition services (item 11). As a result of these changes, a more detailed provision on membership for transition meetings has been deleted from the policy.

The amended rules include procedures and deadlines to provide special education services to TRANSFER STUDENTS from within the state and from other states. The previous district must furnish the new district with the student's records within ten working days of receiving the request. See TRANSFER OF RECORDS.

If the ARD committee determines that the student is in need of extended school year services, the INDIVIDUALIZED EDUCATION PROGRAM (IEP) must include the goals and objectives that will be addressed in those services. See item 10.

Revisions at COLLABORATIVE PROCESS provide more detail about the TEN-DAY RECESS of the ARD committee when a parent is not in agreement with all required elements of the IEP. If agreement is not reached after the recess, the parent who disagrees must be offered an opportunity to provide a written statement of disagreement.

Districts must ensure appropriate TEACHER ACCESS TO IEPs for teachers with specific responsibilities and ensure that these teachers can request assistance regarding IEP implementation.

### EHBAD (LEGAL) SPECIAL EDUCATION TRANSITION SERVICES

Based on amended commissioner rules addressing special education services, effective January 1, 2015, we have replaced the text from federal law at INDIVIDUAL TRANSITION PLANNING with the more comprehensive provisions from state rules.

Citations within the text at GRADUATION have been adjusted to refer to updated graduation options.

### EHBAAE (LEGAL) SPECIAL EDUCATION PROCEDURAL REQUIREMENTS

A revision at PRIOR NOTICE AND CONSENT on page 3 requires a district to provide notice of at least five school days before the district proposes to initiate or change or refuses to initiate or change an IEP or the provision of free appropriate public education (FAPE). A parent can agree to a shorter time frame. The text is similar to a previous provision that was deleted as part of the amended commissioner rules on special education services, effective January 1, 2015.

New provisions outlining the possible options for resolving disputes between a parent and the district have been added at DISPUTE RESOLUTION on page 5.

Wording and citations have been adjusted throughout the policy to align with the rules.

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### EHBC (LEGAL) SPECIAL PROGRAMS COMPENSATORY/ACCELERATED SERVICES

This legally referenced policy addressing compensatory services has been revised by adding existing statutory text. The new text clarifies that a district may use compensatory education funds to provide an accelerated reading instruction program or a program for treatment of students with dyslexia to (1) students who otherwise meet the state definition of at risk of dropping out of school or (2) students who meet local eligibility criteria for at risk of dropping out of school. See page 1 at USE.

### EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

A new commissioner rule effective December 28, 2014, addressing COMMUNITY-BASED FINE ARTS PROGRAMS resulted in revisions beginning on page 9. The rules outline the requirements for earning credit through participation in these programs and, for on-campus programs, require the district to obtain criminal history record information on instructors. The district's decision as to whether to award state graduation credit in fine arts to a student for participation in a community-based fine arts program is included in EIF(LOCAL), which is not included in Update 102.

Amended commissioner rules on special education services, effective January 1, 2015, resulted in the changes to this legally referenced policy at Section VI, GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

Beginning on page 15, new DEFINITIONS explain that MODIFIED CURRICULUM AND CONTENT refers to any reduction of the amount or complexity of the TEKS but that substitutions that are specifically authorized in rule or statute must not be considered modified curriculum or modified content. EMPLOYABILITY AND SELF-HELP SKILLS are skills directly related to the preparation of students for employment, including general skills needed.

Students graduating under these provisions must be given a SUMMARY OF ACADEMIC ACHIEVEMENT AND EVALUATION as described in the policy.

Students entering grade 9 in or after the 2014–15 school year have two options to satisfy graduation requirements. The first option requires the student to:

- Demonstrate mastery of state standards (or district standards if greater);
- Meet credit requirements under the foundation program applicable to students in general education; and
- Have satisfactory performance on state assessments, unless the ARD committee determines satisfactory performance is not necessary for graduation.

The second option requires a student to complete the above requirements except that one or more of the courses required under the foundation program contains modified curriculum. In addition, the student must complete his or her IEP and meet one of the following conditions:

- Obtain full-time employment in addition to mastering sufficient self-help skills to enable the student to maintain employment;
- Demonstrate mastery of employability and self-help skills;
- Have access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program; or

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- No longer meet age eligibility requirements.

An endorsement can be earned if the student completes the foundation program and the additional math, science, and elective courses with or without modified curriculum, completes courses for the endorsement without any modified curriculum, and performs satisfactorily on all state assessments.

For a course to count for both foundation credit and endorsement credit, the course content cannot be modified.

For students entering grade 9 before the 2014–15 school year, the graduation requirements were changed to incorporate the previous graduation option of aging out into the list of conditions that a student must satisfy if the student is graduating by completing his or her IEP. Students who entered grade 9 before the 2014–15 school year can switch to the foundation program if they meet certain requirements.

### EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

This legally referenced policy has been updated to include the requirements from HB 5, 83rd Legislative Session, for the school counselor to provide information to the student and the student's parent during each year that the student is enrolled in high school. The information must include the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement.

For resources to satisfy this requirement, see <http://tea.texas.gov/communications/brochures.aspx>.

### EL (LEGAL) CHARTER CAMPUS OR PROGRAM

Additional detail from existing statutory provisions has been added to this legally referenced policy on charter programs:

- At VOLUNTARY ENROLLMENT, text clarifies that a student's parent or guardian may choose to enroll the student in a campus or program charter.
- Provisions on page 2 explain that a school board may grant a DISTRICT CHARTER one or more campuses serving not more than 15 percent of the district's student enrollment for the preceding school year, as long as the percentage limit does not prevent a district from granting a charter to at least one feeder pattern of schools. The board may also grant a district charter to a campus that has received the lowest performance rating under Subchapter C of Chapter 39.
- The school board is required to enter into a PERFORMANCE CONTRACT with the principal of a campus or program charter and specify the authority given to the principal to achieve the academic goals. If such goals are not substantially met, as determined by the board, the charter will expire after ten years.
- A school board may designate a campus or program charter as a NEIGHBORHOOD SCHOOL. In this case, certain funding provisions apply.

### FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

We have revised this legally referenced policy on compulsory attendance to delete an outdated Administrative Code provision and to update citations.

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FEB (LEGAL) ATTENDANCE  
ATTENDANCE ACCOUNTING

Prompted by amendments to State Board of Education rules, effective December 31, 2014, we have adjusted language to match the rules throughout this legally referenced policy and updated citations. At RECORDS, new text requires the district to maintain attendance records as required by the commissioner.

FNC (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT

This local policy is recommended for deletion. The provisions on rules of conduct have been moved to FO, Student Discipline, see explanatory note below, where extracurricular standards of behavior are also addressed in more detail. The material on harassment is currently addressed at FFH, Freedom From Harassment, and the Student Code of Conduct.

FO (LOCAL) STUDENT DISCIPLINE

An important revision recommended at PHYSICAL RESTRAINT clarifies that a district employee can restrain a student who receives special education services only in accordance with the specific laws that apply to these students. The rules are found at FOF(LEGAL).

Other recommendations reorganize the material so that the general provisions on the Student Code of Conduct that establish the rules of discipline are at the beginning of the policy. To emphasize its importance, we have moved text previously at EXTRACURRICULAR STANDARDS OF BEHAVIOR to the beginning of the policy and broadened the statement to indicate that rules of conduct and discipline shall not have the effect of discriminating against students based on legally protected categories.

This policy also includes the district's general discipline guidelines, including the district's prohibition on the use of corporal punishment as a disciplinary management technique. Although these provisions are not recommended for revision with this update, please confirm that the policy still reflects district practice.

If you would like to insert in this policy a hyperlink to the district's Student Code of Conduct, please contact your policy consultant.

FOF (LEGAL) STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

Due to amended commissioner rules on special education services, effective January 1, 2015, a new Administrative Code provision has been added to page 1 requiring disciplinary actions for students with disabilities to be determined in accordance with certain federal and state laws. See STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

The amended rules also clarified that Education Code 37.0021, regarding use of confinement, seclusion, restraint, and time-out, does not apply to juvenile probation, detention, or corrections personnel. See EXCEPTIONS on page 7.



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

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conventions, conferences, and workshops  
 board members BBH  
 personnel DMA, DMD

cooperative purchasing agreements CH

coordinated health program EHAC

coordination of paid benefits CRE, DEC

copyrighted material CY

corporal punishment FO

correspondence courses EHDE

counseling and guidance programs EJ, FFE

county government GRB

county juvenile board FODA

county tax officials BDAF

countywide appraisal district BDAF, CCH

course credit requirements EHA, EHAA, EHAB, EHAC, EHAD, EI, EIF

course offerings  
 electives EHAD  
 elementary EHAB  
 secondary EHAC  
 graduation requirements EIF

court-related students  
 admission FD  
 liaison officer FFC  
 placement FODA

CPR (See cardiopulmonary resuscitation)

credit or final grade, award of EI, FEC

credit by exam  
 with prior instruction EHDB  
 without prior instruction EHDC

credit recovery EHDB, FEC

criminal activity, reports of DH, DI, FL, FOD, GRA

criminal history record  
 contractors CJA  
 employees DBAA  
 volunteers GKG

crisis management/intervention CKC, FFB, FFE

crossing guards GRB

crowd control GKA

cultural institutions relations GKF

curriculum  
 design EHA, EHAA, EHAB, EHAC, EHAD  
 development EG  
 elective instruction EHAD  
 enrichment EHAA  
 essential knowledge and skills EHAA  
 experimental courses EGA  
 extended instructional programs EHDD, EHDE  
 college course work EHDD  
 distance learning EHDE  
 honors program EHBN  
 summer school EHDA  
 travel study EHBM

foundation EHAA

guides and course outlines EG

magnet schools and programs EGA

pilot projects EGA

planning EG

required instructional program  
 all levels EHAA  
 elementary EHAB  
 secondary EHAC

research EG

sex education EHAA

special programs  
 adult education EHBI  
 at-risk students EHBC  
 bilingual education EHBE  
 career and technical education EHBFB  
 character education EHBK  
 community education EHBI  
 compensatory education EHBC, EIE  
 deaf or hearing-impaired EHBH  
 dual language program EHBE  
 English as a second language EHBE  
 gifted and talented students EHBB  
 high school equivalency EHBL  
 homebound instruction EEH, EHBA

life skills EHAA  
prekindergarten EHBG  
remedial instruction/tutorials EHBC  
special education EHBA, EHBAA, EHBAB, EHBAC,  
EHBAD, EHBAE  
Title I EHB  
custodial services CLB, GKD  
custodian of records CPC, FL, GBA  
cyberbullying CQ, FFI

- D -

dairy products, purchase of COA  
damage reporting CLD  
data management BBI, CPC, CQ, GBA  
dating violence FFH  
days of service DC  
deaf or hearing-impaired BE, EHBA, EHBAA, EHBAB,  
EHBAC, EHB  
debt limitation CCA  
debt service  
bonds CCA  
certificates CCC  
revenue bonds CCD  
tax rate CCG  
warrants CCB  
deductions/reductions, salary CFEA  
deferred compensation CFEA, CRG  
defibrillators CKD, DMA  
delinquent taxes CCG  
demonstrations and strikes DGA, FNCI, GKA  
depository  
of funds BDAE  
student activity funds CFD  
board member conflict BBFB  
deputy voter registrar DP  
design and construction of school facilities CS, CT, CVC  
destruction of records CPC, FL, GBAA  
detention FO  
diabetes management treatment plan FFAF  
dietary supplements DH, FFAC  
diplomas EIF, FMH  
directory information FL  
disabilities  
ADAAA (See Americans with Disabilities Act Amend-  
ments Act of 2008)  
IDEA (Individuals with Disabilities Education Act) EHB,  
EHBA, EHBAA, EHBAB, EHBAC, EHBAD,  
EHBAE  
Section 504 (for students) EHBH, FB  
temporary (of employees) DBB, DEC  
disaster drills CKC  
disciplinary action, employees  
continuing contract DFCA  
noncontract DCD  
probationary contract DFAA  
suspension with or without pay DCD, DFAA, DFBA,  
DFCA  
term contract DFBA  
disciplinary alternative education program (DAEP) FO, FOA,  
FOB, FOC, FOCA, FOD, FODA, FOE, FOF  
shared services arrangement BQ, FOCA  
discipline of students  
code of conduct FN, FNC, FO  
corporal punishment FO

detention FO  
disciplinary alternative education program, placement in  
FOC  
discipline management program FNC, FO, FOC, FOD,  
FOE  
discipline management techniques FO  
disruptions and interference with the education process  
FNCI, FOA, GKA  
emergency placement FOE  
excessive absence or tardiness FEC  
expulsion FOD  
extracurricular standards of behavior FO  
fraternities, gangs, sororities, and other secret organiza-  
tions FNCC  
juvenile justice system FODA  
juvenile residential facilities EEM  
notice to parents FO, FOA, FOD  
parent prohibition regarding corporal punishment FO  
placement review committee FOA  
possession and use of narcotics, dangerous drugs, and  
alcohol FNCF, FOCA, FOD, FOF  
records FL, FO  
removal by bus driver FOA  
removal by teacher FOA  
suspension FOB  
unauthorized student assembly on school premises  
FNCI  
unexcused absences FEA, FEC  
videotaping FNG, FO  
disclosure, conflict of interest BBFA, DBD  
discretionary personal leave DEC  
discrimination  
employment DAA, DAB, DAC, DIA  
programs and services CS, DAA, DIA, GA  
student EHBA, FB, FD, FDAA, FFH  
dismissal, early (of school day) EC  
dismissal, employees  
continuing contract DFCA, DFFC  
noncontract DCD  
probationary contract DFAA, DFFA  
term contract BJCE, DFBA, DFFA  
disorderly student conduct FNCH, FNCI, FOA  
disposal  
of instructional material CMD  
of real property CDB  
of unnecessary personal property/surplus CI  
dispute resolution, homeless students FDC  
disruptions  
of board meetings BED  
of classes by outsiders GKA  
of instruction EC  
student FNCI, FOA  
distance learning EHDE  
distinguished achievement program EIC, EIF  
distribution of equipment CM, CMA, CMB, CMD  
distribution of printed material CPAB, FMA, FNAA, GKDA  
district-level planning and decision-making process BQ,  
BQA  
district teaching permit DBA  
dogs, searches by trained DHE, FNF  
donations  
by district CE  
to district CDC, GE  
of leave DEC  
DOT (U.S. Department of Transportation) DHE  
dress and personal grooming  
personnel DH  
student FNCA

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

- E -

early graduation EI, EIC, EIF, FMH  
 early mental health intervention FFB  
 early voting BBB  
 early voting clerk FEA  
 ECPA (See Electronic Communication Privacy Act)  
 education agency relations  
     regional service center GNB  
     state agency GND  
     voluntary accreditation agency GNE  
 education media and service centers GNB  
 educational philosophy AE  
 educational program access EHA  
 educational specifications, facilities CS  
 educational television EFF  
 educator certification/credentials DBA, DCB, DFBB, DK,  
     DPB  
 educator excellence innovation program (EEIP) *See also*  
     campus incentive plan) DEAA  
 EEIP (See educator excellence awards)  
 election clerks BBB, EIA, FEA, FEB, FEC  
 election of board members BBB  
 electioneering BBB  
 elective instruction EHAD  
 electronic bids and proposals CH  
 electronic communication BBI, CQ, FNCE  
     security breach of CQ  
 Electronic Communication Privacy Act (ECPA) CQ  
 electronic communications system CQ  
 electronic communications service CQ  
 electronic courses, defined EHDE  
 electronic devices, possession or use of CQ, FNCE  
 electronic media CY, DH  
 electronic storage CQ

electronic textbook CMD, EFAA  
 elementary instruction, required EHAB  
 emergency  
     board meetings BE  
     first aid care CKD, FFAC  
     placement FOE  
     plans and procedures, drills CKC  
     repairs CH, CLB, CV  
     school closings CKC  
     suicide attempts/threats FFB, FFE  
 emotionally disturbed students (*See also* students: with  
     disabilities) FFB, FFE  
 employees  
     organizations CFEA, CPAB, DGA, DGB, GKD  
     qualifications BJA, DBA, DP  
     relations with students DH, DIA, FFH  
 employment  
     application DC  
     annualized salary DEA  
     architects and engineers CV, CVA, CVB, CVC, CVD,  
         CVE, CVF  
     board members, former BBC, DC  
     conflict of interest DBD  
     criminal history record DBAA  
     early separation DEA  
     furlough program DEA  
     medical examinations, screenings DBB, DEC  
     nepotism restrictions DBE, DC, DCD, DK  
     outside consultants BDE  
     practices DAC, DC, DCA, DCB, DCC, DCD, DCE  
     requirements  
         bus driver annual physical DBA, DBB  
         residency DB  
     restrictions on moonlighting DBD, DEC, DECA  
     after retirement DC, DPB  
     status  
         at-will DC, DCD  
         continuing contract DC, DCC  
         leave DEC, DECA, DECB  
         non-Chapter 21 contract DC, DCE  
         noncontract DC, DCD  
         probationary DC, DCA  
         reasonable assurance CRF, DCD, DCE  
         return to probationary status DFAC  
         temporary teacher contract DC, DCB, DPB  
         term contract (educator) DC, DCB  
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH  
 endorsements, graduation plan EIF  
 energy conservation CH, CL  
 engineers and architects selection CV, CVA, CVB, CVC,  
     CVD, CVE, CVF  
 English as a second language EHBE  
 English language learners EHBC, EHBE, EIE, EKB, EKBA  
 enrichment curriculum EHAA  
 enrollment  
     age requirements FD, FDA  
     by attendance zone FC  
     exemptions from health requirements FFAA, FFAB  
     expelled transfer students FD, FOD  
     health requirements FD, FFAA, FFAB  
     immunizations FFAB  
     projections CT  
     residence requirements FD  
     transfers from other districts FDA  
     tuition FDA  
 environmental authorities GRA  
 equal access FNAB, GKD  
 equal educational opportunities EHBA, FB

equal employment opportunities DAA, DAB, DAC  
 equalization allotment, state CBA  
 equipment and supplies  
   borrowing/loaning CMB, DG  
   distribution CMB, CMD  
   equipment maintenance CLB  
   insurance program CRA, CRB  
   inventory CFB, CMA  
   receiving/warehousing CMA  
   repair CLB  
 E-rate CQ  
 ethics  
   board members BBBB, BBF, BBFA, BBFB, CAA  
   personnel CAA, DBD, DH  
 evacuation diagrams CKC  
 evaluation  
   administrative goals and objectives BI  
   board self-evaluation BG  
   campus charter and program charter schools EL  
   existing facilities CS  
   fiscal management CA  
   personnel DN, DNA, DNB  
   programs BQ  
   superintendent BJCD  
 evening sessions EC, EHBI, FP  
 examinations  
   for acceleration EHDC  
   credit by examination  
     with prior instruction EHDB  
     without prior instruction EHDC  
   final EIAA  
   state-mandated EKB  
 exchange students FD  
 executive session (See closed board meetings)  
 exempt/nonexempt personnel DEA  
 exit interviews DC, DCD, DF  
 exit-level test EI, EIF, EKB, FMH  
 expenditures of funds CE, CFD, CHD  
 expense reimbursement  
   board members BBG, DEE  
   personnel DEE  
   superintendent BJCA  
 experimental courses EGA  
 expulsion of students FOD, FODA, FOE  
 extended instructional programs EHD  
 extended instructional year (See year-round schools)  
 extended year program EHBC, EIE  
 extended year services EHBA, EHBAB  
 extracurricular activities  
   eligibility FM, FOA, FOC  
   limits on absences FM  
   related absences FEB, FM  
   safety training of employees DMA  
   standards of behavior FNC, FO  
   students not enrolled FD  
   suspension and reinstatement FM  
   transportation to CNB, FMG  
 eye-protective devices CKB

- F -

facilities  
   climate control CL  
   community use of GKD  
   conduct on school premises GKA, GKC

naming CW  
 planning and construction CS, CT, CV, CVA, CVB, CVC,  
   CVD, CVE, CVF  
 portable buildings CS  
 faculty advisory council BQA, BQB, DGB  
 fair employment CV, DAA, DAB, DAC  
 Fair Labor Standards Act (FLSA) DEAB  
 falsification of records DFBB, FD  
 Family Educational Rights and Privacy Act (FERPA) FL  
 Family and Medical Leave Act (FMLA) CRD, DEC, DECA,  
   DECB  
 FAPE (See Free Appropriate Public Education)  
 federal funds CBB, EHBD  
 fees, fines, and dues  
   copies of records FL, GBAA  
   student FP  
   transcript FL  
   tuition FDA  
 felony offenses BBC, DF, DH, FOC, FOD, GRA  
 FERPA (See Family Educational Rights and Privacy Act)  
 field trips EFD  
 filling employment vacancies DC  
 final examinations EIAA  
 finality of grades DGBA, FNG  
 financial ethics BBFA, BBFB, CAA, DBD  
 financial exigency CEA, DFF, DFFA  
 financial reports and statements BR, CFA  
 firearms CNC, EHAD, FNCG, FOD, GKA  
 fire authorities GRA  
 fire drills and civil defense CKC, GKD  
 fire escapes CKC  
 fire insurance CRA  
 fireworks GKA  
 first aid CKD, FFAC  
 First Amendment BED, CPAB, DG, EFA, EMB, EMI, FMA,  
   FNA, FNAA, GKDA  
 fiscal management CA  
 fiscal year CE  
 fixed assets CFB  
 flag regulations CLE  
 FLSA (See Fair Labor Standards Act)  
 FMLA (See Family and Medical Leave Act)  
 food allergy management plan FFAF  
 food service  
   breakfast program COB  
   free and reduced-price meals program COB  
   "junk food," sale restricted CO, FFA  
   purchasing COA  
   Summer Food Service Program COB  
   surplus commodities CO  
   vending/food dispensing machines COC, FFA  
 foreign exchange students FD  
 foreign language EHAB, EHAC  
 foster care FD, FFC  
 foundation curriculum EHAA  
 foundation high school program EIF  
 foundation school program CBA  
 four-year-olds EHBG, FD  
 fraud CAA, CHE, DBD, DH  
 Free Appropriate Public Education (FAPE) EHBA, EHBAA,  
   EHBAB, EHBAC, EHBAD, EHBAE  
 free and reduced-price meals program (See food service)  
 freedom of association DGA  
 free speech (See First Amendment)  
 fringe benefits DEB, DEC  
 fund balance CE  
 fund-raising activities DHA, FJ, GKB  
 funds



and accounts CFA  
activity, management of CFD  
depository BDAE  
investment, liquidity/diversification CDA  
furlough, gifted and talented EHBB  
furlough program, employees DEA

- G -

gangs, gang-related activities FNCC  
gate receipts CDG  
GED (See general equivalency diploma)  
gender-based harassment DAA, DIA, FB, FFH, FNC  
general educational development EHBC, EHBL  
general equivalency diploma (GED) EHBL, FD, FEA  
Genetic Information Nondiscrimination Act (GINA) DAB,  
DECA  
geographic boundaries AC  
gifted and talented student programs EHBB  
gifts  
bequests to the district BAA, CDC  
board members BAA, BBFA, BBFB, BBG  
employees CAA, DBD, DHA  
instructional materials CDC, CMD, EFAA  
public CDC  
student CFD, FJ  
GINA (See Genetic Information Nondiscrimination Act)  
goals and objectives  
administration BI  
board BG  
district AE  
facility standards CS, CT  
fiscal management CA  
employment DA, DAC  
programs BQ, BQA, BQB  
government, student FMB  
grade advancement testing EIE  
GPA (See grades: grade point average)  
grade placement committee (GPC) EIE  
grades  
average required for credit EI  
computation of averages EIA, EIC  
dyslexic students EHB, EIE  
end-of-course (EOC) assessments EI, EIA, EIC, EKB,  
FMH  
finality of DGBA, FNG  
guidelines EIA  
grade point average (GPA) EIC  
penalties EIAB  
recording/reporting to parents EIA  
graduation  
assessments EKB  
early EIF, FMH  
endorsements EIF  
exercises FMH  
honor graduates EIC  
of student in conservatorship of DFPS EIF  
prayer FMH, FNA  
ranking of graduates EIC  
requirements EIF  
special education students EIF, FMH  
grandparent (resident caretaker) CNA, FD  
grants CDC, DEAA  
classroom supply reimbursement DEE  
master teacher DEAA

public education (PEG) FDAA  
grievance procedures (See complaints/grievances)  
grooming standards DH, FNCA  
grounds management CLB  
group health and life insurance CRD  
grouping for instruction EEA  
guest speakers EFC, GKC  
guidance program  
academic EJ  
student assistance/counseling FFE, FFEA  
guns CKC, CKE, DH, EHAD, FNCG, FOD, GKA

- H -

handbooks  
administrative regulations BP  
student FN, FNC  
harassment  
employees DAA, DH, DIA  
students DIA, FB, FFH, FFI, FNC  
Hatch Amendment EF  
hate literature FNAA, GKDA  
Hazard Communication Act DI  
hazardous routes CNA  
hazing DH, FFI, FNCC  
health  
care plans FFAF  
examinations/screenings  
diabetes FFAA  
drug/alcohol DHE, FNF  
dyslexia EHB  
hearing and vision, scoliosis FFAA  
personnel DBB, DHE  
students FFAA  
tuberculosis DBB, FFAA  
immunizations FFAB  
insurance CRD, FFD  
relations with health authorities GRA  
requirements for enrollment FFAB  
services DBB, FFA, FFAA, FFAC, FFAF  
Health Information Portability Accountability Act (HIPAA)  
CRD  
hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB,  
DFCA, DFD, DFF, DFFA, DFFB, DFFC  
hearing impaired BE, EHBH  
hearings  
board BE, DFBB, DGBA, FNG, GF  
budget CE  
challenging content of student records FL  
due process  
employees DFAA, DFBB, DFCA, DFD, DGBA  
students FOD, FOF  
expulsion of students FOD  
financial management report CFA  
independent hearing examiner DFBB, DFD  
nonrenewal BJCF, DFBB  
higher education visits FEA  
highly qualified DBA, DK, EHBD  
High School Equivalency Program EHBL  
HIPAA (See Health Information Portability Accountability Act)  
hiring  
at-will (noncontractual) DC, DCD  
authority BJA, DC  
contractual DC, DCA, DCB, DCC, DCE  
practices DAC, DC

superintendent BJB  
 HIV (See AIDS/HIV)  
 holidays  
     personnel DED  
     school EB  
     religious DEC, FEA, FEB  
 holdover doctrine BBC, DBE  
 homebound instruction EEH  
 homeland security BEC, CKC, GRC  
 homeless students EHBC, EHBD, EI, FB, FD, FDC, FFAB,  
     FFC  
 home-rule school district or charter AG  
 home-school instruction FDA, FEA  
 homework EIA  
 honor graduates EIC  
 honors courses EHBN, EIC, EIF  
 hospitalization insurance CRD  
 hours of school day EC  
 housing authorities relations GRA  
 HSEP (High School Equivalency Program) EHBL  
 human sexuality education EFAA, EHAA  
 hunter safety education EHAD  
 hurricane warnings CKC

- I -

IDEA (Individuals with Disabilities Education Act) EHBA,  
     EHBAA, EHBAB, EHBAC, EHBAD, EHBAE  
 identification card CLA  
 illness  
     personnel DBB, DEC  
     student FEC, FFAC, FFAD  
 immunity (See liability)  
 immunizations FD, FFAB  
 incentives DEAA, DEC  
 inclement weather procedures CKC  
 income tax, salary deductions for CFEA  
 increments, salary DEA  
 independent auditors CFC  
 independent hearing examiners BJCE, BJCF, DFAA, DFBA,  
     DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC  
 individualized learning  
     correspondence course EHDE  
     credit by examination EHDB, EHDC  
     distance learning EHDE  
     exams for acceleration EHDC  
     remedial instruction EHBC  
     special education EHBA, EHBAA, EHBAB, EHBAC,  
         EHBAD, EHBAE  
     tutorial program EHBC  
 individualized education program EHBA, EHBAA, EHBAB,  
     EHBAC, EHBAD, EHBAE  
 individualized health care plan FFAF  
 individualized services plan EHBAC  
 industrial development authorities GRA  
 infrastructure partnerships CDH  
 information  
     access to district records BBE, GBAA  
     access to employee records BBE, DBA, DN, GBAA  
     access to student records BBE, FL  
     demographic data CQ, GBA, GND  
 innovative programs EGA  
 inoculations FFAB  
 inspections  
     facility CS, CV

purchasing CHD  
 safety CKA  
 instructional arrangements EE, EEA, EEB, EEC, EED, EEH,  
     EEJ, EEL, EEM, EEP  
 instructional contracts with outside agencies EEL, EHBAC  
 instructional day EC, EED  
 instructional facilities allotment CCA  
 instruction facilities design CS  
 instructional goals and objectives BQ, BQA, BQB, EA  
 instructional materials  
     adoption of EFAA  
     advertising materials, use of FMA  
     allotment CMD  
     board action EFAA  
     Braille CMD  
     certification CMD, EFAA  
     complaints concerning EFA  
     conflict of interest BBFB, CMD, DBD  
     custodian CMD  
     condition of CMD  
     control of CMD  
     copyrighted material CY  
     curriculum guides EG  
     destroyed CMD  
     distribution of CMD  
     disposal CMD  
     electronic BBFB, CMD, EFAA  
     inventory CFB, CMD  
     library, media center EFB  
     open-source EFAA  
     ownership CMD  
     period of use EFAA  
     purchase CMD  
     rebates/commissions, accepting BBFB, DBD, EFAA  
     reports, forms to be completed for inventory CMD  
     responsibility for CMD, DG  
     requisitioning and responsibility for CMD  
     sale, disposal, or donation of CMD  
     samples and publisher contracts EFAA  
     selection of BBFB, DBD, EFA, EFAA, EHAA  
     supplemental CMD, EFAA  
     surplus CMD  
     teaching plans EEP  
     team EFAA  
 instructional program (See *also* special programs)  
     disciplinary alternative education program FOCA  
     distance learning EHDE  
     elective instruction EHAD  
     evaluation of BQ, BQA, BQB, EHBD, GND  
     extended instructional program EHDD, EHDE  
         college course work EHDD  
         honors courses EIC, EIF  
         summer school EHDA  
         travel study EHBM  
     innovative and magnet programs EGA  
     organization of instruction ED  
     required instructional program  
         all levels EHAA  
         elementary EHAB  
         secondary EHAC  
 instructional resources  
     community EFC, GKE, GKF  
     field trips EFD, FMG  
     interactive television EFF  
     libraries/media centers EFB  
 instructional support services  
     guidance program EJ, FFE  
     health services FFA

library, audio-visual center EFB  
 school-community guidance program FFC  
 special education programs EHBA, EHBAA, EHBAB,  
 EHBAC, EHBAD, EHBAE  
 instructional television EFF  
 insurance  
   adjustor and carrier CR  
   change of coverage CR  
   Consolidated Omnibus Budget Reconciliation Act (CO-  
   BRA) CRD  
   deductions/reductions from salary CFEA  
   enrollment information CRD  
   fire CRA  
   Health Insurance Portability and Accountability Act  
   (HIPAA) CRD  
   health, life, disability CRD  
   liability CRB  
   school property CRA  
   student FFD  
   tax-sheltered annuities CFEA, CRG  
   TRS-Active Care CRD  
   unemployment CRF  
   workers' compensation CRE, CV  
 intellectual property rights CY  
 intensive math and science program EHBC  
 interdistrict relations EHBA, FDA  
 interlocal agreements CH, GR, GRB  
 interlocal cooperation contracts GR, GRB  
 internal auditor CFC, DC  
 international baccalaureate program EIC, EIF  
 Internet  
   broadcast board meetings BE  
   posting BBFA, BE, CHE, CQA, DBD, DC  
   use of, by board members BBI  
   use of, by employees/students CQ, FNCE  
 intern program GNC  
 interrogations and searches DHE, FNF, GRA  
 interruption of classes EC, GKA  
 interscholastic activities/athletics FM, FMF  
 Interstate Compact on Educational Opportunity for Military  
   Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL,  
   FM  
 intoxicants BBC, BJCF, DFBA, DFBB, DFCA, DH, DI, FNCF,  
   FNF, FOC, FOD, FOF, GKA  
 intramural sports FMF  
 inventories CFB  
 investments, bond sales CDA  
 investments of school funds CDA  
 intrastate pipeline emergency response plan CS

- J -

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

- K -

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

- L -

labor organizations DGA, DGB  
 land, sale of BAA, CDB, CDBA  
 language other than English EHAB, EHAC  
 law enforcement  
   agencies GRA  
   district peace officers CKE  
   officers on district property GKA  
   reports from FL, GRA  
   reports to/refer to DH, FFG, FNF, GRA  
 lawful assembly, disruption of GKA  
 lay-offs (RIF) DFCA, DFF  
 learning disabilities EHB, EHBA, EHBAA, EHBAB, EHBAC,  
   EIE  
 lease of real property by the district CX  
 leasing and renting  
   authority BAA, GKD  
   buildings and grounds CDB, GKD  
   buses CNA, CNB  
   equipment and supplies CMB  
   payments CDD, CX  
 leaves and absences, employees  
   assault (recuperative leave) DEC  
   concurrent use of DEC  
   continuation of health benefits CRD  
   discretionary use of DEC  
   extended DEC  
   family and medical leave CRD, DEC, DECA, DECB  
   funeral (bereavement) leave DEC  
   infant care/child adoption DEC, DECA  
   intermittent leave DEC, DECA  
   mandatory court appearances/jury duty DEC  
   maternity leave DEC, DECA  
   military leave/reserve duty DEC, DECB  
   nondiscretionary use of DEC  
   on-the-job injury CRE, DEC  
   paid/unpaid leave DEC  
   payment for unused leave DEC  
   personal illness DEC, DECA  
   personal leave DEC  
   professional development leave DEC  
   professional meetings and visitations DMD  
   qualifying exigency DECA  
   sabbatical study/leave DEC  
   state personal leave DEC  
   state sick leave DEC  
   temporary disability DEC  
 leaving campus, students  
   employment FEF  
   illness FEC, FFAC

lunch FEE  
 medical appointment FEB  
 parental permission FEB  
 private lessons FEF  
 legal services BDD  
 LEP (See Limited English Proficiency)  
 lesson plans EEP  
 liability  
   board members BBE, CRB  
   for damage to school property FNCB  
   insurance CRB  
   school personnel CRB, DG, DH, FFAC, FFG, FOE  
   volunteers GKG  
 liaison  
   children in conservatorship of state FFC  
   court-related FFC  
   homeless FFC  
 libel FNAA, GKDA  
 library-media center  
   materials, complaints EFA  
   professional resources EFB  
   records and reports EFB  
   selection of materials EFA  
 life insurance CRD  
 life skills programs EHAD  
 Limited English Proficiency (LEP) EHBC, EHBE, EIE, EKB,  
   EKBA  
 limited open forum FNAB  
 line and staff relations BKB  
 line item transfers CE  
 litigation expenses CRB  
 lobbying (restrictions) CH, BBFB  
 Local Government Records Act CPC, GBA, GBAA  
 local government relations GRA  
 local tax revenues CCG  
 locker searches DHE, FNF  
 loitering GKA  
 loss control CK, CKA, CKB, CKC  
 loyalty oath BBB  
 LPAC (Language Proficiency Assessment Committee)  
   EHBE, EIE, EKBA  
 lunchroom maintenance CLB

**- M -**

McKinney-Vento Homeless Education Assistance Improve-  
   ments Act of 2001 CNA, EHBD, FD, FDC, FFC  
 mail service CPAB  
 maintenance  
   bus maintenance CNBA  
   changes and alterations CLB  
 makeup work for students EIAB  
 manifestation determination (IDEA) EHBAD  
 married students FND  
 marshal, school CKE  
 master teacher grants DEAA  
 maternity leave DEC, DECA, FNE  
 meal service CO, COB  
 media and service centers (regional) GNB  
 mediation (See complaints/grievances)  
 Medicaid FLA  
 medical examinations DBB, FFAA  
 medical insurance CRD, FFD  
 medical treatment FFAC  
 Medicare CFEA

medication FFAC  
 meeting notice  
   board of trustees BE  
   budget CE  
   closed (board) BEC  
   tax rate hearing CCG  
 meetings  
   board (See school board meetings)  
   budget CE  
   campus-level committee BQB  
   closed (board) BEC  
   community use of school facilities GKD  
   district-level committee BQA  
   emergency/regular/special (board) BE  
   faculty/staff DLA  
   juvenile justice board FODA  
   media coverage BE, BEE, GBBA  
   public complaints GF  
   special education (ARD/IEP) EHBA, EHBA, EHBAB,  
     EHBAC, EHBAD, EHBAAE  
 memorials CDC, CW  
 mental health first aid immunity DGC  
 mental health intervention FFB  
 mentoring EHBC, GKG  
 metal detectors FNF, GKA  
 microfilm CPC, GBAA  
 migrant student EHBD, EI  
 migratory child EEB, FD  
 mileage reimbursement BBG, BJCA, DEE  
 military  
   dependents FD, FDD  
   discharge records GBA  
   instruction (JROTC) CG, EEL, EHAD, EIF  
   leave CRD, DAA, DEC, DECA, DECB  
   recruiters FL, GKC  
 minerals, sale of BAA, CDB  
 minimal nutritional value CO, FFA  
 Minimum Foundation Program (See Foundation School  
   Program)  
 minimum high school program EIF  
 minimum salary schedule DEA  
 minimum teaching duties DL  
 minute of silence EC  
 minutes of board meetings BDAA, BE, BEC  
 mission statement, district AE  
 mobile telephones FNCE  
 modified duty DK  
 mold damage remediation CL, CRB  
 moment of silence EC  
 moonlighting DBD, DEC, DECA  
 moral turpitude BJCF, DFBB, DH  
 moving costs reimbursement DEB  
 multihazard emergency operations plan CKC  
 municipal government GRA  
 music program EHAD

**- N -**

name, changing district AB  
 National Honor Society FG  
 National School Boards Association BC  
 National School Lunch Program COB  
 NCLBA (See No Child Left Behind)  
 neighborhood associations GKE  
 neighborhood schools FC

nepotism BBFB, CCH, DBE, DC, DK  
 new facilities, naming/dedication CW  
 new hire reporting DC  
 news conferences and interviews GBBA  
 news coverage  
     board meetings BE, BEE, GBBA  
     broadcasting and recording board meetings BE, BEC  
     news media relations/news releases GBBA  
     sports and special events GBBA  
 newspaper, school distribution of FMA  
 night school EHBI, FP  
 No Child Left Behind (NCLBA)  
     adequate yearly progress (AYP) AID, EHBD  
     highly qualified DBA, DK, EHBD  
     migratory child EEB  
     parent involvement BQ  
     recruiters FL, GKC  
     school restructuring AIC, EHBD  
     student/parent rights EF  
     technology CQ  
 noncertified personnel DBA, DC, DCD, DCE  
 noncontract employment DC, DCD  
 nondiscretionary personal leave DEC  
 nondiscrimination CS, DAA, DAB, DAC, DIA, FB, FFH, GA  
 noninstructional school activities FNAB  
 nonprinted materials and services EFB  
 nonprofit organizations FJ, GE, GKD  
 nonpublic information GBA  
 nonrenewal, term contract BJCF, DFBB, DFFB, DFD  
 nonresident students FD, FDA  
 nonservice animals EMG  
 nonschool employment DBD  
 nonschool literature FNAA, GKDA  
 No Pass, No Play FM  
 note and bond payments CCA, CCF  
 notice of position openings DC  
 notice to newspaper GC  
 notice to parents re uncertified substitutes DK, DPB, EHBD  
 notice to SBEC BJCE, DF, DFAA, DFBA, DH

- O -

oath of office BBB  
 objective criteria for personnel decisions DAC  
 obscenity DH, FMA, FNCA  
 observation days EHBK  
 office management  
     communications CPA  
     computer technology BBI, CQ, CY  
     mail delivery CPAB  
     printing CPAA  
     records and reports CPC  
     telephone CPAC  
 officer  
     attendance FED  
     board of trustees BDAA  
     budget BJA, CE  
     peace/police CKE  
         death while on duty DEB  
     public information (records) CPC, GBA  
     public information coordinator GBAA  
     records management CPC  
 offsetting paid leave benefits CRE, DEC  
 open campus FEE  
 open enrollment FDB

open-enrollment charter school AH  
 open meetings BDB, BE, BED  
 open records (See Public Information Chapter of Govern-  
     ment Code)  
 operations, maintenance CLB  
 organization  
     administrative BJA  
     board of trustees BDAA  
     line and staff relations BKB  
 organization charts BKA  
 organization of grade levels ED  
 organizations  
     booster clubs GE  
     parent organizations GE  
     personnel DGA, DGB  
     relations with community GKE, GKF  
     relations with educational entities GNA, GNB, GNC,  
         GND  
     relations with governmental entities GR, GRA, GRAA,  
         GRAC  
     student FM, FNAB, FNCC  
 orientation/training  
     board members BBD  
     employees DMA  
     substitutes DPB  
 other schools and/or districts, relations with FD, FDA, GNA  
 outside agencies, instructional contracts with EEL  
 outside employment DBD, DEC, DECA  
 overtime DEA, DEAB

- P -

paging devices FNCE  
 paperwork reduction BAA, DLB, GND  
 paraprofessional personnel  
     certification, highly qualified DBA, EHBD  
     dismissal DCD  
     hiring DC, DCD  
     reasonable assurance of re-employment CRF  
 parent advisory committee BDF, BQA, BQB, EHAA, GE  
 parent involvement  
     campus-level planning committee BQB  
     conferences EIA  
     discipline management FNC, FO, FOC, FOCA, FOD,  
         FODA, FOE  
     district-level planning committee BQA  
     No Child Left Behind EHBD  
     school-parent compact EHBD  
     special education EHBA, EHBAA, EHBAB, EHBAC,  
         EHBAD, EHBAAE  
     wellness EHAA, FFA  
 parent notification DBA, DK, DPB, EHBD  
 parental rights (See *also* students: rights and responsibili-  
     ties)  
     access to board meetings BE, FNG  
     access to instructional materials EF, EHAA, FNG  
     access to student records FL  
     consent to counseling of student FFE  
     exempt student from instruction EHA, EHAA, FNG  
     student placement FDB, FNG  
 parenting and paternity awareness program EHAC  
 parking controls CLC, FFFD  
 parochial schools FD  
 partnership, school/community GKE  
 part-time employees CRD, DC, DCD, DEC, DPB

pass/fail courses EHAD  
 patents CY  
 patriotic societies GKD  
 payment procedures CHF  
 payroll procedures  
     salary deductions/reductions CFEA  
     schedule CFE  
 peace/police officers CKE, DEB  
 pediculosis FEC, FFAA  
 PEG (See public education grants)  
 PEIMS (See Public Education Information Management System)  
 performance bonds CV  
 performance report AIB, BR, CQA, GND  
 performances, student FME  
 permits  
     lunch FEE  
     student work FEF  
     teaching, issued by school district DBA  
     visitors GKC  
 persistently dangerous FDE  
 personal graduation plan EIF  
 personal leave DEC  
 personal property  
     disposal CI  
     purchases CH  
 personnel  
     complaints DGBA  
     conduct DH, DHE, DIA  
     gifts and solicitations DBD, DHA  
     involvement in decision making BQ, BQA, BQB  
     objective criteria DAC  
     records  
         confidential, access to BBE, DBA, FL, GBAA  
         credentials DBA  
         custodian of DBA, FL, GBA, GBAA  
         requests for copies GBAA  
     welfare DI  
 personnel-student relations DH, DIA, FFH  
 pest control program CLB, DI, FD  
 petition for student transfer (See also No Child Left Behind)  
     FDA, FDAA, FDB, FDE  
 petitions DG, FNAA, GKDA  
 petty cash accounts CHB  
 PGP (See personal graduation plan)  
 phones, cellular CPAC, FNCE  
 physical education  
     exemptions EHAC, EIF  
     requirements EHAB, EHAC, EHAD, EIF  
     student-to-teacher ratios EEB  
     substitute courses EIF, EHAC  
 physical examination DBB, FFAA  
 physical fitness assessment FFAA  
 physical restraint, student FO, FOF  
 pilot projects EGA  
 placement  
     in alternative setting FOC  
     of home-school students FD  
     of transferred expelled students FDA  
     of transfer students FDA  
 placement review committee FOA, FOD  
 plagiarism EIA  
 planning and preparation time DL  
 planning process BQ, BQA, BQB  
 playgrounds CS  
 pledge of allegiance EC  
 police on school premises CKE, GKA, GRA  
 policy system  
     attorney involvement BDD  
     community involvement BF  
     development, adoption, amendment, distribution, review BF  
     implementation through regulation BP, FN  
     staff involvement BQA, BQB  
     student involvement FNB  
 political activities BBB, BBBB, DGA, GKD  
 political advertising BBBB, CCA, CPAB, GKB  
 political organizations GR  
 politics, participation in DGA, DH  
 pool drains CL  
 portable buildings CS  
 possession/use, alcohol and drugs DH, DHE, DI, FNCF,  
     FOA, FOCA, FOD, FOE, FOF, GKA  
 postings, required website CQA  
 postsecondary instructional program FP  
 power of attorney FD  
 practice teaching GNC  
 prayer DMA, EC, EMI, FMH, FN, FNA, FNAB  
 pregnant employees DEC, DEAB  
 pregnant students EHBC, FB, FNE  
 prekindergarten EC, EHBC, EHGB  
 preparation, teachers DMA  
 press services  
     board meetings BEE, GBBA  
     sports and special events GBBA  
 prevailing wage law CV  
 prevention, dropout EHBC  
 principal's performance incentive BQB  
 principal's qualifications DP  
 printed materials and services  
     charges for copies FL, GBAA  
     copyrighted materials CY  
 printing and duplicating CPAA  
 prior review FNAA, GKDA  
 private lessons FEF  
 private schools, relations with FD, FEA  
 private tutoring DBD  
 private vehicles, use of CNA, EFD, FFFD, FMG  
 probationary contracts  
     employment practices DC, DCA  
     resignation DFE  
     suspension DFAA  
     termination at end of year DFAB  
     termination during contract DFAA  
 probationary status, return to DFAC  
 professional conduct/ethics DH  
 professional growth/development  
     board member BBD  
     personnel DM, DMA, DMC, DMD  
     superintendent BJA, BJCB  
 professional leaves and absences DEC  
 professional meetings DLA, DMD  
 professional organizations  
     dues CFEA  
     participation in DGA, DGB  
 professional personnel  
     academic freedom EMA  
     accountability (See appraisal)  
     appointment DC, DCA, DCB, DCC, DCD, DCE  
     assignment DK  
     compensation DEA, DEAA, DEAB  
     conferences and visitations DMD  
     consulting BJCC  
     continuing contracts DCC, DFCA, DFFC  
     contract nonrenewal BJCF, DFBB  
     contracts BJC, DCA, DCB, DCC, DCE

dismissal BJCE, DCD, DCE, DF, DFAA, DFBA, DFCA, DFFA, DFFC  
employment practices DC, DCA, DCB, DCC, DCD, DCE  
ethics DBD, DH  
evaluation/appraisal BJCD, DN, DNA, DNB  
expense reimbursement BJCA, DEE  
filling vacancies DC  
financial ethics CAA, DBD  
growth and development DM, DMA, DMC, DMD  
hearings before hearing examiner BJCE, DFBB, DFD, DFFA, DFFB, DFFC  
hiring BJB, DC, DCA, DCB, DCC, DCD, DCE  
leaves and absences DEC, DECA, DECB, DED  
medical examinations DAA, DBA, DBB  
noncertified personnel DCD, DCE  
non-Chapter 21 contract DCE  
nonrenewal BJCF, DFBB, DFFB  
nonschool employment DBD  
orientation DC, DMA, DPB  
part-time DPB  
principals, qualifications and duties DP  
probationary contract DC, DCA, DFAA, DFAB, DFAC  
probationary status, return to DFAC  
professional organizations DGA, DGB  
publishing DME  
qualifications/credentials DBA, DPB, EHBD  
reassignment DK  
recruitment DC  
reduction in force DFF  
    continuing contracts DFFC  
    financial exigency DFFA, DFFC  
    program change DFFB  
resignation BJCG, DCD, DFE  
retirement BJCG, DEG  
rights and privileges DG, DGA, DGB, DGBA  
sabbaticals DEC  
searches DHE  
staff development DMA, DMC, DMD  
staff meetings DLA  
standards of conduct DH  
superintendent BJA  
supplemental duty DEAA, DK  
suspension DFAA, DFBA, DFCA  
term contract DC, DCB, DFBA, DFBB  
termination DF, DFA, DFAA, DFAB, DFAC, DFB, DFBA, DFBB, DFC, DFCA, DFD, DFE, DFF, DFFA, DFFB, DFFC  
transfer DK  
vacation DED  
welfare DI  
work load/schedules DEA, DK, DL  
professional services/outside sources CH, CV  
professional visitors and observers GKC  
program change DFFB  
programs, special EHB, EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE, EHBB, EHBC, EHBD, EHBE, EHB, EHBG, EHBH, EHBI, EHBK, EHBL, EHBM, EHBN  
prohibited weapons FNCG  
projections  
    enrollment CT  
    facilities cost CV  
    facilities design CT  
promotion and retention, students EIE  
property  
    acquisition of sites CHG, CV  
    board authority BAA  
    care of school CLA, CLB, FNCB  
    equipment CMA, CMB, CMD  
insurance CRA  
personal, sale of CI  
real, sale of CDB  
revenue bonds from proceeds CDBA  
sales CDB  
surplus, disposal of CI  
title policy-land purchases CHG  
protected health information (PHI) CRD, FL  
psychological services/testing EHBA, FFB, FFE, FFG  
psychotropics FFAC, FFG  
public access to defibrillators CKC  
public access to school records BE, DBA, FL, GBAA  
publications  
    distribution CPAB, FMA, FNA, GKDA  
    news releases GBBA  
    prior review/nonschool-sponsored FNA, GKDA  
    publishing and research DME  
    school bulletins and newsletters GBB  
public complaints GF  
public education grant (PEG) program FFAA  
Public Education Information Management System (PEIMS) CQ  
public facilities corporations CDH  
Public Funds Investment Act CDA  
public gifts CDC, GE  
public hearings BE, BQA, BQB, CCG, CE, FFC  
public information GBA, GBAA, GBB, GBBA  
Public Information Chapter of Government Code GBA, GBAA  
public notices GC  
public official defined BBFB, DBE  
public participation at board meetings BE, BED, CE  
Public Property Finance Act (PPFA) CCA, CHG  
public records GBA, GBAA  
public relations GB  
public school child care FFC  
public servant BBFB, DBE  
publishing DME  
purchase orders CHD  
purchasing  
    authority CH, CV  
    best value method CH, CV  
    bids and proposals CH, CVA, CVB  
    bill payment authorization CHF  
    board approval CH, CV  
    competitive bidding CH, CVA  
    computers CH  
    construction CV, CVA, CVB, CVC, CVD, CVE, CVF  
    cooperative purchasing agreements CH  
    cost control CHD  
    food CH, COA  
    fuel CH  
    inspections, quality control CHD  
    payment procedures CHF  
    purchase orders and contracts CH, CHD  
    requests for proposals CH, CV, CVB  
    requisitions CHD  
    sales calls and demonstrations CHE, GKC  
    specifications CHD, CVA, CVB  
    surplus commodities CO  
    vendor relations CHE  
    warranties CHD

- Q -

qualifications  
board members BBA  
principal DP  
superintendent BJA  
teachers, highly qualified DBA, EHBD  
qualifying exigency for FMLA DEC, DECA, DECB  
quantity purchasing  
consumable supplies CH, CHD  
food COA  
quorum, board meetings BBB, BE

- R -

racial discrimination, prohibition on DAA, DIA, FB, FFH  
raffles FJ, GKB  
reading academies DMA  
reading credits EIF  
real property  
appraiser CH  
authority of board BAA  
broker BAA, CDB  
disposal of CI  
lease of CDB, CX  
sale or exchange CDB  
site acquisition CV  
reasonable absence control CRE, DEC  
reasonable assurance of employment CRF, DCD, DCE  
receiving equipment and supplies CMA  
recognition and awards  
board members BBG  
employees DJ  
students FG  
recommended high school program EIF  
records, access to  
confidential information BBE, DBB, DHE, FFAD, FL,  
GBAA  
cost of copies FL, GBAA  
custodian of records CPC, FL, GBA  
personnel files DBA  
public information  
personnel records CPC, DBA, GBAA  
students FL  
request for AG opinion GBAA  
request for copies FL, GBAA  
special education EHBA, EHBAA, EHBAB, EHBAC,  
EHBAD, EHBAE, FL  
records administrator defined BBFA  
records and reports  
attendance, student FE, FEA, FEB, FEC, FED, FEE,  
FEF  
budget CE, CFA  
burglary and damage report CLD  
certificate of coursework completion EI, EIF  
discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,  
FOE, FOF  
financial BBFA, CAA, DBD  
health appraisal FFAA  
immunizations FD, FFAB  
inventories CFB  
law enforcement BJA, DH, FL, GRA, GRAA  
leaves and absences DEC

library, media center EFB  
microfilming CPC  
permanent record card FL  
progress reports to parents EIA  
quarterly investment CDA  
releasing student information BBE, FL, GBAA, GRAC  
retention and destruction CPC, FL, GBAA  
special education students EHBA, EHBAA, EHBAB,  
EHBAC, EHBAD, EHBAE, FL, FOE  
transcripts and permanent record EI, EIA, EIF, FL  
transfer of cumulative records FL  
records management functions  
officer for public information GBAA  
public information coordinator GBAA  
records administrator BBFA, CHE  
records management officer CPC  
records management plan CPC  
recreational facilities bonds CCA, CCD  
recreation department relations GRA  
recruitment of personnel BJB, DC  
recycling CH, CL  
redistricting BBB  
reduction in force  
financial exigency, due to DFF, DFFA, DFFC  
under continuing contract DFFC  
not under contract DCD  
program change, due to DFFB  
under probationary contract DFAB  
under term contract DFF, DFFA, DFFB  
referenda, bond CCA  
regional service centers  
board member training BBD  
media contracts EFB  
participation in GNB  
regulations, administrative BP, BQ, BQA, BQB  
reimbursement for expenses BBG, BJCA, DEE  
reinvestment zones CCG  
release time, personnel DMD  
releasing students from school FEB, FEE, FEF, FFFA  
religion, study of EMI  
Religious Freedom Restoration Act (RFRA) DAA, EMI, FB,  
GA  
religious holy days, absence for DEC, FEA, FEB  
religious matters, neutrality in EMI, FNA  
Religious Viewpoint Antidiscrimination Act FNA  
remedial instruction EC, EHBC, EIE  
removal  
board members, from office BBC  
individuals, from school premises BED, GKA  
students  
by bus driver FOA  
to disciplinary alternative education programs FOC  
emergency FOE  
by parents from class EF, EHA, EHAA  
special education students EHBA, FOF  
by teacher FOA  
out-of-school suspension FOB  
renewal of contracts BJCF  
rental  
charges by district CDD, GKD  
leasing by district CX  
use of facilities by community GKD  
repairs  
buildings, grounds, and equipment CH, CLB, CV  
bus CNB  
renovations (See facilities)  
report cards  
campus BQB, BR



district BQA, GND  
 student EIA  
 reports  
   accidents/hazards CKB  
   annual financial management BR  
   annual performance BAA, BJCD, BQA, BQB, BR  
   audit CFC  
   buildings, grounds, and equipment CLD  
   compensatory education EHBC  
   disciplinary alternative education program FO  
   financial CAA, CDA, CFA  
   inventories CFB  
   law enforcement BJA, DH, GRAA  
   leave DEC  
   lesson plans EEP  
   office management CPC  
   on-the-job injuries CRE  
   parent conference EIA  
   PEIMS CQ  
   press and news GBB, GBBA  
   SBEC, to DBAA, DF, DFE, DH  
   special education students (See ARD committee)  
   student discipline FO, FOA, FOB, FOC, FOCA, FOD,  
     FODA, FOE, FOF  
   student progress EIA, EIE  
 required instruction  
   all levels EHAA  
   elementary EHAB  
   secondary EHAC  
 requisitions CHD  
 research  
   curriculum EG  
   staff publishing DME  
 reserve funds  
   depository BDAE  
   investments CDA  
 residence requirements  
   board members BBA  
   personnel DB  
   student enrollment FD, FDA  
   superintendent BJC  
 resignations  
   board members BBC, DBE  
   contract personnel DFE  
   personnel not under contract DCD, DFE  
   superintendent BJCG  
 restraint of students FO, FOF  
 retaliation CRE, DG, DIA, DGBA, FFH, FFI  
 retention of records CPC, FL, GBA  
 retention of students EIE  
 retirement  
   payment for unused leave DEC  
   personnel DEG, DPB  
   reemployment DC, DCA  
   superintendent BJCG  
   TRS withholding CFEA  
 return to work CRE, DEC, DECA, DECB, DK  
 revenue sources  
   ad valorem taxes CCG  
   athletic stadium authorities CCE  
   bonds and bond taxes CCA, CCD  
   bonds from proceeds of sale CDBA  
   certificates of indebtedness CCC  
   federal CBB  
   gate receipts CDG  
   grants from private sources CDC  
   investments CDA  
   rentals and service charges CDD

royalties CDF  
 school-owned property CDB  
 shop sales CDE  
 short-term notes CCF  
 state CBA  
 time warrants CCB  
 risk management CK, CKA, CKB, CKC, CKD, CKE  
 rodeo safety training FM  
 roth contribution programs CRG  
 routine repairs CLB  
 rules  
   administrative BP  
   discipline management FNC, FO  
   employee conduct/code of ethics DH  
   *Robert's Rules of Order* BE  
   student code of conduct FNC, FO  
   suspension of rules BE

- S -

sabbaticals DEC  
 safe harbor (See FLSA)  
 safe schools FDE  
 safety program  
   accident prevention CKB  
   buildings and grounds CLB, CLC  
   crowd control GKA  
   emergency plans CKC  
   employee participation DH  
   inspections CKA  
   student FFF  
   student patrols FFFB  
   student transportation CNA  
   training CK, CKA, CKC  
 salary deductions/reductions CFEA  
 salary incentives DEAA  
 salary reduction DEA, DFFA  
 salary schedules  
   personnel DEA  
   superintendent BJCA  
 sales  
   buses CNB  
   equipment and supplies CI  
   instructional materials EFAA  
   personal property CI  
   real property CDB  
 sales calls and demonstrations CHE, GKC  
 Sarbanes-Oxley (See financial ethics)  
 SBEC (See State Board for Educator Certification)  
 schedules  
   annual calendar EB  
   before/after-school activities FM, FNAB  
   block EEC, EED, EIA, FM  
   budget planning CE  
   daily school program EC  
   employee duty DEA, DK, DL  
   faculty meetings DLA  
   field trips EFD  
   salary DEA  
   student EED  
   transportation, student CNA  
   year-round schools EB  
 scholarships CDC, EIC, FG  
 school assemblies EC  
 school attendance areas FC

school attorney BDD  
 school-based health centers FFAE  
 school board (See board of trustees)  
 school closing EB  
 school-community alternative education EHBC, EHBL  
 school-community guidance program FFC  
 school-community relations GK, GKA, GKB, GKC, GKD,  
     GKDA, GKE, GKF, GKG  
 school day DL, EC  
 school directories FL, GBAA  
 school facility planning and construction  
     planning and construction CS, CT, CV, CVA, CVB, CVC,  
     CVD, CVE, CVF  
     selection of architects and engineers CV, CVB  
 school fairs FJ  
 school health advisory council (SHAC) BDF, BQ, EFAA,  
     EHAA, EHAC, FFA  
 school holidays DED, EB  
 school marshal CKE  
 school newspapers FMA, GBB  
 school property, student care of FNCB  
 school report card AIB, BR  
 school resource office (SRO) CKE  
 school safety center BR, CK, CKC, CS  
 school safety transfers FDE  
 school-sponsored media GBB  
 school supplies CMD  
 school volunteers FH, GKG  
 school year EB  
 screening  
     communications disorders FFAA  
     drug and alcohol DHE, FNF  
     dyslexia EHB  
     hearing, vision, scoliosis FFAA  
     tuberculosis DBB, FFAA, GKG  
     type 2 diabetes FFAA  
 searches  
     employees DHE  
     metal detectors FNF, GKA  
     police GRA  
     students FNF  
     telecommunications devices FNCE  
     trained dogs FNF  
 seclusion (See restraint of students)  
 secondary instruction, electives EHAD  
 secondary instruction, required EHAC  
 secret societies FNCC  
 Section 504 DAA, DIA, EHB, FB, FFH, FOF  
 security and safety  
     audit, safety and security BEC, BR, CK, CKC  
     bomb threat procedures CKC  
     breach in electronic communication system CQ  
     campus security CKE, CLA  
     civil defense CKC, GKD, GRA  
     closing of schools CKC  
     criteria for building CS  
     disturbances, disorders, or demonstrations CKC, FNCI,  
     GKA  
     employee identification cards CLA  
     eye-protective devices CKB  
     fire drills and safety precautions CKC  
     motor vehicle rules CLC, FFFD  
     multihazard operations plan CKC  
     narcotics, dangerous drugs, or alcohol DH, DHE, DI,  
     FNCF, GKA  
     peace officers CG, CKE, DEB  
     playgrounds CS  
     safety inspection for hazards CKA, CKB, CLB  
     safety program CK, CKA, CKC, CKE  
     safety-sensitive positions DHE  
     school grounds supervision CLA, FFFA  
     trespassers GKA, GKC  
     vandalism and burglary CLA, FNCB  
 semester system/schedules EB, EEC, EED  
 senior class activities FMD, FMG, FMH, FNCC  
 service animals DAA, FBA  
 service awards DJ  
 service center, regional education GNB  
 severance pay BJCE  
 sex discrimination  
     complaint procedures DGBA, DH, DIA, FFH, FNG, GF  
     personnel DAA, DGBA, DH, DIA  
     students FB, FFH, FNC, FNG  
     Title IX DAA, DIA, FB, FFH  
 sex education EFAA, EHAA  
 sex offender registration CJA, DBAA, DF, GKC, GRAA  
 sexting FFF  
 sexual abuse BQ, DIA, FFG, FFH, FOC  
 sexual harassment DAA, DIA, FB, FFH, FNC  
 SHAC (See school health advisory council)  
 shared services arrangements BQ, DBAA, EHAC, EHBA,  
     EHBAC, EHBB, FFEA, FOCA, GNB  
 shop sales CDE  
 short-term notes CCF  
 sick leave DEC  
 site-based decision making BQ, BQA, BQB  
 sites  
     acquisition procedures CHG, CT  
     plans and specifications CS, CT  
 smoking DH, FNCD, GKA  
 social events, students FMD  
 social media CQ, DH  
 social networking CQ, DH  
 social security deductions CFEA  
 social services, student FFC, FFE  
 software CQ, CY  
 solicitation of funds DHA, FJ  
 sororities FNCC  
 Southern Association of Colleges and Schools GNE  
 special board meetings BE  
 special education  
     academic assessment EKB  
     ARD committee EHBAB  
     assistive technology EHBA  
     certificate of attendance FMH  
     contracting for EEL  
     diplomas EIF, FMH  
     discipline FOF  
     program requirements EHBA, EHBAA, EHBAB, EHBAC,  
     EHBAD, EHBAAE  
     procedural requirements EHBAAE  
     staff development related to DMA  
     transition plan EHBA, EHBAD, EIF  
     transportation for CNA, CNB  
 special populations, student EHB, EHBA, EHBAA, EHBAB,  
     EHBAC, EHBAD, EHBAAE, EHBB, EHBC, EHBD,  
     EHBE, EHBFB, EHBG, EHBH, EHBI, EHBK, EHBL,  
     EHBM, EHBN  
 special programs  
     adult education/community education EHB1  
     at-risk EHBC, FFAA  
     bilingual education/English as a second language EHBE  
     career/technical education EHBFB  
     deaf or hearing-impaired EHBH  
     disciplinary alternative education programs FOA, FOCA,  
     FODA

driver education EHAD  
 dropout EHBC  
 dyslexia EHB  
 equivalency EHBL  
 firearm safety EHAD  
 gifted and talented students EHBB  
 homebound instruction EEH, EHBA  
 hunter education EHAD  
 mental health intervention BQ, FFB  
 prekindergarten EHBG  
 remedial/compensatory instruction EHBC, EIE  
 special education EHBA, EHBA, EHBAB, EHBAC,  
 EHBAD, EHBAAE  
 suicide prevention BQ, FFB  
 Title I EHBD  
 tutorials EHBC  
 specifications  
   bids, proposals CH, CV, CVA, CVB  
   construction plans and specifications CV, CVA, CVB,  
   CVC, CVD, CVE, CVF  
   educational facility specifications CS, CT  
   sports (*See also* athletics) FFAA, FM, FMF  
   sports and special events news coverage GBBA  
 SRC (School Report Card) (*See* report cards)  
 SRO (*See* school resource officer)  
 SSI (*See* Student Success Initiative)  
 staff  
   development DM, DMA, DMC, DMD  
   involvement  
     budget planning BQ, BQA, BQB, CE  
     campus-level planning and decision process BQB  
     discipline management program BQ, FO  
     district-level planning and decision process BQA  
     participation at board meetings BED  
     policy development BF  
     wellness program FFA  
   orientation DMA, DPB  
   participation in community activities DGA, GE  
   political activities DGA  
 STAAR (*See* State of Texas Assessments of Academic  
 Readiness)  
 state aid  
   eligibility determination CBA  
   revenues CB, CBA  
   special programs GND  
   state education agency relations GND  
 State Board for Educator Certification (SBEC) CJA, DBA,  
 DBAA, DC, DF, DFE, DH, DK  
 State of Texas Assessments of Academic Readiness  
 (STAAR) EI, EIA, EIC, EKB, EKBA, FMH  
 State School Boards Association BC  
 state virtual school network EHDE  
 "stay put" IDEA students EHBAAE  
 steroids EHAA, FFAC, FNCF, FNF  
 stipends DEAA  
 Stored Wire and Electronic Communications and Transac-  
 tional Records Access Act CQ  
 strikes, employee DGA  
 structural pest control CLB, DI, FD, GB  
 students  
   absences and excuses FEA, FEB, FEC  
   academic freedom EMA, EMB, FNA  
   accidents CK, CKB, FFAC  
   activities FM, FMA, FMD, FME, FMG, FMH  
   community-sponsored activities/contests FJ, FMF  
   eligibility for honors and awards EIC, FG  
   equal access FM, FNAB  
   extracurricular activities FM  
   funds management CFD  
   interscholastic activities/contests FMF  
   organizations FNAB  
   participation eligibility FM  
   performances FME  
   social FMD  
   student government FMB  
   admission requirements FD  
   alcohol/drug use or possession FNCF, FNF, FOC, FOD,  
   FOF  
   allergies FFAF  
   arrests FL, GRA, GRAA  
   assaults on others FNCH, FOD  
   assemblies EC, FM  
   assessment EIE, EK, EKB, EKBA, EKC, EKD, FD  
   assignment to classes EHBA, EIE, FD, FDB  
   assignment to schools FDA, FDB  
   assistance and counseling programs FFB, FFE, FFEA  
   attendance FEA, FEB, FEC, FEE, FEF  
   automobile use CLC, FFFD  
   awards and scholarships FG  
   bicycle use FFFD  
   bullying FFI  
   care of school property FNCFB  
   child abuse/neglect FFG, FFH, GRA  
   clubs, gangs FNCC  
   competency testing EIE, EKB, EKBA, EKC, EKD  
   complaints FNG  
   concussions FM  
   conduct FO  
     code of conduct FNC, FO  
     extracurricular standards of behavior FM, FO  
     on school buses FFFF  
     violation FO, FOA, FOB, FOC, FOCA, FOD, FODA,  
     FOE, FOF  
   conferences, student/parent EIA  
   consent to treatment FFAC  
   contests and competitions FMF  
   corporal punishment FO  
   cyberbullying CQ, FFI  
   demonstrations or strikes FNCFI  
   detention FO  
   discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,  
   FOE, FOF  
   dress code FNCA  
   drug testing, extracurricular activities FNF  
   due process FNG  
   dyslexic EHB, EHBC, EKC, EL  
   early graduation EI, EIC, EIF, FMH  
   elections FMB  
   emergency placement FOE  
   employment EED, FEF  
   equal educational opportunity FB  
   exchange students FD  
   expelled from another district FDA  
   expulsion FO, FOD, FODA, FOF  
   fees, fines, and charges FP  
   foster care FD, FFC  
   gifts to schools FJ  
   gifts to staff members DBD, DHA, FJ  
   government FMB  
   graduation EIF, FMH  
   handbook FN  
   hazing FNCC  
   health requirements/services FFA, FFAA, FFAB, FFAC,  
   FFAD, FFAE, FFAF  
   homeless EHBC, FD, FDC, FFC  
   immunizations FD, FDD, FFAB

injury or sudden illness FFAC  
in residential facilities EHBA, EHBAC  
in conservatorship of DFPS EIF  
insurance programs FFD  
interrogations FNF, GRA  
involvement in decision making FNB  
juvenile justice system EEM, FODA  
leaving campus during day FEA, FEB, FEE, FEF  
married students FND  
Medicaid FLA  
mental health intervention FFB  
nonresident FD, FDA  
organizations FM, FNAB, FNCC  
performances FME  
physical examinations FFAA  
placement in alternative settings FOA, FOC, FOE  
placement/withdrawal EIE, FD, FDD, FEA  
prayer EC, EMI, FMH, FN, FNA, FNAB  
pregnancy EHBC, FNE  
progress reports EIA  
promotion and retention EIE  
psychological services FFB, FFC, FFE, FFG  
publications FMA, FNAA  
records  
    access to FL  
    challenging content of (hearing and appeal) FL  
    custodian of FL  
    directory information FL  
    immunization FFAB  
    notice to parents of records maintained FL  
    release for health or safety emergencies FFAC, FL  
    release of information on more than one student FL  
    release to juvenile service providers GRAC  
    review and destruction of CPC, FL, GBAA  
    right to information and privacy BBE, EF, FL, GBAA  
    transcripts EIA, EIF, FD, FDA, FL  
    transfer of EIF, FD, FFAB, FL  
relations with staff DH, DIA, FFH  
released time FEF  
removal from bus FOA  
removal from class FOA, FOB, FOC, FOD, FOE, FOF  
removal to disciplinary alternative programs FOC, FODA  
rights and responsibilities FN  
    alcohol/drug use, possession FNCF, FNF, FOC,  
    FOD, FOF  
    code of conduct FO  
    complaints FFH, FFI, FNAA, FNG  
    demonstrations, disruptions, and strikes FNCF  
    dress and grooming FNCA  
    due process FNG, FOC, FOD, FOE, FOF  
    freedom of speech/written expression FNA, FNAA  
    hazing FNCC  
    interrogations and searches FNF  
    involvement in decision making FNB  
    married students FND  
    minute of silence EC  
    possession of telecommunications/electronic devices  
    FNCE  
    pregnant students EHBC, FNE  
    publications, school- and nonschool-sponsored FMA,  
    FNAA  
    responsibility for school property FNCF  
    right to information and privacy of records BBE, EF,  
    FL, GBAA  
    right to pray EC, FNA  
    special education EHBA, EHBAA, EHBAB, EHBAC,  
    EHBAD, EHBAAE  
    student government FMB  
    tobacco use/smoking FNCD  
    weapons FNCF, FOD  
safety FDE, FFF, FFFD  
safety patrols FFFB  
searches FNF  
    by trained dogs FNF  
schedules EED  
school-age parents EHBC  
sexting FFF  
sexual abuse BQ, DIA, FFG, FFH  
sexual harassment DIA, FB, FFH, FNC  
smoking/tobacco use or possession FNCD  
social events FMD  
social media CQ  
social services FFB, FFC, FFE  
suicide prevention FFB  
surveys EF, FFAA  
suspension FM, FO, FOB  
transfer petition procedures FDA, FDB  
transfers and withdrawals FD, FDA, FDB, FEA  
transportation services  
    authorized/nonschool use CNB  
    buses, advertising CNB  
    contracted services CNA  
    eligibility CNA  
    hazardous routes CNA  
    insurance program CRB  
    maintenance and safety inspections CNC  
    scheduling and routing CNA  
    students with disabilities CNA  
    walkers, riders, and standees CNA  
tuition EHBG, FDA  
uniforms FNCA  
visual depiction of minors FFF  
volunteers FH  
weapons FNCF, FNCH, FOD, FOF  
welfare FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE,  
    FFAF, FFB, FFC, FFD, FFE, FFEA, FFEF, FFF,  
    FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI  
with disabilities (*See also* special education)  
    confidentiality of records FL  
    contracts for instruction EEL  
    discipline FOF  
    educational program EHBA, EHBAA, EHBAB,  
    EHBAC  
    extended year services EHBA, EHBAB  
    facilities CS, GA  
    graduation EIF, FMH  
    homebound EEH, EHBAB  
    withdrawals FD, FEA  
Student Success Initiative (SSI) EIE  
student-teacher ratios EEB  
student teachers GNC  
subpoenas, personnel DEC  
substance abuse DH, DHE, DI, FNCF  
substitute teaching DPB  
substitutes, parent notification DBA, DK, DPB  
suicide prevention BQ, FFB, FFE  
summer lunch program COB  
summer school program EHBA, EHBE, EHDA  
superintendent (*See also* professional personnel)  
    appointment BJB  
    compensation and benefits BJ, BJCA  
    consulting BJCC  
    contract BJC  
    development opportunities BJCB  
    evaluation BJCD  
    expense reimbursement BJCA

nonrenewal BJCF  
 qualifications and duties BJA  
 recruitment BJB  
 resignation/retirement BJCG  
 severance BJCE  
 termination BJCE, BJCF  
 supervision  
   facility expansion project CV, CVA, CVB, CVC, CVD,  
   CVE, CVF  
   of students FFFA  
 supplemental duties DEAA, DK  
 supplementary materials selection and adoption EFA, EFAA  
 supplies CM, CMB, CMD  
 support staff  
   assignment DK  
   compensation DEA, DEAB  
   complaints DGBA  
   development opportunities DMA  
   dismissal DCD, DCE  
   employee organizations DGA, DGB  
   evaluation DN  
   exempt/nonexempt DEA, DEAB  
   expense reimbursement DEE  
   filling vacancies DC  
   fringe benefits DEB  
   health examinations DBB  
   hiring DC, DCD, DCE  
   in-service training DMA  
   insurance CRD  
   jury duty DEC  
   leaves and absences DEC  
   meetings DLA  
   noncontractual DC, DCD  
   nonschool employment DBD  
   orientation DC, DMA, DPB  
   overtime pay (nonexempt) DEA, DEAB  
   paid holidays DED  
   part-time and temporary employment DPB  
   recruitment DC  
   resignation DCD, DFE  
   retirement DEG  
   rights and privileges DG, DGA, DGB, DGBA  
   salary deductions/reductions CFEA  
   standards of conduct DH  
   staff development/orientation DMA  
   suspension DCD  
   termination of employment DCD, DCE  
   transfer DK  
   vacations DED  
   work schedules DEA, DK  
 surety bonds CG  
 surplus property  
   personal CI  
   real CDB  
 surrogate parents EHBAD  
 surveys of students EF, FFAA  
 suspension  
   of employees  
     back pay DFBA  
     under continuing contract DFCA  
     not under contract DCD  
     under probationary contract DFAA  
     under term contract DFBA  
     with or without pay DFAA, DFBA, DFCA  
   of policies BF  
   of students  
     from bus riding FFFF  
     from extracurricular activities FM, FO

from school FOB

- T -

tardiness FEC  
 TAKS (See Texas Assessment of Knowledge and Skills)  
 task forces, community GK  
 tax  
   abatement CCG  
   ad valorem CCG  
   anticipation notes CCF  
   assessor/collector  
     bonding of CG  
     duties and requirements BDAF  
   collection BDAF, CCG  
   county tax officials BDAF  
   deposit BDAF  
   disabled veterans CCG  
   exemption CCG  
   funds revenue source CCG  
   hearings CCG  
   increment CCG  
   rolls BDAF, CCG  
 taxation authorities relations GRA  
 tax-sheltered annuities CRG  
 TB screening (See tuberculosis screening)  
 TEA (See Texas Education Agency), relations with  
 Teach for Texas Grant EJ  
 teacher aides (paraprofessionals) DBA, EHBD  
 teacher appraisal DNA  
 teacher associations DGA, DGB  
 teacher contracts DC, DCA, DCB, DCC, DCE  
 teacher education program GNC  
 Teacher Protection Act of 2001 BBE, DH  
 Teacher Retirement System (TRS) CFEA, CRD, CRG, DC,  
   DEA, DEAB  
 teacher-student ratios EEB  
 teaching  
   academic freedom EMA  
   controversial issues EMB  
   student teaching and internship GNC  
 teaching day, length of DL, EC  
 teaching permit, district-issued DBA  
 team building BBD, BJCB  
 technology BBI, CQ, CY, DH, EFB, EHBFB  
 TEKS (Texas Essential Knowledge and Skills) EHAA, EIE  
 telecommunications devices CPAC, DH, FNCE  
 telephone use CPAC, DH  
 television, instructional EFF  
 temporary disability leave DEC  
 temporary personnel DC, DPB  
 term contracts  
   employment practices DC, DCB  
   nonrenewal DFBB  
   reduction in force DFF, DFFA  
   resignation DFE  
   suspension DFBA  
   termination during year DFBA  
 termination, personnel DCD, DCE, DF, DFA, DFAA, DFAB,  
   DFAC, DFB, DFBA, DFBB, DFC, DFCA, DFD, DFE,  
   DFF, DFFA, DFFB, DFFC  
 tests  
   administration of EIE, EK, EKB, EKBA, EKC  
   competency, student EIE, EIF, EKB  
   credit by examination EHDB, EHDC

dyslexia EHB  
 exams for acceleration EHDC  
 parental review EF, FNG  
 selection and adoption EK  
 testing program EK, EKB, EKBA, EKC, EKD  
 use and dissemination of test results AI, AIA, AIB, AIC,  
 AID, BR, EKB, GBA  
 Texas Assessment of Knowledge and Skills (TAKS) EIE, EIF,  
 EKB, FMH  
 Texas Economic Development Act CCG  
 Texas Education Agency (TEA), relations with GNE  
 Texas Juvenile Justice Department (TJJJ) EEM, FD  
 Texas Open Meetings Act (TOMA) (See open meetings)  
 Texas School Safety Center BR, CK, CS  
 Texas Virtual School Network (TxVSN) EHDE  
 textbooks (See instructional materials)  
 ticket sales CDG, CFD  
 time warrants CCB  
 Title I EHBD  
 Title V FOC  
 Title VII DAA, DIA  
 Title IX  
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     criminal history record check DC, GKG  
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 wellness BDF, EHAA, FFA





ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

DISTRICT  
PERFORMANCE  
REPORT — TAPR

TEA shall provide to each district a Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR. The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
2. Financial information, including revenues and expenditures;
3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held, teacher and administrator salaries, and teacher turnover;
4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and
5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Supplemental information to be included in the reports shall be determined by the board.

*Education Code 39.306(a)–(b), (d)–(e), (g); 19 TAC 61.1022(a)–(b), (e)*

PUBLIC HEARING

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board.

The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district.

*Education Code 39.306(c); 19 TAC 61.1022(c)*

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PUBLICATION	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(d), (f)</i></p>
REPORT USES	<p>The information in the TAPR shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i></p>
CAMPUS PERFORMANCE REPORT — SRC	<p>Each school year, TEA shall distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.</p>
DISTRIBUTION	<p>The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.</p> <p>The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.</p> <p>The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>
WEBSITE NOTICES	<p>Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet website shall make the following information available:</p> <ol style="list-style-type: none"><li>1. The information in the most recent campus report card for each campus in the district;</li></ol>

ACCOUNTABILITY  
PERFORMANCE REPORTING

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(LEGAL)

2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on Commissioner rule.

*Education Code 39.362*

LOCAL  
PERFORMANCE AND  
COMPLIANCE  
REPORTING

A district shall use criteria developed by a local committee to evaluate the performance of the district and each campus in:

1. Community and student engagement; and
2. Compliance with statutory reporting requirements and policy requirements.

The district shall assign performance ratings for the community and student engagement indicators and compliance status to the district and all campuses in the district, except for budgeted campuses, DAEP campuses, and juvenile justice alternative education program (JJAEP) campuses. Districts are not required to assign performance ratings for the community and student engagement indicators and compliance status to facilities operated by the Texas Juvenile Justice Department.

Annually, by August 8, the district shall report each rating to TEA. The district shall post the locally determined performance ratings and compliance status for the district and each campus on the district website no later than August 8 of each year. For campuses that operate on a year-round calendar, the district shall post the locally determined performance ratings and compliance status on the district website no later than the last day of August of each year.

*Education Code 39.0545(a); 19 TAC 61.1023(f), (h)*

COMMUNITY AND  
STUDENT  
ENGAGEMENT  
CATEGORIES

For purposes of the community and student engagement ratings, the district shall assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each of the following individual evaluation factors:

1. Fine arts;
2. Wellness and physical education;
3. Community and parental involvement, such as opportunities for parents to assist students in preparing for state assessments, tutoring programs that support students taking state

assessments, and opportunities for students to participate in community service projects;

4. The 21st Century Workforce Development program;
5. The second language acquisition program;
6. The digital learning environment;
7. Dropout prevention strategies; and
8. Educational programs for gifted and talented students.

NOT APPLICABLE A district may assign a rating of *Not Applicable* to a program or performance category only when the district determines that the program or performance category is not applicable to the district or a campus. A district may not assign a rating of *Not Applicable* to all of the program or performance categories for the district or a campus.

OVERALL PERFORMANCE RATING A district shall require the local committee(s) to determine the criteria that shall be used to evaluate and assign an overall performance rating of Exemplary, Recognized, Acceptable, or Unacceptable to each campus and the district. A district may not assign a rating of *Not Applicable* to this indicator for the district or a campus.

*Education Code 39.0545(a), (b)(1), (c)(1); 19 TAC 61.1023(b)–(d)*

COMPLIANCE CRITERIA The district shall assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable regarding compliance with statutory reporting and policy requirements.

A district shall require the local committee(s) to determine the criteria that shall be used to evaluate and assign a status of "Yes" or "No" on the record of the district and each campus regarding compliance with statutory reporting and policy requirements. A district may not assign a rating of *Not Applicable* to this indicator for the district or a campus.

*Education Code 39.0545(a), (b)(2), (c)(2); 19 TAC 61.1023(e)*

STUDENT PERFORMANCE REPORT Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

ACCOUNTABILITY  
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NOTICE TO  
PARENTS

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

NOTICE TO  
TEACHERS AND  
STUDENTS

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

*Education Code 39.304*

FEDERAL REPORT  
CARD

A district that receives Title I funding shall prepare and disseminate an annual federal report card.

DISTRICT DATA

The federal report card shall include the following information for the district:

1. The number and percentage of schools identified for school improvement and how long the schools have been so identified.
2. Information that shows how students served by the district achieved on state assessments compared to students in the state as a whole.
3. Performance on the academic indicators for elementary and middle schools at the school and district levels in the aggregate and disaggregated by each subgroup described in 34 C.F.R. 200.13(b)(7)(ii).

CAMPUS DATA

The federal report card shall include the following information for each school served by the district:

1. Whether the school has been identified for school improvement.

2. Information that shows how the school's students achieved on state assessments and other indicators of adequate yearly progress compared to students in the district and the state as a whole.

OTHER DATA  
REQUIRED

In addition, the district shall report:

1. The number of recently arrived limited English proficient students who are not assessed on the state's reading/language arts assessment. *34 C.F.R. 200.6(b)(4)(C)*
2. The most recent available academic achievement results in grades 4 and 8 on the state's National Assessment of Educational Progress (NAEP) reading and mathematics assessments, including:
  - a. The percentage of students at each achievement level reported on the NAEP in the aggregate; and
  - b. The participation rates for students with disabilities and for limited English proficient students.*34 C.F.R. 200.11(c)*
3. Graduation rates at the school and district levels in the aggregate and disaggregated by each subgroup described in 34 C.F.R. 200.13(b)(7)(ii). *34 C.F.R. 200.19(b)(4)*

OPTIONAL

A district may include in its federal report card the information required by 34 U.S.C. 6319(b)(1)(C) regarding highly qualified teachers. [See DBA(LEGAL)]

A district may include in its federal report card any other appropriate information, whether or not such information is included in the annual state report card.

A district or school shall only include in its federal report card data that are sufficient to yield statistically reliable information, as determined by the state, and that do not reveal personally identifiable information about an individual student.

PRIVACY

A district shall implement appropriate strategies to protect the privacy of individual students in reporting achievement results in the federal report card.

*34 C.F.R. 200.7(b)(4)*

DISSEMINATION

A district shall publicly disseminate the information in the federal report card to all schools in the district served by the district and to all parents of students attending those schools. The district shall provide the information in an understandable and uniform format

and, to the extent practicable, in a language that the parents can understand.

A district shall make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies. If a district issues a report card for all students, the district may include the information under 20 U.S.C. 6311 as part of such report.

*20 U.S.C. 6311(h)(2)*, except as noted





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 a board to be necessary in the conduct of the public schools. Reimbursement of travel expenses for school 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

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

TRAVEL SERVICES

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

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**Note:** For guidance regarding board member expense reimbursement and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.9.2.2 Employee/Board Member Travel and Business Expenses.

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LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

BONDS AND BOND  
TAXES

A board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites for school buildings, to purchase new school buses, or to acquire or refinance property financed under a contract entered under the Public Property Finance Act by issuing bonds and assessing annual ad valorem taxes sufficient to pay the principal and interest on the bonds as or before they come due. Bonds may only be issued if approved in a bond election. [See BOND ELECTIONS, below] *Education Code 45.001(a)*

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

USE OF BOND  
PROCEEDS FOR  
UTILITIES

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

INSTRUCTIONAL  
FACILITY  
ALLOTMENT

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

EXISTING DEBT  
ALLOTMENT

A district may obtain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if a district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district's audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032-.033; 19 TAC 61.1035*

BOND ELECTIONS

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

The election shall be held on a uniform election date.

*Education Code 45.003(a); Election Code 41.001(a)* [See BBB]

LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

CALL FOR  
ELECTION

For an election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the election shall be called not later than the 78th day before the election day.

For an election to be held on a uniform election date other than the date of the general election for state and county officers, the election shall be called not later than the 71st day before election day.

*Election Code 3.003, .005, 41.002 [See BBB]*

ELECTION ORDER

The election order must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the annual principal of and interest on the bonds may be imposed;
5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;
6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed 40;
7. The aggregate amount of the outstanding principal of the district's debt obligations as of the beginning of the fiscal year in which the election is ordered;
8. The aggregate amount of the outstanding interest on the district's debt obligations as of the beginning of the district's fiscal year in which the election is ordered; and
9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

*Election Code 3.009(b)*

PROPOSITIONS

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

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or

2. Sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in a district shall never exceed the rate stated in the proposition.

*Education Code 45.003(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the issuance of bonds shall specifically state:

1. The total principal amount of the bonds to be authorized, if approved; and
2. A general description of the purposes for which the bonds are to be authorized, if approved.

*Election Code 52.072(e)*

POSTING

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election in three public places in the boundaries of the district; and
3. During the 21 days before the election, on the district's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the district maintains an Internet website.

*Election Code 4.003(f)*

NOTICE OF  
ELECTION  
POSTING

Notice of the election, which must include the location of each polling place, must be posted not later than the 21st day before election day on the bulletin board used for posting notices of board meetings (and must remain posted continuously through election day). 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), .005(b)*

Notice of the election also must be posted during the 21 days before the election, on the district's Internet website, prominently and together with the election order and the contents of the proposition, if the district maintains an Internet website. *Election Code 4.003(f)*

PUBLICATION

Notice of each election shall be published not earlier than the 30th day or later than the tenth day before election day in a newspaper of general circulation in a district or a newspaper of general circulation in the territory if none is published in the district. Notice of

LOCAL REVENUE SOURCES  
BOND ISSUES

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election must state the nature and date of election and the location and hours of each polling place. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .004, .005*

A board shall also 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* [See BBB]

ELECTIONEERING

A board may not use state or local funds or other resources of a district to electioneer for or against any candidate, measure (including a bond measure), or political party. *Education Code 11.169*

POLITICAL  
ADVERTISING

No officer or employee of a district shall knowingly expend or authorize the expenditure of district funds or resources for the purpose of political advertising (including advocacy for or against a bond measure). Funds and resources may be expended, however, to provide information that describes the factual reasons for a measure and does not advocate for the passage or defeat of such measure.

In addition, no officer or employee of a district shall spend or authorize the expenditure of district funds or resources for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense that the officer or employee reasonably relied on a court order, or an interpretation in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of a district that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure complies with Election Code 255.003.

*Election Code 255.003* [See CPAB]

NEWSLETTERS

A newsletter of a public officer of the district is not considered "political advertising" prohibited by Election Code Section 255.003 if such newsletter complies with the requirements of 1 Administrative Code 26.2. [See BBBB(LEGAL)]

50 CENT TEST FOR  
NEW DEBT

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has

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a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

FUTURE TAXABLE  
VALUE

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

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

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent Test on a taxable value that is equal to 90 percent of the value certified.

*Education Code 45.0031*

REFUNDING BONDS  
AUTHORITY

A board is authorized to refund or refinance all or any part of any of its outstanding bonds and interest thereon, payable from ad valorem taxes, by issuing refunding bonds payable from ad valorem taxes in accordance with legal requirements for the issuance. *Education Code 45.004; Gov't Code Ch. 1207*

INSTRUCTIONAL  
FACILITIES  
ALLOTMENT FOR  
REFUNDING BONDS

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

1. Are issued to refund bonds eligible under Section 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;

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3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007.

*Education Code 46.007*

AUTHORIZED  
UNISSUED BONDS

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

GUARANTEE OF  
BONDS BY THE  
PERMANENT SCHOOL  
FUND

A district may apply to the Commissioner of Education for approval to guarantee bonds issued in accordance with the provisions above (Subchapter A of Education Code Chapter 45) or bonds issued under Government Code Chapter 1207, by the corpus and income of the permanent school fund. The application shall include:

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

*Education Code 45.051-.052, .054-.055*

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c)*

If approved, the guarantee of the bonds remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.65(f)(5)*



LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.65(g)(4)(D)*

CREDIT  
ENHANCEMENT  
PROGRAM

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may, in accordance with Education Code Chapter 45, Subchapter I and 19 Administrative Code 61.1038, apply for credit enhancement of bonds described by Education Code 45.054 by money appropriated for the Foundation School Program, other than money that is appropriated to school districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

*Education Code 45.252*

ELIGIBILITY

To be eligible for approval by the Commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;
3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;
4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and
5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

*Education Code 45.254; 19 TAC 61.1038(f)*

APPLICATION

A district seeking credit enhancement of eligible bonds shall apply to the Commissioner using a form adopted by the Commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b) and 19 Administrative Code 61.1038; and

2. Be accompanied by a fee set by the State Board of Education.

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

*Education Code 45.255; 19 TAC 61.1038(d), (e)(1), (8), (10)*

FEDERAL SECURITIES  
LAW

DISCLOSURE  
OBLIGATIONS FOR  
BOND AND OTHER  
DEBT OFFERINGS

Prior to publically offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 (the "Rule") of the Securities Exchange Commission (SEC). *SEC Rule 15c2-12(b)* [See Note, below]

LIABILITY UNDER  
FEDERAL  
SECURITIES LAW

School districts, board members, and employees of the district are subject to liability under the "antifraud provisions" of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors ("disclosures"). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district's continuing disclosure obligations under the Rule after a district's bonds are issued. [See CONTINUING DISCLOSURE AFTER ISSUING BONDS, below] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29 and SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

CONTINUING  
DISCLOSURE  
AFTER ISSUING  
BONDS

Except for exempt offerings, the Rule requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. The CDA obligates the district to prepare and file “continuing disclosures” of financial information and operating data after the bonds are issued. *SEC Rule 15c2-12(b)(5)* [See Note, below]

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**Note:** In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.

Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012) at pg. 109]

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OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

All investments made by a district shall comply with the Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) and all federal, state, and local statutes, rules or regulations. *Gov't Code 2256.026*

WRITTEN POLICIES

Investments shall be made in accordance with written policies approved by the board. The investment policies must primarily emphasize safety of principal and liquidity and must address investment diversification, yield, and maturity and the quality and capability of investment management. The policies must include:

1. A list of the types of authorized investments in which a district's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the district;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;
4. Methods to monitor the market price of investments acquired with public funds;
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and
6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see LOSS OF REQUIRED RATING, below].

*Gov't Code 2256.005(b)*

ANNUAL REVIEW

The board shall review its investment policy and investment strategies not less than annually. The board shall adopt a written instrument stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. *Gov't Code 2256.005(e)*

ANNUAL AUDIT

A district shall perform a compliance audit of management controls on investments and adherence to the district's established investment policies. The compliance audit shall be performed in conjunction with the annual financial audit. *Gov't Code 2256.005(m)*

INVESTMENT  
STRATEGIES

As part of the investment policy, a board shall adopt a separate written investment strategy for each of the funds or group of funds under the board's control. Each investment strategy must describe

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

the investment objectives for the particular fund under the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the district;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment if the investment needs to be liquidated before maturity;
5. Diversification of the investment portfolio; and
6. Yield.

*Gov't Code 2256.005(d)*

INVESTMENT  
OFFICER

A district shall designate one or more officers or employees as investment officer(s) to be responsible for the investment of its funds. If the board has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the contracting board's district. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances that a prudent person would exercise in the management of the person's own affairs, but the board retains the ultimate responsibility as fiduciaries of the assets of the district. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with the district. *Gov't Code 2256.005(f)*

A district or investment officer may use the district's employees or the services of a contractor of the district to aid the investment officer in the execution of the officer's duties under Government Code, Chapter 2256. *Gov't Code 2256.003(c)*

INVESTMENT  
TRAINING  
INITIAL

Within 12 months after taking office or assuming duties, the treasurer or chief financial officer and the investment officer of a district shall attend at least one training session from an independent source approved either by the board or by a designated investment committee advising the investment officer. This initial training must contain at least ten hours of instruction relating to their respective responsibilities under the Public Funds Investment Act. *Gov't Code 2256.008(a)*

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

ONGOING

The treasurer or chief financial officer and the investment officer must also attend an investment training session not less than once in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than ten hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the board or a designated investment committee advising the investment officer. If a district has contracted with another investing entity to invest the district's funds, this training requirement may be satisfied by having a board officer attend four hours of appropriate instruction in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date.  
*Gov't Code 2256.008(a)-(b)*

Investment training shall include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Government Code, Chapter 2256. *Gov't Code 2256.008(c)*

STANDARD OF  
CARE

Investments shall be made with judgment and care, under prevailing circumstances that a person of prudence, discretion, and intelligence would exercise in the management of his or her own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investments shall be governed by the following objectives in order of priority:

1. Preservation and safety of principal;
2. Liquidity; and
3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, rather than the prudence of a single investment, over which the officer had responsibility.
2. Whether the investment decision was consistent with a board's written investment policy.

*Gov't Code 2256.006*

PERSONAL  
INTEREST

A district investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the district shall file a statement disclosing that personal business interest. An investment officer who is relat-

ed within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573, to an individual seeking to sell an investment to the investment officer's district shall file a statement disclosing that relationship. A required statement must be filed with the board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or
3. The investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

*Gov't Code 2256.005(i)*

QUARTERLY  
REPORTS

Not less than quarterly, an investment officer shall prepare and submit to a board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented to a board and a superintendent, not less than quarterly, within a reasonable time after the end of the reporting period. The report must:

1. Contain a detailed description of the investment position of a district on the date of the report.
2. Be prepared jointly and signed by all district investment officers.
3. Contain a summary statement for each pooled fund group (i.e., each internally created fund in which one or more accounts are combined for investing purposes) that states the:
  - a. Beginning market value for the reporting period;
  - b. Ending market value for the period; and
  - c. Fully accrued interest for the reporting period.
4. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested.
5. State the maturity date of each separately invested asset that has a maturity date.



OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

6. State the account or fund or pooled group fund in a district for which each individual investment was acquired.
7. State the compliance of the investment portfolio of a district as it relates to the district's investment strategy expressed in the district's investment policy and relevant provisions of Government Code, Chapter 2256.

If a district invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the board by that auditor.

*Gov't Code 2256.023*

SELECTION OF  
BROKER

A board or a designated investment committee, shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with a district.

*Gov't Code 2256.025*

AUTHORIZED  
INVESTMENTS

A board may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with its adopted investment policies and according to the standard of care set out in this policy. Investments may be made directly by a board or by a nonprofit corporation acting on behalf of the board or an investment pool acting on behalf of two or more local governments, state agencies, or a combination of the two. *Gov't Code 2256.003(a)*

In the exercise of these powers, a board may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made for such purpose may not be for a term longer than two years. A renewal or extension of the contract must be made by a board by order, ordinance, or resolution. *Gov't Code 2256.003(b)*

The following investments are authorized for districts, although the board may specify in its investment policy that any such investment is not suitable, per Government Code 2256.005(j):

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities; direct obligations of the state of Texas or its agencies and instrumentalities; collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the

United States; other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States; obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and bonds issued, assumed, or guaranteed by the state of Israel. *Gov't Code 2256.009(a)*

The following investments are not authorized:

- a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- c. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.
- d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

*Gov't Code 2256.009(b)*

2. Certificates of deposit or share certificates issued by a depository institution that has its main office or a branch office in Texas that is guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor and is secured by obligations described in item 1 above, including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates [but excluding those mortgage-backed securities described in Section 2256.009(b)] or secured in any other manner and amount provided by law for the deposits of the investing entity. *Gov't Code 2256.010(a)*

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under Government Code 2256.010:

- a. The funds are invested by the district through a broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required by Government Code 2256.025, or a depository institution that has its main office or a branch office in this state and that is selected by the district;
- b. The broker or depository institution selected by the district arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the district;
- c. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
- d. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district entity.

*Gov't Code 2256.010(b)*

The investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

3. Fully collateralized "repurchase agreements" [as defined by Government Code 2256.011(b)] that have a defined termination date; are secured by a combination of cash and obligations of the United States or its agencies and instrumentalities; require the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited with the district or a third party selected and approved by the district, and are placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas. The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by a district under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in

the reverse security repurchase agreement. *Gov't Code 2256.011*

4. A securities lending program if:
  - a. The value of securities loaned is not less than 100 percent collateralized, including accrued income, and the loan allows for termination at any time;
  - b. The loan is secured by:
    - (1) Pledged securities described by Government Code 2256.009;
    - (2) Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or
    - (3) Cash invested in accordance with Government Code 2256.009, 2256.013, 2256.014, or 2256.016;
  - c. The terms of the loan require that the securities being held as collateral be pledged to the investing entity, held in the investing entity's name, and deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity; and
  - d. The loan is placed through a primary government securities dealer or a financial institution doing business in this state.

An agreement to lend securities under a securities lending program must have a term of one year or less.

*Gov't Code 2256.0115*

5. Banker's acceptance, with a stated maturity of 270 days or fewer from the date of issuance that will be liquidated in full at maturity, which is eligible for collateral for borrowing from a Federal Reserve Bank, and is accepted by a bank meeting the requirements of Government Code 2256.012(4). *Gov't Code 2256.012*
6. Commercial paper that has a stated maturity of 270 days or fewer from the date of issuance and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or by one nationally recognized credit rating agency provided the commercial paper is fully

secured by an irrevocable letter of credit issued by a bank or organized and existing under United States law or the law of any state. *Gov't Code 2256.013*

7. No-load money market mutual funds that:
  - a. Are registered with and regulated by the Securities and Exchange Commission;
  - b. Provide a district with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.);
  - c. Have a dollar-weighted average stated maturity of 90 days or fewer; and
  - d. Include in their investment objectives the maintenance of a stable net asset value of \$1 for each share.

However, investments in no-load money market mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c).

8. No-load mutual funds that:
  - a. Are registered with the Securities and Exchange Commission;
  - b. Have an average weighted maturity of less than two years;
  - c. Are invested exclusively in obligations approved by Government Code Chapter 2256, Subchapter A, regarding authorized investments (Public Funds Investment Act);
  - d. Are continuously rated by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and
  - e. Conform to the requirements in Government Code 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

Investments in no-load mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c). In addition, a district may not invest any portion of bond proceeds, reserves, and funds held for debt service, in no-load mutual funds described in this item.

*Gov't Code 2256.014*

9. A guaranteed investment contract, as an investment vehicle for bond proceeds, if the guaranteed investment contract:
  - a. Has a defined termination date.
  - b. Is secured by obligations described by Government Code 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract.
  - c. Is pledged to a district and deposited with the district or with a third party selected and approved by the district.

Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

To be eligible as an authorized investment:

- a. A board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds.
- b. A district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received.
- c. A district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received.
- d. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested.
- e. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

*Gov't Code 2256.015*

10. A public funds investment pool meeting the requirements of Government Code 2256.016 and 2256.019, if a board authorizes the investment in the particular pool by resolution. *Gov't Code 2256.016, .019*
11. Corporate bonds: A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF] may purchase, sell, and invest its funds and funds under its control in

“corporate bonds” (as defined in Government Code 2256.0204(a)) that, at the time of purchase, are rated by a nationally recognized investment rating firm “AA” or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased. *Gov’t Code 2256.0204(b)–(c)*

The district is not authorized to:

- a. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or
- b. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

*Gov’t Code 2256.0204(d)*

The district may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

- a. Amends its investment policy to authorize corporate bonds as an eligible investment;
- b. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds, and liquidating the investment in corporate bonds; and
- c. Identifies the funds eligible to be invested in corporate bonds.

*Gov’t Code 2256.0204(e)*

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

- a. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated “AA” or the equivalent at the time the release is issued; or
- b. Changes the rating on the corporate bonds to a rating lower than “AA” or the equivalent.

*Gov’t Code 2256.0204(f)*

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

Corporate bonds are not an eligible investment for a public funds investment pool. *Gov't Code 2256.0204(g)*

CHANGE IN LAW	A district is not required to liquidate investments that were authorized investments at the time of purchase. <i>Gov't Code 2256.017</i>
LOSS OF REQUIRED RATING	An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. <i>Gov't Code 2256.021</i>
SELLERS OF INVESTMENTS	<p>A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with a district or to an investment management firm under contract with a district to invest or manage the district's investment portfolio. For purposes of this section, a business organization includes investment pools and an investment management firm under contract with a district to invest or manage the district's investment portfolio. The qualified representative of the business organization offering to engage in an investment transaction with a district shall execute a written instrument in a form acceptable to the district and the business organization substantially to the effect that the business organization has:</p> <ol style="list-style-type: none"><li>1. Received and thoroughly reviewed the district investment policy; and</li><li>2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the district and the organization that are not authorized by the district's policy, except to the extent that this authorization is dependent on an analysis of the makeup of the district's entire portfolio or requires an interpretation of subjective investment standards.</li></ol> <p>The investment officer may not acquire or otherwise obtain any authorized investment described in a district's investment policy from a person who has not delivered to the district the instrument described above.</p> <p><i>Gov't Code 2256.005(k)-(l)</i></p>
DONATIONS	A gift, devise, or bequest made to provide college scholarships for district graduates may be invested by a board as provided in Property Code 117.004, unless otherwise specifically provided by the terms of the gift, devise, or bequest. <i>Education Code 45.107</i>



OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

Investments donated to a district for a particular purpose or under terms of use specified by the donor are not subject to the requirements of Government Code Chapter 2256, Subchapter A. *Gov't Code 2256.004(b)*

ELECTRONIC FUNDS  
TRANSFER

A district may use electronic means to transfer or invest all funds collected or controlled by the district. *Gov't Code 2256.051*



OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
AUTHORITY

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL) under AUTHORIZED INVESTMENTS, the Board shall permit investment of District funds in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
5. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
6. Public funds investment pools as permitted by Government Code 2256.016.

SAFETY

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

INVESTMENT  
MANAGEMENT

In accordance with Government Code 2256.005(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

LIQUIDITY AND  
MATURITY

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum al-

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

allowable stated maturity of any other individual investment owned by the District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

DIVERSITY

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

MONITORING MARKET  
PRICES

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

MONITORING RATING  
CHANGES

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

FUNDS / STRATEGIES

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

OPERATING FUNDS

Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

AGENCY FUNDS

Investment strategies for agency funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

DEBT SERVICE  
FUNDS

Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

	<p>bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
<p>CAPITAL PROJECT FUNDS</p>	<p>Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
<p>PROPRIETARY FUNDS</p>	<p>Investment strategies for proprietary funds, including enterprise funds and internal service funds, shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.</p>
<p>FIDUCIARY FUNDS</p>	<p>Investment strategies for fiduciary funds, including trust funds and agency funds, shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.</p>
<p>SAFEKEEPING AND CUSTODY</p>	<p>The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.</p>
<p>BROKERS / DEALERS</p>	<p>Prior to handling investments on behalf of the District, brokers/dealers must submit required written documents in accordance with law. [See SELLERS OF INVESTMENTS, CDA(LEGAL)] Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).</p>
<p>SOLICITING BIDS FOR CD'S</p>	<p>In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.</p>
<p>INTEREST RATE RISK</p>	<p>To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.</p> <p>The District shall monitor interest rate risk using weighted average maturity and specific identification.</p>
<p>INTERNAL CONTROLS</p>	<p>A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:</p>

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

ANNUAL REVIEW

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

ANNUAL AUDIT

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

**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	Genetic Nondiscrimination
DAC	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	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
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
DFE	Reduction in Force

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## SECTION D: PERSONNEL

DFFA	Financial Exigency
DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
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 REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

EXAMINATIONS  
DURING  
EMPLOYMENT

The Superintendent or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The District may designate the physician to perform the examination. If the District designates the physician, the District shall pay the cost of the examination. The District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the Superintendent or designee shall determine whether the employee has an impairment. If so, the Superintendent or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Superintendent or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Superintendent or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

PLACEMENT ON  
TEMPORARY  
DISABILITY

AT EMPLOYEE'S  
REQUEST

The Superintendent or designee shall have authority to place an eligible employee on temporary disability leave at the employee's request, as appropriate, when the employee's condition interferes with the performance of regular duties.

BY BOARD  
AUTHORITY

Based on the Superintendent's recommendation that an eligible employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the Board determines, in consultation with the physician who performed the medical examination, that the employee's condition in-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

terferes with the performance of regular duties. [For employees who are eligible for temporary disability leave, see DEC(LOCAL)]

In accordance with DGBA, an employee may file a complaint disputing placement on temporary disability leave. As part of the complaint process, the employee may present testimony or other relevant information to the Board regarding the employee's fitness to perform regular duties.

OTHER  
REQUIREMENTS

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

MINIMUM SALARY  
SCHEDULE —  
EDUCATORS

A district shall pay each classroom teacher, full-time librarian, full-time school 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 Administrative Code 153.1021.

DEFINITIONS

'CLASSROOM  
TEACHER'

"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 the State Board for Educator Certification (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'

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

'COUNSELOR'

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

'NURSE'

"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.

'FULL-TIME'

"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, school counselor, or nurse is to be given credit in placing the teacher, librarian, school counselor, or nurse on the minimum salary schedule. A district shall credit the teacher, librarian, school counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.402(a), .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.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

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 placement on the minimum salary schedule according to the guidelines at Education Code 21.403(d). *Education Code 21.402(f), .403(d)*

PAY INCREASES

A 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*

PUBLIC HEARING—  
CONTRACT  
EMPLOYEES

A district may not pay an employee or former employee more than an amount owed under a contract with the employee unless the district holds at least one public hearing. Notice of the hearing must be given in accordance with notice of a public meeting under the Texas Open Meetings Act [see BE].

The board must state the following at the public hearing:

1. The source and exact amount of the payment;
2. The reason the payment is being offered including the public purpose that will be served by making the payment; and
3. The terms for distribution of the payment that effect and maintain the public purpose.

*Loc. Gov't Code 180.007*

SALARY ADVANCES  
AND LOANS

A 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 22.103*

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 22.106*

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

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

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 a 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)*

TRS CONTRIBUTIONS  
FOR NEW HIRES

During each fiscal year, a 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, a 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.

A 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, a 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*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

TRS SURCHARGE FOR  
REHIRED RETIREES

TRS FUND  
CONTRIBUTIONS

During each payroll period for which a retiree is reported, a 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), a 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

A 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*

NOTICE REGARDING  
EARNED INCOME TAX  
CREDIT

Not later than March 1 of each year, a district shall provide employees with information regarding general eligibility requirements for the federal earned income tax credit by one of the following means:

1. In person;
2. Electronically at the employee's last known e-mail address;
3. Through a flyer included, in writing or electronically, as a payroll stuffer; or
4. By first class mail to the employee's last known address.

A district may not satisfy this requirement solely by posting information in the workplace.

In addition, a district may provide employees with IRS publications and forms, or information prepared by the comptroller, relating to the earned income tax credit.

*Labor Code 104.001-.003*

DECREASING PAY

The Commissioner has held that a district may reduce educator compensation if it gives sufficient warning of a possible reduction in

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

pay when educators can still unilaterally resign from their contracts. A sufficient warning must be both formal enough and specific enough to give educators a meaningful opportunity to decide whether to continue employment with a district. *Brajenovich v. Alief Indep. Sch. Dist., Tex. Comm’r of Educ. Decision No. 021-R10-1106 (2009)*

WIDESPREAD  
SALARY  
REDUCTIONS

The following provisions apply only to a widespread reduction in the amount of annual salaries paid to classroom teachers in a district based primarily on district financial conditions rather than on teacher performance.

For any school year in which a district has reduced the amount of the annual salaries paid to classroom teachers from the amount paid for the preceding school year, the district shall reduce the amount of the annual salary paid to each district administrator or other professional employee by a percent or fraction of a percent that is equal to the average percent or fraction of a percent by which teacher salaries have been reduced.

*Education Code 21.4023*

A board may not reduce salaries until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FURLOUGH  
PROGRAM

In accordance with district policy [see DFFA], a board may implement a furlough program and reduce the number of days of service otherwise required under Education Code 21.401 [see DC] by not more than six days of service during a school year if the Commissioner certifies that the district will be provided with less state and local funding for that year than was provided to the district for the 2010–11 school year. *Education Code 21.4021(a)*

A board may not implement a furlough program until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FUNDING LEVELS

Not later than July 1 of each year, the Commissioner shall determine for each district whether the estimated amount of state and local funding per student in weighted average daily attendance to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010–11 school year. If the amount estimated to be provided is less, the Commissioner shall certify the percentage decrease in funding to be provided to the district. *Education Code 42.009*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

SALARIES	Notwithstanding Education Code 21.402 (minimum salary schedule), a board may reduce the salary of an employee who is furloughed in proportion to the number of days by which service is reduced. Any reduction in the amount of the annual salary must be equally distributed over the course of the employee's current contract with the district.
FURLOUGH DAYS	A furlough program must subject all contract personnel to the same number of furlough days. An educator may not be furloughed on a day that is included in the number of days of instruction required under Education Code 25.081 [see EB]. Implementation of a furlough program may not result in an increase in the number of required teacher workdays. An educator may not use personal, sick, or any other paid leave while the educator is on a furlough.
CONTRACT RESIGNATION	If a board adopts a furlough program after the date by which a teacher must give notice of resignation from a probationary, term, or continuing contract [see DFE], an employee who subsequently resigns is not subject to sanctions imposed by SBEC.
NO APPEAL	A decision by a board to implement a furlough program is final and may not be appealed and does not create a cause of action or require collective bargaining.  <i>Education Code 21.4021</i>
SALARY REDUCTION / FURLOUGH PROCESS	A board may not implement a furlough program under Education Code 21.4021 or reduce salaries until the district has complied with the requirements below.
EMPLOYEE INVOLVEMENT	A district must use a process to develop a furlough program or other salary reduction proposal, as applicable, that: <ol style="list-style-type: none"><li>1. Includes the involvement of the district's professional staff; and</li><li>2. Provides district employees with the opportunity to express opinions regarding the furlough program or salary reduction proposal, as applicable, at the public meeting described below.</li></ol>
PUBLIC MEETING	A board must hold a public meeting at which the board and district administration present: <ol style="list-style-type: none"><li>1. Information regarding the options considered for managing the district's available resources, including consideration of a tax rate increase and use of the district's available fund balance;</li></ol>



COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

2. An explanation of how the district intends, through implementation of a furlough program or salary reductions, as applicable, to limit the number of district employees who will be discharged or whose contracts will not be renewed. Any explanation of a furlough program must state the specific number of furlough days proposed to be required; and
3. Information regarding the local option residence homestead exemption.

The public and district employees must be provided with an opportunity to comment at the public meeting.

*Education Code 21.4022*



COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

PAY ADMINISTRATION

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The Superintendent or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.

ANNUALIZED  
SALARY

The District shall pay all salaried employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

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 pay adjustments for individual employees, within the approved budget following established procedures.

MID-YEAR PAY  
INCREASES  
CONTRACT  
EMPLOYEES

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

NON-  
CONTRACT  
EMPLOYEES

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

PAY DURING  
CLOSING

During an emergency closing for which the workdays are not scheduled to be made up at a later date, all employees shall continue to be paid for their regular duty schedule regardless of whether the employees are required to report to work. The Board shall, by resolution or other Board action, set the parameters for payment during closings and reflect the purpose served by the expenditure. [See EB for the authority to close schools]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Hourly employees who are required to work during an emergency closing shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

INCENTIVE GRANTS—  
CONTRACT  
PROVISION

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

EDUCATOR  
EXCELLENCE  
INNOVATION  
PROGRAM

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. TEA will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

ELIGIBILITY

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the Commissioner;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the Commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the Commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The Commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

LOCAL PLAN

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA(LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and submit a plan and grant application may not be appealed to the Commissioner.

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

USE OF GRANT  
FUNDS

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see MENTOR TEACHERS, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
  - a. The results of classroom observation, which may include student comments;
  - b. The degree of student educational growth and learning; and
  - c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

WAIVER REQUEST

A district may apply to the Commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;
2. Approval for the waiver by a vote of a majority of the members of the board;

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the Commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

*Education Code Ch. 21, Subch. O; 19 TAC 102.1073*

MENTOR TEACHERS

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

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

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

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

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

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

*Education Code 21.458; 19 TAC 153.1011*

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

MASTER TEACHER GRANT PROGRAMS	The Commissioner shall establish master reading, mathematics, technology, and science teacher grant programs to encourage teachers to become certified as master teachers and to work with other teachers and students to improve student performance. <i>Education Code 21.410-.413</i>
APPLICATION	A district may apply to the Commissioner for grants for each identified high-need campus to be used to pay year-end stipends to certified master teachers.
USE OF FUNDS	Grant funds may be used only for the purpose of paying a year-end stipend to a master teacher whose primary duties are to teach reading, mathematics, technology, or science and to serve as a reading, mathematics, technology, or science teacher mentor for the amount of time and in the manner established by the district.
PAYMENTS	<p>The Commissioner shall reduce payments to a district proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.</p> <p>If a teacher qualifies as a master teacher for a partial month, a district's written policy will determine how the district counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by a district on the teacher's behalf.</p> <p>Education Code sections 21.410-.413 do not create a property right to a grant or stipend. A master teacher stipend is not considered in determining whether the district is paying the teacher the minimum monthly salary under Education Code 21.402.</p>
DESIGNATION OF TEACHER	<p>A district that employs more certified master teachers than the number of grants available shall designate which certified master teacher(s) to assign the duties required to receive the state stipends. The designation is based on a written policy adopted by the board. A district's decision is final and may not be appealed.</p> <p>A district may not apportion among teachers a stipend paid with a grant the district receives under this program. A district may use local money to pay additional stipends in amounts determined by the district.</p> <p><i>Education Code 21.410-.413; 19 TAC Ch. 102, Subch. BB</i></p>
RETIREMENT INCENTIVES	A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. <i>Education Code 22.007</i>
ATTENDANCE SUPPLEMENT	A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attend-



ance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*



COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LOCAL)

STIPEND	The Superintendent shall recommend a stipend pay schedule as part of the annual compensation plan of the District. [See DEA]
SUPPLEMENTAL DUTIES	The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the District.
INCENTIVE AND INNOVATION PROGRAMS	<p>The Superintendent shall have authority to submit plans and grant applications for incentive and innovation programs to TEA or other granting organizations on behalf of the Board. Incentive plans shall address teacher eligibility, including any exclusions.</p> <p>Locally developed incentive programs, if any, shall be addressed in the compensation plan of the District.</p>



COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LEGAL)

FAIR LABOR  
STANDARDS ACT  
MINIMUM WAGE  
AND OVERTIME

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

BREAKS FOR  
NONEXEMPT  
EMPLOYEES

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

BREAKS FOR  
NURSING MOTHERS

A district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

A district that employs fewer than 50 employees is not subject to these requirements if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

*29 U.S.C. 207(r)*

COMPENSATORY  
TIME  
ACCRUAL

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.

COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LEGAL)

	<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	<p>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).</p>
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 (FLSA) does not prohibit a 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	<p>The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. <i>29 U.S.C. 213(a)(1)</i></p>
ACADEMIC ADMINISTRATORS	<p>The term "employee employed in a bona fide administrative capacity" includes an employee:</p> <ol style="list-style-type: none"><li>1. Compensated for services on a salary or fee basis at a rate of not less than \$455 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the district by which employed; and</li><li>2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.</li></ol> <p>"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.</p>

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;
2. The principal and any vice principals responsible for the operation of an elementary or secondary school;
3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and
4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

*29 C.F.R. 541.204*

SALARY BASIS

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. 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 exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

PARTIAL-DAY  
DEDUCTIONS

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

*29 C.F.R. 541.710*

SAFE HARBOR  
POLICY

If a 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 a district's intranet.

*29 C.F.R. 541.603(d)*

TEACHERS

The term "employee employed in a bona fide professional capacity" includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and



7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

*29 C.F.R. 541.303*

WAGE AND HOUR  
RECORDS

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

PAYDAY LAW  
EXEMPTION

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*



COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LOCAL)

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	<p>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.</p> <p>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.</p>
NONEXEMPT	<p>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 up to and including a 40-hour workweek.</p> <p>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.</p>
WORKWEEK DEFINED	For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.
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 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time, or at the District’s option, the District shall pay the employee for the compensatory time.
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 duty year, the District shall pay the employee for the compensatory time.

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.

COMPENSATION AND BENEFITS  
EXPENSE REIMBURSEMENT

DEE  
(LEGAL)

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**Note:** For guidance regarding employee expense reimbursement, including per diem reimbursement, and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.9.2.2 Employee/Board Member Travel and Business Expenses.

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TRAVEL SERVICES

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

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 who expend personal funds on classroom supplies.

A district shall match any funds provided to the district under the reimbursement program with local funds to be used for the same purpose. A district may not use funds received under the reimbursement program to replace local funds used by the district for the same purpose.

A district shall allow each classroom teacher in the district who is reimbursed under the reimbursement program to use the funds at the teacher's discretion, except that the funds must be used for the benefit of the district's students.

*Education Code 21.414*



COMPENSATION AND BENEFITS  
EXPENSE REIMBURSEMENT

DEE  
(LOCAL)

PRIOR APPROVAL  
REQUIRED

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

TRAVEL EXPENSES

Reimbursement for authorized travel shall be in accordance with legal requirements.

Accounting records shall accurately reflect that no state or federal funds were used to reimburse travel expenses beyond those authorized for state employees.

DOCUMENTATION  
REQUIRED

For any authorized expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses and in accordance with administrative procedures.

EXCEPTION

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





REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

PLAN TO REDUCE  
PERSONNEL COSTS

If the Superintendent determines that there is a need to reduce personnel costs, the Superintendent shall develop, in consultation with the Board as necessary, a plan for reducing costs that may include one or more of the following:

- Salary reductions [see DEA];
- Furloughs, if the District has received certification from the Commissioner of a reduction in funding under Education Code 42.009 [see CBA and DEA];
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the Commissioner [see CEA and provisions at REDUCTION IN FORCE DUE TO FINANCIAL EXIGENCY, below];
- Reductions in force of contract personnel due to program change [see DFFB]; or
- Other means of reducing personnel costs.

A plan to reduce personnel costs may include the reduction of personnel employed pursuant to employment arrangements not covered at APPLICABILITY, below.

- See DCD for the termination at any time of at-will employment.
- See DFAB for the termination of a probationary contract at the end of the contract period.
- See DFCA for the termination of a continuing contract.
- See DCE for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code.

REDUCTION IN FORCE  
DUE TO FINANCIAL  
EXIGENCY  
APPLICABILITY

The following provisions shall apply when a reduction in force due to financial exigency requires:

1. The nonrenewal or termination of a term contract;
2. The termination of a probationary contract during the contract period; or
3. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

DEFINITIONS

Definitions used in this policy are as follows:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.
2. "Discharge" shall mean termination of a contract during the contract period.

GENERAL GROUNDS A reduction in force may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency. [See CEA] A determination of financial exigency constitutes sufficient reason for nonrenewal or sufficient cause for discharge.

EMPLOYMENT AREAS When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.
6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other District-wide programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. Combined or adjusted (e.g., “elementary programs” and “compensatory education programs” can be combined to identify an employment area of “elementary compensatory education programs”); and/or
2. Applied on a District-wide or campus-wide basis (e.g., “the counseling program at [named elementary campus]”).

The Board shall determine the employment areas to be affected.

CRITERIA FOR  
DECISION

The Superintendent or designee shall apply the following criteria to the employees within an affected employment area when a reduction in force will not result in the nonrenewal or discharge of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, highly qualified status, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by:
  - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent or designee at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee’s most recent date of hire.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

SUPERINTENDENT RECOMMENDATION	The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.
BOARD VOTE	After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.  If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).  If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].
NOTICE	The Superintendent or designee shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:  <ol style="list-style-type: none"><li data-bbox="560 947 1089 974">1. The proposed action, as applicable;</li><li data-bbox="560 1003 1333 1031">2. A statement of the reason for the proposed action; and</li><li data-bbox="560 1060 1393 1121">3. Notice that the employee is entitled to a hearing of the type determined by the Board.</li></ol>
CONSIDERATION FOR AVAILABLE POSITIONS	An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.  If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:  <ol style="list-style-type: none"><li data-bbox="560 1465 1393 1526">1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.</li><li data-bbox="560 1556 1430 1654">2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.</li></ol>
HEARING REQUEST NONRENEWAL: TERM CONTRACT	An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

DISCHARGE: CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.
DISCHARGE: NON- CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.
FINAL ACTION HEARING REQUESTED	If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.
NO HEARING REQUESTED	If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.



EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

SEARCHES—  
GENERAL RULE

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV; Tex. Const. Art. I, Sec. 9*

A district may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

*O'Connor v. Ortega*, 480 U.S. 709 (1987); *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

In addition, a district may search an employee's workplace for noninvestigatory, work-related purposes, if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega*, 480 U.S. 709 (1987)

DRUG / ALCOHOL  
TESTING

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989)

RANDOM DRUG  
TESTING

A district may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989); *Nat'l Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989)

SAFETY-  
SENSITIVE  
POSITIONS

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and a board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. Sch. Bd. of LaFayette Parish*, 148 F.3d 559 (5th Cir. 1998)

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**Note:** The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

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EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

TESTING OF DRIVERS	<p>A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. <i>49 U.S.C. 31.306; 49 C.F.R. Part 382</i></p>
COMMERCIAL MOTOR VEHICLE DEFINED	<p>A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:</p> <ol style="list-style-type: none"><li>1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;</li><li>2. Has a gross vehicle weight rating of 26,001 or more pounds; or</li><li>3. Is designed to transport 16 or more passengers, including the driver.</li></ol> <p><i>49 C.F.R. 382.107</i></p>
TESTING PROCEDURES	<p>A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. <i>49 C.F.R. 382.105</i></p>
TESTS REQUIRED	<p>Required testing includes pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a return-to-duty or follow-up alcohol or controlled substances test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. <i>49 C.F.R. 382.211, .309</i></p>
EDUCATION AND TREATMENT	<p>A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the U.S. Department of Transportation (DOT).</p> <p>However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations.</p> <p><i>49 C.F.R. 40.289</i></p>
RETURN-TO-DUTY TESTING	<p>If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This</p>



EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements.

*49 C.F.R. 40.305(a)-(b)*

EDUCATIONAL  
MATERIALS

A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting these requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601.  
*49 C.F.R. 382.601*

REPORTS

A district required by federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test and whether the specimen producing the result was a dilute specimen.

"Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test.

"Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
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For purposes of this requirement, the term “employee” includes applicants for employment subject to pre-employment testing.

*Trans. Code 644.251–.252; 49 C.F.R. 40.3*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

REASONABLE  
SUSPICION  
SEARCHES

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

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**Note:** The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

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FEDERALLY  
REQUIRED DOT  
TESTING PROGRAM

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

DRUG-RELATED  
VIOLATIONS

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

ALCOHOL RESULTS  
BETWEEN 0.02 AND  
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at DISTRICT-IMPOSED CONSEQUENCES, below.]

REASONABLE  
SUSPICION DOT  
TESTING

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

DISTRICT-IMPOSED  
CONSEQUENCES

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

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**Note:** The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

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NONDISCRIMINATION

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

FREE APPROPRIATE  
PUBLIC EDUCATION  
(FAPE)

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

“Free appropriate public education” (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by TEA;
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

*20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36*

LEAST RESTRICTIVE  
ENVIRONMENT

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

DISCIPLINE

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(j)* [See FOF]

INSTRUCTIONAL  
ARRANGEMENTS AND  
SETTINGS

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

1. Mainstream: providing services in a regular classroom;
2. Homebound: providing services at home or hospital bedside;
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by a district;
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting;
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus;
7. Off-home campus: providing services to nondistrict students in a single location, through district personnel at a nondistrict facility, or at a district campus that provides only special education and related services;
8. Nonpublic day school: providing services through a contractual agreement with a nonpublic school for special education;
9. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district; or
11. State supported living center: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location.

OTHER PROGRAM  
OPTIONS

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

*19 TAC 89.63(c), (f)*

SHARED SERVICES  
ARRANGEMENTS

A district may enter into a written contract to jointly operate its special education program. The contract must be approved by the Commissioner. *Education Code 29.007*

RELATED SERVICES  
DEFINITION

“Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child’s IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device’s functioning, or the replacement of such device.

*20 U.S.C. 1401(26); 34 C.F.R. 300.34*

TRANSPORTATION

A district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

EXTENDED SCHOOL  
YEAR SERVICES

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

*34 C.F.R. 300.106; 19 TAC 89.1065*





SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

IDENTIFICATION  
CHILD FIND

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

*20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)*

PRIVATE SCHOOL  
STUDENTS

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

*20 U.S.C. 1412(a)(10)(A)(ii)–(iv)* [See EHBAC regarding students in nondistrict placement]

PRESCHOOL  
STUDENTS

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

REQUESTS AND  
REFERRALS FOR  
EVALUATION

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

DISTRICT  
OBLIGATION TO  
REFER

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation.

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

PARENTAL  
REQUEST

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

*20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c)*

NOTICE OF RIGHTS

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

INITIAL EVALUATION  
REQUIRED

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services.  
*20 U.S.C. 1414(a)(1)(A)*

CONSENT FOR  
INITIAL  
EVALUATION

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

*20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)*

WARDS OF  
THE STATE

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;

2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

*20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)*

TIME FRAME FOR  
COMPLETION OF  
WRITTEN  
REPORT

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school

district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

TRANSFER  
STUDENTS

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The time lines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

*20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e); Education Code 29.004; 19 TAC 89.1011*

PSYCHOLOGICAL  
EXAMINATIONS

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See TIME FRAME FOR COMPLETION OF WRITTEN REPORT, above]

*Education Code 29.0041*

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

ELIGIBILITY AND  
REEVALUATIONS

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

*20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035, .1040*

VISUAL AND  
AUDITORY  
IMPAIRMENTS

A student with a visual or auditory impairment shall be eligible to participate in a district's special education program from birth.

*19 TAC 89.1035(b); Education Code 30.002, .081*

DETERMINATION OF  
INITIAL ELIGIBILITY

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

*20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)*

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at TIME FRAME FOR COMPLETION OF WRITTEN REPORT, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

*19 TAC 89.1011(d), (e)(4)*

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

CONSENT FOR  
SERVICES

INITIAL  
PROVISION OF  
SERVICES

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

REVOKING  
CONSENT

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

*34 C.F.R. 300.300(b)*

REEVALUATIONS

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

*20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303*

EVALUATION FOR  
CHANGE IN  
ELIGIBILITY

A district shall evaluate a child before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. *20 U.S.C. 1414(c)(5); 34 C.F.R. 300.305(e), 19 TAC 89.1070(g)*

INDEPENDENT  
EVALUATION

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

AT PUBLIC  
EXPENSE

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

AT PRIVATE  
EXPENSE

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

*34 C.F.R. 300.502*

PRESCRIPTION  
MEDICATION

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 *et seq.*) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

*20 U.S.C. 1412(a)(25)*



SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

ADMISSION, REVIEW,  
AND DISMISSAL  
COMMITTEE

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

RESPONSIBILITIES  
OF ARD  
COMMITTEE

The responsibilities of the ARD committee and the district include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

*19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

COMMITTEE  
MEMBERS

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;
9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

*20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)*

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting in-

volves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)*

PARENT  
INVOLVEMENT

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

*34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)*

ALTERNATIVE  
MEANS OF  
MEETING  
PARTICIPATION

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

MEETINGS

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A “meeting” does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child’s IEP. A “meeting” also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)*

MEETING AT  
PARENT’S  
REQUEST

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

TRANSFER STUDENTS  
IN-STATE  
TRANSFERS

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

TRANSFERS FROM  
ANOTHER STATE

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

*19 TAC 89.1050(i)*

TRANSFER OF  
RECORDS

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(i)(3)*

MILITARY  
DEPENDENTS

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C [See FDD]*

INDIVIDUALIZED  
EDUCATION  
PROGRAM (IEP)

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;

6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than the first IEP to be in effect when the student is 14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD]; and
12. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.0111; 19 TAC 89.1055*

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

BEHAVIORAL  
INTERVENTION  
PLAN

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility

for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

TRANSLATION OF  
IEP INTO NATIVE  
LANGUAGE

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d); 19 TAC 89.1050(h)*

AUTISM /  
PERVASIVE  
DEVELOPMENTAL  
DISORDER

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and

11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

VISUAL  
IMPAIRMENT

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

COLLABORATIVE  
PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

TEN-DAY RECESS

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.  
[See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.



SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

FAILURE TO REACH AGREEMENT	If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The parent who disagrees shall be offered the opportunity to write his or her own statement of disagreement.  <i>19 TAC 89.1050(f)</i>
MODIFICATION OF EXISTING IEP	Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.  After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.  Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.  To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.  <i>20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)</i>
TEACHER ACCESS TO IEP	Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. <i>19 TAC 89.1075(c)</i>
TEACHER REQUEST TO REVIEW IEP	Each district shall develop a process to be used by a teacher who instructs a student with a disability: <ol style="list-style-type: none"><li>1. To request a review of the student's IEP;</li><li>2. That provides for a timely district response to the teacher's request; and</li><li>3. That provides for notification to the student's parent or legal guardian of that response.</li></ol> <i>Education Code 29.001(11); 19 TAC 89.1075(d)</i>



TRANSITION  
SERVICES DEFINED

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

*20 U.S.C. 1401(34); 34 C.F.R. 300.43*

INDIVIDUAL  
TRANSITION  
PLANNING

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district in which the student is enrolled;
4. Any postsecondary education options;
5. A functional vocational evaluation;
6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

[See EHBAB regarding membership of ARD committee for transition services meetings]

*20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), (j)*

#### GRADUATION

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(2)(D), (f)(1), (f)(2), or (f)(3)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C), 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 requirements. [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

*20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2); 19 TAC 89.1070*

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

PROCEDURAL  
SAFEGUARDS

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)-(b)*

These procedures shall include:

EXAMINATION OF  
RECORDS AND  
PARTICIPATION IN  
MEETINGS

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*

INDEPENDENT  
EDUCATIONAL  
EVALUATION

2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*

ASSIGNMENT OF  
SURROGATE  
PARENT

3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*

PRIOR WRITTEN  
NOTICE

4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See PRIOR NOTICE AND CONSENT, below]

MEDIATION

5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*

COMPLAINTS

6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See DISPUTE RESOLUTION, below] *34 C.F.R. 300.507*

DUE PROCESS  
COMPLAINT

7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

CONSENT

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

*34 C.F.R. 300.9*

LANGUAGE OF  
NOTICES

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

ELECTRONIC  
DELIVERY OF  
NOTICES

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

PROCEDURAL  
SAFEGUARDS NOTICE

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

CONTENTS OF  
NOTICE

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

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PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
  - a. The time period in which to file a complaint;
  - b. The opportunity for the district to resolve the complaint; and
  - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional time lines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

*20 U.S.C. 1415(a)–(b), (d); 34 C.F.R. 300.504*

PRIOR NOTICE AND  
CONSENT

A district shall provide prior written notice to the parents a reasonable time before the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of FAPE to the child. *34 C.F.R. 300.503(a)*

Notice must be provided to the parent at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame. *19 TAC 89.1050(g)*

CONTENTS OF  
NOTICE

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the IDEA rules;
6. A description of other options the ARD committee [see EHBAB] considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the district's proposal or refusal.

*34 C.F.R. 300.503(b)*

CONSENT TO  
INITIAL EVALUATION

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

CONSENT TO  
SERVICES

A district shall seek informed consent from the parent before providing special education and related services to a child. [See EHBAA] *20 U.S.C. 1414(a)(1)(D)*

CONSENT TO  
REEVALUATION

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

PSYCHOLOGICAL  
EXAMINATIONS AND  
TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

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

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding



the additional examination or test and shall obtain additional consent for the examination of test.

*Education Code 29.0041(a), (b)*

DISPUTE RESOLUTION The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through TEA in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

*19 TAC 89.1150*

DUE PROCESS COMPLAINT Whenever a due process complaint has been received by a district, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process hearings, see 19 TAC 89.1151–.1191.]

TIME LINE Such due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent knew or should have known about the alleged action that forms the basis of the complaint.

*20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c), .1170(a)*

EXCEPTION This time line shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

*20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f), 19 TAC 89.1151(d)*

'STAY PUT'

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

EXCEPTION

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day time line, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533 [See FOF]*

RESOLUTION  
PROCESS

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

*34 C.F.R. 300.510, 19 TAC 89.1183*

TRANSFER OF RIGHTS  
TO ADULT STUDENTS

When a student reaches the age of 18, a district shall notify the student and the parents of the transfer of parental rights, as described in the following paragraph. This notice is separate and distinct from the requirement that, beginning at least one year before

the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

*34 C.F.R. 300.520; Education Code 29.017(a), (c); 19 TAC 89.1049(c)*



SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

COMPENSATORY  
EDUCATION  
ALLOTMENT

A 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 a 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

A 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, a 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 (DAEP) under Education Code 37.008, or to support a Title I program, at a campus at which at least 40 percent of the students are educationally disadvantaged.

A 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) for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g);
3. A program for treatment of students who have dyslexia or a related disorder, as required by Education Code 38.003, for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g); 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

A district may not use more than 18 percent of its compensatory education allotment for DAEPs.

The Commissioner may waive this limitation upon an annual petition, by a district's board and site-based decision making commit-

tee, presenting the reason for the need to spend supplemental compensatory education funds on DAEPs.

*Education Code 42.152(c)(1)–(2)*

DROPOUT  
PREVENTION  
STRATEGIES

A district with a high dropout rate, as determined by the Commissioner, shall submit a plan to the Commissioner describing the manner in which the district intends to use its compensatory education and high school allotments for developing and implementing research-based strategies for dropout prevention.

If a district is required to submit both a dropout prevention strategy plan and a plan to increase college enrollment [see GNC], the district must describe in its dropout prevention strategy plan how the activities identified in both plans will be coordinated. If a district is required to submit both a school improvement plan, due to failure to meet the required performance standard regarding dropout rates or completion rates, as well as a dropout prevention strategy plan, the district may request that its school improvement plan be used to satisfy both requirements.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education or high school allotment to which the plan applies. The plan must meet the requirements at 19 Administrative Code 89.1701(e).

A district may not spend or obligate more than 25 percent of the district's compensatory or high school allotment unless the Commissioner approves the plan.

*Education Code 29.918; 19 TAC 89.1701*

DEFINITION OF AT-  
RISK STUDENT

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
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. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

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;

4. 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;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 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 a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

*Education Code 29.081(d)–(d-1)*

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. *Education Code 29.081(g)*

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

COMPENSATORY,  
INTENSIVE, AND  
ACCELERATED  
INSTRUCTION

A 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. *Education Code 29.081(a)*

ACCELERATED  
INSTRUCTION

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

*Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)*

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0217*

EFFECTIVENESS

A 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. *Education Code 29.081(c)*

DROPOUT RECOVERY  
EDUCATION  
PROGRAMS

A 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).



SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

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(LEGAL)

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

*Education Code 29.081(e)-(f)*

PUBLIC JUNIOR  
COLLEGE  
PARTNERSHIP  
PROGRAM

A school district may agree to partner with a public junior college to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the partnering school district in accordance with Education Code 29.401. [See GNC]

COMMUNITIES IN  
SCHOOLS (CIS)

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

OPTIONAL EXTENDED  
YEAR PROGRAM  
(OEYP)

A district may set aside an amount from its compensatory education allotment or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for students:

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.

A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services.

An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.

POLICY

If a 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 Administrative Code 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

SPECIAL PROGRAMS  
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	<p>28.021 shall be promoted or retained in accordance with Education Code 29.082(e).</p>
TRANSPORTATION	<p>A 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.</p> <p><i>Education Code 29.082; 19 TAC 105.1001 [See EIE and FDC]</i></p>
OPTIONAL FLEXIBLE YEAR PROGRAM (OFYP)	<p>A 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.</p>
PROGRAM CRITERIA	<p>An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 Administrative Code 129.1029.</p> <p><i>Education Code 29.0821; 19 TAC 129.1029</i></p>
OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM (OFSDP)	<p>Notwithstanding Education Code 25.081 (school year) or 25.082 (school day) [see EB and EC], a district may apply to the Commissioner to provide a flexible school day program (OFSDP) for students, in accordance with 19 Administrative Code 129.1027.</p>
PROGRAM CRITERIA	<p>A district that meets application requirements may:</p> <ol style="list-style-type: none"><li>1. Provide flexibility in the number of hours each day a student attends;</li><li>2. Provide flexibility in the number of days each week a student attends; or</li><li>3. Allow a student to enroll in less than or more than a full course load.</li></ol> <p>Except in the case of a course designed for a student who will be denied credit as a result of attendance requirements, 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 25.081 and the required length of school day under Education Code 25.082.</p>
STUDENT ELIGIBILITY	<p>A district may provide an OFSDP for students who:</p> <ol style="list-style-type: none"><li>1. Have dropped out of school or are at risk of dropping out of school, as defined above at DEFINITION OF AT-RISK STUDENT;</li><li>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; or</li></ol>

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3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

A student who will be denied credit for one or more classes as a result of attendance requirements may enroll in a course in a OFSDP offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

EXTRACURRICULAR  
PARTICIPATION

A student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.

FUNDING

Funding for an OFSDP shall be based on the number of instructional days in a 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. The Commissioner may limit funding for the attendance of a student who will be denied credit as a result of attendance requirements to funding only for the attendance necessary for the student to earn class credit that the student would not otherwise be able to receive without re-taking the class.

ANNUAL  
PERFORMANCE  
REVIEW

Annually, each school district shall review its progress in relation to the performance indicators required by 19 Administrative Code 129.1027(h). Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

*Education Code 29.0822; 19 TAC 129.1027*

TUTORIAL SERVICES

A district may provide tutorial services at district schools. If a 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. [See EC for provisions on loss of class time]

A 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

A 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, a 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*

AFTER-SCHOOL AND  
SUMMER INTENSIVE  
MATHEMATICS AND  
SCIENCE PROGRAMS

A 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, a 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, .090; 19 TAC 102.1041*

MENTORING  
SERVICES PROGRAM

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public

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COMPENSATORY/ACCELERATED SERVICES

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or nonprofit community-based organization to come to the district's schools and implement the program.

A 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

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

A 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

A 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  
STATE  
ASSESSMENTS

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

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 a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

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(LEGAL)

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

GRADUATION  
REQUIREMENTS

A 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

A 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*

MAXIMUM ALLOWABLE  
INDIRECT COST

A district may expend no more than the following percentages of the district's Foundation School Program (FSP) special allotments under Education Code Chapter 42, Subchapter C, for indirect costs related to the following programs:

1. No more than 48 percent for indirect costs related to:
  - a. Compensatory education,
  - b. Bilingual education and special language programs, and
  - c. Special education.
2. No more than 45 percent for indirect costs related to gifted and talented education programs.
3. No more than 42 percent for indirect costs related to career and technical education programs.

Beginning with the 2012–13 school year, a district may choose to use a greater indirect cost allotment under Education Code 42.151, .153, .154, and .156, to the extent the district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–12 school year. The Commissioner shall develop a methodology for a school district to make this determination and may require any information necessary to implement this rule.

*19 TAC 105.11*

COLLEGE  
PREPARATORY  
COURSES

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

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

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

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

FACULTY

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

NOTICE

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

CREDIT EARNED

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

DUAL CREDIT

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

INSTRUCTIONAL  
MATERIALS

Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

To the extent applicable, a district shall draw from curricula and instructional materials developed under Education Code 28.008 in developing a course and related instructional materials. A course and the related instructional materials shall be made available to students not later than the 2014–15 school year.

*Education Code 28.014*



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

SECTION I	High School Diploma	pages 2–3
	1. Special Education	
	2. Posthumous Diploma	
	3. Diplomas for Veterans	
SECTION II	Personal Graduation Plan (PGP)	pages 3–4
	1. Junior High or Middle School PGP	
	2. High School PGP	
	3. Students Receiving Special Education Services	
SECTION III	Early Graduation	page 4
SECTION IV	State Graduation Requirements	pages 5–15
	1. Students Entering Grade 9 in the 2014–15 School Year	
	2. Transition to the Foundation High School Program	
	3. Students Who Entered Grade 9 before the 2014–15 School Year	
SECTION V	Transfers from Out-of-State or Nonpublic Schools	page 15
SECTION VI	Graduation of Students Receiving Special Education Services	pages 15–19
	1. Completion of General Education Requirements	
	2. Completion of IEP	
	3. Aging Out	
	4. Evaluation	
SECTION VII	Graduation of Military Dependents	page 19
	1. Course Waiver	
	2. Transfers During Senior Year	
	3. Substitute Passing Standard	
SECTION VIII	Graduation of Student in Conservatorship of DFPS	pages 19–20

**SECTION I: HIGH SCHOOL DIPLOMA**

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

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

*Education Code 28.025(c)*

SPECIAL EDUCATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. [See GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, below] 19 TAC 101.3023(a)

POSTHUMOUS  
DIPLOMA

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

EXCEPTION

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

*Education Code 28.0254*

DIPLOMAS FOR  
VETERANS

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or

2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

*Education Code 28.0251*

### **SECTION II: PERSONAL GRADUATION PLAN**

JUNIOR HIGH OR  
MIDDLE SCHOOL PGP

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

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

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

*Education Code 28.0212*

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

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

*Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]*

HIGH SCHOOL PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

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

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

*Education Code 28.02121*

**SECTION III: EARLY GRADUATION**

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

#### **SECTION IV: STATE GRADUATION REQUIREMENTS**

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**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?ac\\_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74).

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STUDENTS ENTERING  
GRADE 9 IN THE 2014–  
15 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see FOUNDATION HIGH SCHOOL PROGRAM, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

*Education Code 28.025(c); 19 TAC 74.11(a), (c)*

FOUNDATION HIGH  
SCHOOL PROGRAM

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and

8. Elective courses—5 credits.

*19 TAC 74.12*

ENDORSEMENTS

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

*Education Code 28.025; 19 TAC 74.13*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

- EXCEPTION
- A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:
1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
  2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

*19 TAC 74.11(d)*

- PREREQUISITES
- A student may not be enrolled in a course that has a required prerequisite unless:
1. The student has completed the prerequisite course(s);
  2. The student has demonstrated equivalent knowledge as determined by the district; or
  3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

*19 TAC 74.11(j), (k)*

PHYSICAL  
EDUCATION  
SUBSTITUTIONS

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See RESTRICTIONS, below]

OTHER PHYSICAL  
ACTIVITY

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must ap-

ply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

- a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

RESTRICTIONS

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH  
DISABILITY OR  
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:



1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)*

COMMUNITY-BASED  
FINE ARTS  
PROGRAMS

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the Commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code,

Chapter 153, Subchapter DD, if the community-based program is offered on campus.

*Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030*

DISTINGUISHED  
LEVEL OF  
ACHIEVEMENT

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

PERFORMANCE  
ACKNOWLEDG-  
MENTS

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn performance acknowledgment on the student's diploma and transcript for:

1. Outstanding performance:
  - a. In a dual credit course;
  - b. In bilingualism and biliteracy;
  - c. On a College Board advanced placement test or international baccalaureate examination;
  - d. On the PSAT, the ACT-PLAN, the SAT, or the ACT; or
2. Earning a nationally or internationally recognized business or industry certification or license.

*Education Code 28.025(c-5); 19 TAC 74.14*

TRANSITION TO  
FOUNDATION HIGH  
SCHOOL PROGRAM

A district shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:

1. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or
2. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.

A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year.

*19 TAC 74.1021*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

STUDENTS WHO  
ENTERED GRADE 9  
BEFORE THE 2014–15  
SCHOOL YEAR  
MINIMUM HIGH  
SCHOOL PROGRAM

All credit for graduation must be earned no later than grade 12.  
*19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program. This provision expires on September 1, 2014.

STUDENTS WITH  
DISABILITIES

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

NOTICE

Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, a district must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program. This provision expires on September 1, 2014.

APPLICABILITY

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

*Education Code 28.025(b-6), (b-8); 19 TAC 74.61(c), (d), .71(c), (d)*

REQUIREMENTS

A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62.

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

*Education Code 28.025; 19 TAC 74.62, .72*

RECOMMENDED  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.

*Education Code 28.025; 19 TAC 74.63, .73*

ADVANCED /  
DISTINGUISHED  
ACHIEVEMENT  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

*Education Code 28.025; 19 TAC 74.64, .74*

EXCEPTION

A student participating in the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program who is completing the fourth year of high school during the 2013–14 school year and who does not satisfy the curriculum requirements of the high school program in which the student is participating may graduate if the student satisfies the curriculum requirements established for the foundation high school program under Education Code 28.025 as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This provision expires September 1, 2015. *Education Code 28.025(h-2)*

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. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

AP OR IB COURSES College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

READING A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; 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 74.61(e), .71(f)*

COLLEGE COURSES A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.61(l), .71(j)*

PHYSICAL EDUCATION SUBSTITUTIONS In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

OTHER PHYSICAL ACTIVITY

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level

may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

RESTRICTIONS

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH  
DISABILITY OR  
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee

must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH  
PHYSICAL  
LIMITATIONS

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)*

**SECTION V: TRANSFERS FROM OUT-OF-STATE OR  
NONPUBLIC SCHOOLS**

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

**SECTION VI: GRADUATION OF STUDENTS RECEIVING  
SPECIAL EDUCATION SERVICES**

DEFINITIONS

MODIFIED  
CURRICULUM AND  
CONTENT

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

EMPLOYABILITY  
AND SELF-HELP  
SKILLS

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

SUMMARY OF  
ACADEMIC  
ACHIEVEMENT AND  
EVALUATION

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no

longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated.

STUDENTS  
ENTERING GRADE 9  
IN OR AFTER THE  
2014–15 SCHOOL  
YEAR

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.



ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

ENDORSEMENTS

A student receiving special education services may earn an endorsement if the student:

- 1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;
- 2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and
- 3. Performs satisfactorily on the required state assessments.

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum.

STUDENTS  
ENTERING GRADE 9  
BEFORE THE 2014–  
15 SCHOOL YEAR

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see ENDORSEMENTS, above].

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

- 1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommend or Advanced/Distinguished Achievement Programs,

including satisfactory performance on the required state assessments.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student’s IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;
  - c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or
  - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(b)–(k)*

**SECTION VII: GRADUATION OF MILITARY DEPENDENTS**

COURSE WAIVER	District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.
TRANSFERS DURING SENIOR YEAR	Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.
SUBSTITUTE PASSING STANDARD	The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII, A, C [See FDD]*

**SECTION VIII: GRADUATION OF STUDENT IN CONSERVATORSHIP OF DFPS**

If an 11th or 12th grade student in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*



ACADEMIC GUIDANCE PROGRAM

EJ  
(LEGAL)

HIGHER EDUCATION  
COUNSELING

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of postsecondary education;
2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803;
8. The eligibility and academic performance requirements for the TEXAS Grant; and
9. The availability of programs in a district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

AUTOMATIC  
ADMISSION

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

*Education Code 33.007; 19 TAC 61.1071*

ACADEMIC GUIDANCE PROGRAM

EJ  
(LEGAL)

NOTICE OF GRANT  
PROGRAMS

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid.

NOTATION ON  
TRANSCRIPT OR  
DIPLOMA

A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

1. The recommended or advanced high school curriculum; or
2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

*Education Code 56.308*

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

**DEFINITION** For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. *Education Code 12.051(1), .052(b), .053(b)*

**POLICY** A district shall adopt a campus charter and program charter policy, which shall specify the:

1. Process for approval of a campus charter or program charter;
2. Statutory requirements with which a campus charter or program charter must comply; and
3. Items that must be included in a charter application.

*Education Code 12.058*

**CAMPUS OR PROGRAM CHARTER** A board may grant a charter to parents and teachers for a campus or a program on a campus.

A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by:

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

A board may not arbitrarily deny a charter.

*Education Code 12.052*

**NEW CAMPUS OR CONTRACT CHARTER** A board may grant a charter for:

1. A new district campus; or
2. A program that is operated:
  - a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and
  - b. At a facility located in the boundaries of the district.

**VOLUNTARY ENROLLMENT** A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.

**PARENTAL REMOVAL** A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

TEACHER ASSIGNMENT	<p>A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment.</p> <p><i>Education Code 12.0521</i></p>
DISTRICT CHARTER	<p>A board may grant a district charter to a campus.</p>
ENROLLMENT LIMIT	<p>A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.</p>
EXCEPTION	<p>The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school.</p> <p>A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.</p>
OPEN-ENROLLMENT CHARTER SCHOOL	<p>Subchapter D, Chapter 39, Education Code (related to open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school.</p> <p>A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101.</p> <p><i>Education Code 12.0522</i></p>
COOPERATIVE CAMPUS CHARTER	<p>A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by:</p> <ol style="list-style-type: none"><li>1. The parents of a majority of the students at each school; and</li><li>2. A majority of the classroom teachers at each school.</li></ol> <p><i>Education Code 12.053</i></p>
PERFORMANCE CONTRACT	<p>A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.</p>



CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

DURATION OF  
CHARTER

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

*Education Code 12.0531*

NEIGHBORHOOD  
SCHOOL

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

*Education Code 12.0532*

STUDENT ELIGIBILITY

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

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

*Education Code 12.065*

EXEMPTION

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

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

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

Each charter shall:

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

*Education Code 12.061*

CONTENT OF  
CHARTER

Each charter granted must:

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

*Education Code 12.059*

REVISION

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a ma-

majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

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

*Education Code 12.062*

APPLICABILITY OF  
LAWS

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

EDUCATION CODE

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

A charter campus or program is subject to:

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

- i. Public school accountability under Subchapter B, C, D, E, F, and J, Chapter 39.

*Education Code 12.056*

OPEN MEETINGS  
AND PUBLIC  
INFORMATION ACTS

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

TEACHER  
RETIREMENT  
SYSTEM

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.

*Education Code 12.057(b), (b-1)*

LIABILITY

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

PLACEMENT ON  
PROBATION OR  
REVOCATION

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

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

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

*Education Code 12.063*

PROCEDURE

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

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

*Education Code 12.064*



ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

GENERAL RULE

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 18th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. Students enrolled in prekindergarten or kindergarten shall attend school.

STUDENTS 18 AND OVER

A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester. A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

A board may adopt a policy requiring the student to attend school until the end of the school year.

ACCELERATED /  
COMPENSATORY  
PROGRAMS

A student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];
4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
  - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete each course in which the student was enrolled at the time of removal. [See FO]
  - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. [See FOCA]

*Education Code 25.085*

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

EXEMPTIONS

Students who meet one or more of the following conditions shall be exempt from compulsory attendance requirements:

EQUIVALENCY  
DIPLOMA

1. The student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

PRIVATE OR HOME  
SCHOOL

2. The student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper*, 893 S.W.2d 432 (Tex. 1994)

SPECIAL  
EDUCATION —  
NONDISTRICT  
PLACEMENT

3. The student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

MEDICAL  
CONDITION

4. The student has a temporary and remediable physical or mental condition that renders attendance infeasible and the student has a certificate from a qualified physician that specifies the condition, indicates the prescribed treatment, and covers the anticipated time of absence needed for receiving and recuperating from remedial treatment.

EXPULSION — NO  
JJAEP

5. The student has been expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]

17-YEAR-OLD IN  
GED COURSE

6. The student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:

- a. Has the permission of the student's parent or guardian to attend the course;
- b. Is required by court order to attend the course;
- c. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or
- d. Is homeless as defined by 42 U.S.C. 11302.



ATTENDANCE  
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(LEGAL)

HIGH SCHOOL REPLACEMENT PROGRAMS	7. The student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-YEAR-OLD IN GED PROGRAM OR JOB CORPS	8. The student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: <ul style="list-style-type: none"><li>a. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or</li><li>b. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.</li></ul>
OTHER EXEMPTION	9. The student is specifically exempted under another law. <i>Education Code 25.086</i>
EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS	A district shall excuse a student from attending school for the following purposes:
RELIGIOUS HOLY DAYS	1. Observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
COURT APPEARANCES	2. Attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.
CITIZENSHIP PROCEEDINGS	3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.  4. Taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

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(LEGAL)

ELECTION CLERKS 5. Serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See EARLY VOTING CLERKS, below]

CHILDREN IN CONSERVATORSHIP OF DFPS 6. For a child in the conservatorship of the Department of Family and Protective Services (DFPS), attending a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263.

7. If the student is in the conservatorship of DFPS, participating in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours.

HEALTH-CARE APPOINTMENTS 8. Temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

*Education Code 25.087(b), (b-3); 19 TAC 129.21(j)* [See FEB]

HIGHER EDUCATION VISITS A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
  - a. A policy to determine when an absence will be excused for this purpose; and
  - b. A procedure to verify the student's visit at the institution of higher education.

*Education Code 25.087(b-2); 19 TAC 129.21(j)(3)*

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(LEGAL)

EARLY VOTING CLERKS	A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see ELECTION CLERKS, above] or early voting clerk for a maximum of two days in a school year. <i>Education Code 25.087(b-1), (d)</i>
MILITARY DEPENDENTS	A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. <i>Education Code 25.087(b-4)</i> [See FDD]
TAPS AT MILITARY FUNERAL	In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. <i>Education Code 25.087(c)</i>
NO PENALTY	A student whose absence is excused for a reason described beginning at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.
MAKE-UP WORK	The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.  <i>Education Code 25.087(d)</i>
OTHER EXCUSED ABSENCES	A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. <i>Education Code 25.087(a)</i>
NOTICES TO PARENTS WARNING NOTICE	A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to prosecution under Education Code 25.094 or to referral to a juvenile court in a county with a population less than 100,000.

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FEA  
(LEGAL)

NOTICE OF  
ABSENCES

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
  - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
  - b. The parent is subject to prosecution under Education Code 25.093; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense to prosecution for the parent's failure to require a child to attend school nor for the student's failure to attend school.

*Education Code 25.095*

NON-ATTENDANCE  
PARENT LIABILITY

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Education Code 25.094.

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE  
DEFENSE —  
PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

*Education Code 25.093*

STUDENT LIABILITY

A student who is 12 years of age or older and younger than 18 years of age, who is required to attend school under the compulsory attendance laws, and who fails to attend school on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period may be prosecuted for nonattendance in:

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

1. The constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of 1.75 million or more;
2. The justice court of any precinct in the county in which the student resides;
3. The justice court of any precinct in the county in which the school is located;
4. The municipal court in the municipality in which the child resides; or
5. The municipal court in the municipality in which the school is located.

*Education Code 25.094(a)–(b)*

CONDUCT IN  
NEED OF  
SUPERVISION

Conduct indicating a need for supervision includes the absence of a child on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school. “Child” means a person who is ten years of age or older, who is alleged or found to have engaged in the conduct as a result of acts committed before becoming 18 years of age, and who is required to attend school under Education Code 25.085. *Family Code 51.03(b)(2), (e-1)*

AFFIRMATIVE  
DEFENSE —  
STUDENT

It is an affirmative defense to prosecution for nonattendance or to an allegation of conduct in need of supervision that one or more of the absences required to be proven were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense.

A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

*Education Code 25.094(f)–(g); Family Code 51.03(d)*

DISTRICT COMPLAINT  
OR REFERRAL

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student’s tenth absence:

1. File a complaint against the student or the student’s parent or both in a county, justice, or municipal court for an offense under Education Code 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000; or

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FEA  
(LEGAL)

2. Refer the student to a juvenile court for conduct indicating a need for supervision under Family Code 51.03(b)(2).

A court shall dismiss a complaint or referral by a district that does not comply with these requirements.

A district may take the actions listed above if a student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above.

*Education Code 25.0951*

FILING  
REQUIREMENTS

Each referral to juvenile court for conduct described by Family Code 51.03(b)(2) or complaint filed in county, justice, or municipal court alleging a violation by a student of Education Code 25.094 must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures [see FED] to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A court shall dismiss a complaint or referral by a district that does not comply with these requirements.

*Education Code 25.0915(b), (c)*

RECORDS

A district shall maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Commissioner. The district must maintain records and make reports concerning student attendance and participation in special programs as required by the Commissioner. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e)*

Districts shall use the student attendance accounting standards established by the Commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's *Student Attendance Accounting Handbook*. *19 TAC 129.1025*

A superintendent is responsible for the safekeeping of all attendance records and reports. A superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. *19 TAC 129.21(d)*

MINIMUM  
ENROLLMENT

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

FULL-DAY  
STUDENTS

Students enrolled on a full-day basis may earn one full day of attendance each school day.

HALF-DAY  
STUDENTS

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

ALTERNATIVE  
ATTENDANCE  
ACCOUNTING  
PROGRAM

Students who are enrolled in and participating in an alternative attendance accounting program approved by the Commissioner shall earn attendance according to the statutory and rule provisions applicable to that program.

ATTENDANCE FOR  
STATE FUNDING  
PURPOSES

Attendance for all grades shall be determined by the absences recorded in the second or fifth instructional hour of the day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

Students absent during the daily period selected by a district for taking attendance shall be counted absent for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program. Students present at the time attendance is taken shall be counted present for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

*19 TAC 129.21(g)-(h)*

A student in a disciplinary alternative education program shall be counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program.  
*Education Code 37.008(f)*

EXCEPTIONS

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

BOARD-  
APPROVED  
ACTIVITIES

1. The student is participating in a board-approved activity under the direction of a member of a district's professional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in TRS. [See FM]

MENTORSHIPS

2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Advanced/Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74.

RELIGIOUS HOLY  
DAYS

3. The student is observing religious holy days, including days of travel to or from a site where the student will observe holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site. [See FEA]

COURT  
APPEARANCE

4. The student is attending a required court appearance, including travel for that purpose. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site. [See FEA]

CITIZENSHIP  
PROCEEDINGS

5. The student is appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing



- at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site. [See FEA]
6. The student is taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site. [See FEA]
- ELECTION CLERKS 7. The student is serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See FEA]
- EARLY VOTING CLERKS 8. The student is serving as a student early voting clerk in an election. A district may excuse a student for serving as an early voting clerk for a maximum of two days in a school year. [See FEA]
- CHILDREN IN CONSERVATORSHIP OF DFPS 9. The child is in the conservatorship of the Department of Family and Protective Services (DFPS), and is attending a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263. [See FEA]
10. The student is in the conservatorship of DFPS, and is participating in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours. [See FEA]
- HEALTH-CARE APPOINTMENTS 11. The student is temporarily absent as a result of a documented appointment with a health-care professional for the student or the student's child during regular school hours, if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. [See FEA]
- HIGHER EDUCATION VISITS 12. The student is visiting an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for

the purpose of determining the student's interest in attending the institution of higher education, provided that:

- a. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
- b. The district adopts:
  - (1) A policy to determine when an absence will be excused for this purpose; and
  - (2) A procedure to verify the student's visit at the institution of higher education. [See FEA]

DROPOUT  
RECOVERY  
EDUCATION  
PROGRAM

13. The student is in attendance at a dropout recovery education program, including a program operated by a public junior college under Education Code 29.402. [See GNC]

TAPS AT  
MILITARY  
FUNERAL

14. The student is sounding "Taps" at a military honors funeral held in this state for a deceased veteran, provided that the student is enrolled in grade 6 or higher.

OFF-CAMPUS  
INSTRUCTION

15. The student's absence is permitted by other conditions related to off-campus instruction described in the *Student Attendance Accounting Handbook*.

MILITARY  
DEPENDENTS

16. The student's parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

*Education Code 25.087, 29.081(e); 19 TAC 129.21(i)-(k)*

DISASTERS

The Commissioner shall adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The Commissioner shall make the adjustment required by this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

*Education Code 42.0051*

PARENTAL CONSENT  
TO LEAVE CAMPUS

Before a district may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the board shall adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*



STUDENT DISCIPLINE

FO  
(LOCAL)

STUDENT CODE OF  
CONDUCT

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

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 website and/or as a hard copy to students, parents, teachers, administrators, and 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.

EXTRACURRICULAR  
STANDARDS OF  
BEHAVIOR

With the approval of the principal and Superintendent or designee, 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.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent 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.

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.

STUDENT DISCIPLINE

FO  
(LOCAL)

'PARENT' DEFINED	Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.
GENERAL DISCIPLINE GUIDELINES	<p>A District employee shall adhere to the following general guidelines when imposing discipline:</p> <ol style="list-style-type: none"><li data-bbox="560 493 1430 598">1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.</li><li data-bbox="560 619 1430 1155">2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:<ol style="list-style-type: none"><li data-bbox="625 745 1104 787">a. The seriousness of the offense;</li><li data-bbox="625 808 941 850">b. The student's age;</li><li data-bbox="625 861 1079 903">c. The frequency of misconduct;</li><li data-bbox="625 913 982 955">d. The student's attitude;</li><li data-bbox="625 966 1421 1039">e. The potential effect of the misconduct on the school environment;</li><li data-bbox="625 1060 1430 1102">f. Requirements of Chapter 37 of the Education Code; and</li><li data-bbox="625 1113 1380 1155">g. The Student Code of Conduct adopted by the Board.</li></ol></li><li data-bbox="560 1165 1430 1312">3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.</li></ol>
CORPORAL PUNISHMENT	The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.
PHYSICAL RESTRAINT	<p>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:</p> <ol style="list-style-type: none"><li data-bbox="560 1617 1430 1690">1. Protect a person, including the person using physical restraint, from physical injury.</li><li data-bbox="560 1701 1388 1743">2. Obtain possession of a weapon or other dangerous object.</li><li data-bbox="560 1753 1430 1898">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.</li></ol>

STUDENT DISCIPLINE

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(LOCAL)

4. Control an irrational student.
5. Protect property from serious damage.

A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

VIDEO AND AUDIO  
MONITORING

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

USE OF  
RECORDINGS

The principal shall review recordings as needed, 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 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  
STUDENTS WITH DISABILITIES

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(LEGAL)

STUDENTS WITH  
DISABILITIES UNDER  
SECTION 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

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**Note:** The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

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STUDENTS  
RECEIVING SPECIAL  
EDUCATION SERVICES

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (relating to Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(j)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP PLACEMENT  
NOT SOLELY FOR  
EDUCATIONAL  
PURPOSES

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

REMOVAL FOR TEN  
DAYS OR LESS

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

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(LEGAL)

	to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. <i>20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)</i>
SERVICES DURING REMOVAL	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. <i>34 C.F.R. 300.530(d)</i>
SUBSEQUENT REMOVALS OF TEN DAYS OR LESS	School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). <i>34 C.F.R. 300.530(b)(1)</i>
SERVICES DURING REMOVAL	After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. <i>20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)</i>
NOTICE OF PROCEDURAL SAFEGUARDS	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. <i>20 U.S.C. 1415(k)(1)(H)</i>
REMOVALS THAT ARE A CHANGE IN PLACEMENT	Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review [see MANIFESTATION DETERMINATION, below]. <i>Education Code 37.004</i>
'CHANGE IN PLACEMENT'	For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is: <ol style="list-style-type: none"><li>1. Removed from the student's current educational placement for more than ten consecutive school days; or</li><li>2. Subjected to a series of removals that constitute a pattern because:<ol style="list-style-type: none"><li>a. The series of removals total more than ten school days in a school year;</li><li>b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and</li></ol></li></ol>

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- c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

*34 C.F.R. 300.536*

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct.

*20 U.S.C. 1415(k)(1)(A)*

MANIFESTATION  
DETERMINATION

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

*20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)*

NOT A  
MANIFESTATION

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

SERVICES  
DURING  
REMOVAL

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that

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are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)–(2)*

MANIFESTATION

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at SPECIAL CIRCUMSTANCES, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

*20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)*

SPECIAL  
CIRCUMSTANCES

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

*20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)*

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

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STUDENTS WITH DISABILITIES

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(LEGAL)

SERVICES DURING REMOVAL	<p>The student must:</p> <ol style="list-style-type: none"><li>1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.</li><li>2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</li></ol> <p>These services may be provided in an interim alternative educational setting.</p> <p><i>34 C.F.R. 300.530(d)(1)</i></p>
APPEALS	<p>A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. <i>20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151</i></p>
PLACEMENT DURING APPEALS	<p>When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. <i>20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533</i></p>
REPORTING CRIMES	<p>Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). <i>20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535</i> [See FL]</p>
STUDENTS NOT YET IDENTIFIED	<p>A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. <i>20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)</i></p>

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DISTRICT  
KNOWLEDGE

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

*20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)*

EXCEPTION

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

*20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)*

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)*

BEHAVIOR  
MANAGEMENT  
TECHNIQUES

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury,

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cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

SCHOOL PEACE  
OFFICERS

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

*Education Code 37.0021(h); 19 TAC 89.1053(l)*

EXCEPTIONS

Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see SCHOOL PEACE OFFICERS] and by Education Code 37.0021(i) [see RESTRAINT—DOCUMENTATION, below];
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

'LAW  
ENFORCEMENT  
DUTIES'

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

*Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)*

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

*Education Code 37.0021(f)*

CONFINEMENT

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management

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	<p>practice or a behavior management technique. <i>Education Code 37.0021(a)</i></p>
SECLUSION	<p>A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. <i>Education Code 37.0021(c)</i></p> <p>“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <ol style="list-style-type: none"><li>1. Is designed solely to seclude a person; and</li><li>2. Contains less than 50 square feet of space.</li></ol> <p><i>Education Code 37.0021(b)(2)</i></p>
RESTRAINT	<p>A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:</p> <ol style="list-style-type: none"><li>1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.</li><li>2. Restraint shall be discontinued at the point at which the emergency no longer exists.</li><li>3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.</li><li>4. Restraint shall not deprive the student of basic human necessities.</li></ol> <p><i>19 TAC 89.1053(c)</i></p> <p>“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body.</p> <p>“Emergency” means a situation in which a student’s behavior poses a threat of:</p> <ol style="list-style-type: none"><li>1. Imminent, serious physical harm to the student or others; or</li><li>2. Imminent, serious property destruction.</li></ol> <p><i>19 TAC 89.1053(b)(1)–(2)</i></p>
TRAINING	<p>Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).</p>
DOCUMENTATION	<p>In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).</p>



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A district shall report electronically to TEA, in accordance with standards provided by Commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by Commissioner rule for reporting the use of restraint involving students with disabilities.

*Education Code 37.0021(i)*

TIME-OUT

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

*19 TAC 89.1053(g)*

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

*19 TAC 89.1053(b)(3)*

TRAINING

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

DOCUMENTATION

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

*19 TAC 89.1053(i)*

