



# UPDATE 89

## Adoption Notification Form

Update 89 contains (LOCAL) policies that require board action before we can incorporate Update 89 into your district's *Policy On Line* manual.

**Please fill out this form and fax to the attention of Loretta Jeschke at 512-467-3618 or complete the form electronically at <http://www.tasb.org/policy/pol/private/polfdbk.html> or email [pol-support@tasb.org](mailto:pol-support@tasb.org).**

District: 057922 Coppell ISD

Your Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

### About previous Updates:

- ☐ Please check the box to confirm. The board has adopted all prior updates. [Please note: Policy Service cannot place Update 89 online unless the board has adopted all prior updates.]

### About Update 89:

Please provide us with the **Adoption date:** \_\_\_\_\_

and **status** of Update 89 by checking one of the boxes below:

- ☐ Place Update 89 online immediately. Our board has adopted it as sent to us by TASB.

**OR**

- ☐ Our board has acted on all of Update 89, and made additional changes to the policies listed below\*:

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

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

**TASB Policy Service**

**Fax: 512-467-3618**



# Localized Policy Manual

## Update 89

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Coppell ISD

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Update 89 includes a variety of issues, with a key focus on the reorganization of the E Section of the manual, addressing instruction. The E Section changes are prompted by a reexamination of the instruction policies in light of new options available to students to earn credit, such as through distance learning and, more specifically, the Texas Virtual School Network (TxVSN). As a result, we have created a new policy series addressing alternative methods for earning credit, where we have moved policies addressing credit by examination, correspondence courses, and distance learning. A memo on other TxVSN issues your district may need to consider has been included with the update materials for your information.

In addition, Update 89 includes material on student admissions, academic assessments administered to students in DAEPs, permissible physical education substitutions, adult education programs, the school board's rights and responsibilities regarding the appraisal district, and board member vacancies.

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 89 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 89*** 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 89 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, Amy Kadlecsek, at 800-580-7529 or 512-467-0222.

## Regarding board action on Update 89 . . .

- Board action on Localized Update 89 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 89, 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 89, 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 89 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 89 [with the following changes:]”*
- The board’s action on Localized Update 89 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded (LOCAL) policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the **Policy Administrator’s Guide** at [http://www.tasb.org/services/policy/mytasb/admin\\_guide/index.aspx](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. If the district uses Policy On Line, you will need to notify us of the board’s action on Update 89 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), fax (512-467-3618, using the Update 89 Adoption Notification Form enclosed), e-mail ([pol-support@tasb.org](mailto:pol-support@tasb.org)), or Internet feedback form (<http://www.tasb.org/policy/pol/private/polfdbk.html>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 89 policy changes should be inspected and revised by the district as needed.

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**PLEASE NOTE:** This Localized Update packet and the Update 89 **Vantage Points** may not be considered as legal advice and are not intended as a substitute for the advice of the board’s own legal counsel.

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# Instruction Sheet

## TASB Localized Policy Manual Update 89

District      Coppell ISD

<b>Code</b>		<b>Action To Be Taken</b>	<b>Note</b>
A25	(INDEX)	Replace cross-index	Revised cross-index
AC	(LEGAL)	Replace policy	Revised policy
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AID	(LEGAL)	Replace policy	Revised policy
B	(LEGAL)	Replace table of contents	Revised table of contents
BBC	(LEGAL)	Replace policy	Revised policy
BDAF	(LEGAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BJB	(LEGAL)	Replace policy	Revised policy
BJCE	(LEGAL)	Replace policy	Revised policy
CCH	(LEGAL)	Replace policy	Revised policy
CKA	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	ADD policy	See explanatory note
CKB	(LOCAL)	Replace policy	Revised policy
CL	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DI	(LEGAL)	Replace policy	Revised policy
DK	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EEJA	(LEGAL)	DELETE policy	See explanatory note
EEJA	(LOCAL)	DELETE policy	See explanatory note
EEJB	(LEGAL)	DELETE policy	See explanatory note
EEJB	(LOCAL)	DELETE policy	See explanatory note
EEJC	(LEGAL)	DELETE policy	See explanatory note
EEJC	(LOCAL)	DELETE policy	See explanatory note
EFB	(LOCAL)	DELETE policy	See explanatory note
EHAA	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy

# Instruction Sheet

## TASB Localized Policy Manual Update 89

EHBA (LEGAL)	Replace policy	Revised policy
EHBC (LEGAL)	Replace policy	Revised policy
EHBI (LEGAL)	Replace policy	Revised policy
EHDB (LEGAL)	ADD policy	See explanatory note
EHDB (LOCAL)	ADD policy	See explanatory note
EHDC (LEGAL)	ADD policy	See explanatory note
EHDC (LOCAL)	ADD policy	See explanatory note
EHDD (LEGAL)	Replace policy	Revised policy
EHDD (LOCAL)	Replace policy	Revised policy
EHDE (LEGAL)	Replace policy	Revised policy
EHDE (LOCAL)	ADD policy	See explanatory note
EIF (LEGAL)	Replace policy	Revised policy
FD (LOCAL)	Replace policy	Revised policy
FFAB (LEGAL)	Replace policy	Revised policy
FFAE (LEGAL)	Replace policy	Revised policy
FO (LEGAL)	Replace policy	Revised policy
FOCA (LEGAL)	Replace policy	Revised policy
FP (LEGAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 89

District: Coppel 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 2007.

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.

AC (LEGAL) GEOGRAPHIC BOUNDARIES

We have reformatted the provisions at CHANGES IN BOUNDARIES into a list to emphasize when board approval is required. The list incorporates a provision on consolidation, previously addressed at a separate margin note.

An existing statutory provision was added to provide more detail about agreements between two contiguous districts to make MINOR BOUNDARY ADJUSTMENTS. We have also added an existing statutory provision requiring a district to notify the appraisal office of any boundary changes.

We have adjusted margin notes throughout the policy for clarity.

AIA (LEGAL) ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

In the **Note** at the beginning of this policy, we have corrected the effective date of the new accreditation and performance indicator provisions, which are effective beginning with the 2011–12 school year.

AIB (LEGAL) ACCOUNTABILITY  
PERFORMANCE REPORTING

We have added a **Note** to the beginning of this policy to provide information about the effective dates of the performance reporting provisions. The **Note** clarifies that, although the provisions were effective with the 2009–10 school year, TEA is not required to prepare all of the data elements referred to in this policy until the 2012–13 school year.

AID (LEGAL) ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

At “AYP” DEFINED, we have replaced text from the No Child Left Behind Act with language from the state plan defining what constitutes adequate yearly progress.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### B (LEGAL) LOCAL GOVERNANCE

The B section table of contents has been revised to reflect the renaming of policy code BJCE, now titled Suspension/Termination During Contract.

### BBC (LEGAL) BOARD MEMBERS VACANCIES AND REMOVAL FROM OFFICE

This policy has been reorganized to reflect three types of board vacancies that may occur: vacancies created by board member resignation, vacancies created by operation of law because a board member no longer resides in the district, and vacancies created by involuntary removal from office. Text throughout the policy has been revised for clarity and to better match statutory language. We have also changed the term “trustee” to “board member” throughout for consistency within the policy. Specific changes include:

- Rewording of the provision at RESIGNATION to better reflect statutory language;
- Revision of the text at HOLDOVER DOCTRINE to clarify that a board member who resigns continues to be subject to the nepotism provisions until the vacancy created by the board member’s resignation is filled by a successor;
- Revision of the text at RESIDENCE DEFINED to match the phrasing of this same text as it appears at BBA(LEGAL);
- Addition of several existing statutory provisions to provide more detail about quo warranto proceedings, which are court actions filed by the attorney general or county district attorney to remove a board member from office, and the procedure to file a written petition for removal in district court; and
- Revision of the list of items for which a board member may be removed from office to list purchasing violations separately.

The material on FILLING A VACANCY has also been reorganized: we have created new margin notes to outline the process and have added detail on how to conduct a SPECIAL ELECTION to fill a vacancy, including how to determine the DATE OF ELECTION and procedures for ORDERING ELECTIONS.

### BDAF (LEGAL) OFFICERS AND OFFICIALS SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

Text throughout this policy on selection and duties of chief tax officials has been revised for clarity and to better match statutory language, and provisions have been reordered for better flow.

Major revisions include the following:

- We have simplified the DUTIES of the ASSESSOR and COLLECTOR, listed on pages 1 and 2, to provide a broader overview.
- On page 3, we have added existing statutory text clarifying that the district may require a new COLLECTOR’S BOND at any time from a tax collector who is also a district employee.



## Explanatory Notes

### TASB Localized Policy Manual Update 89

BDF            (LEGAL)            BOARD INTERNAL ORGANIZATION  
CITIZEN ADVISORY COMMITTEES

Revisions to this policy include the following:

- An existing statutory provision requiring the SCHOOL HEALTH ADVISORY COUNCIL to meet at least four times per year has been added.
- A provision requiring the district to consider the recommendations of the SHAC before changing the district's health education curriculum or instruction was moved up to group it with the other material applicable to SHACs. See CHANGES IN CURRICULUM.
- An existing statutory provision requiring the district to notify parents that they may request their child's physical fitness assessment results has been added as item 5 at PUBLIC STATEMENT.
- Several cross-references to other relevant policies have been added, and text throughout this policy has been revised to better match statutory language.

BJB            (LEGAL)            SUPERINTENDENT  
RECRUITMENT AND APPOINTMENT

The statutory provisions requiring the district to post an employment vacancy, including a vacancy in the superintendent's position, have been added to this code. These provisions are also included in the policy manual at DC(LEGAL).

To simplify the provision addressing confidentiality of the NAMES OF APPLICANTS for the superintendency, we have added a reference to the Public Information Act and incorporated the exception into the main paragraph.

BJCE            (LEGAL)            SUPERINTENDENT  
SUSPENSION/TERMINATION DURING CONTRACT

We have renamed this policy to reflect that it addresses both suspension and termination during the superintendent's contract term. At SUSPENSION WITHOUT PAY, we have added existing statutory text explaining that if the superintendent requests a hearing after receiving notice of a proposed decision to suspend without pay, the applicable hearing procedures are those that apply in hearings before a hearing examiner. In addition, we have moved the provision addressing SUSPENSION WITH PAY to the first page of the policy to group it with other suspension provisions. At CONTRACT TERMINATION and HEARING, we have revised the text to better match statutory language. Also at CONTRACT TERMINATION, we have deleted a provision indicating that it is grounds for discharge or suspension if a superintendent attempts to encourage or coerce a child to withhold information from the child's parent. This deleted provision is included at DF(LEGAL).

Significant detail from the Administrative Code has been added at SEVERANCE PAYMENTS, including information on the DUTY TO REPORT the severance payment, the resulting REDUCTION OF STATE FUNDS, and the DEFINITION OF SEVERANCE PAYMENT. A provision addressing severance payments entered into prior to September 1, 2001, has been deleted.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

#### CCH            (LEGAL)            LOCAL REVENUE SOURCES APPRAISAL DISTRICT

More detail has been added to this policy on the school board's rights and responsibilities regarding the appraisal district, including the school board's authority, along with the other taxing units that participate in the appraisal district, to:

- Approve proposals of the appraisal district to acquire or convey real property and the method of allocating proceeds from a conveyance of real property;
- Approve the budget and the method used to allocate the costs of operating the appraisal district; and
- Disapprove actions of the appraisal district board of directors by adopting a resolution.

Several existing statutory provisions have been added at APPRAISAL REVIEW BOARD to provide information about board member appointment to the review board and eligibility to serve on the review board. We have also added a provision prohibiting a school district from contracting with an appraisal review board member or certain relatives of a member of an appraisal review board. See PROHIBITION ON CONTRACTS on page 5.

#### CKA            (LEGAL)            SAFETY PROGRAM/RISK MANAGEMENT INSPECTIONS

At ASBESTOS HAZARD EMERGENCY RESPONSE ACT, DUTIES, items 5 through 7, we have added citations for easier reference to the federal requirements.

Existing statutory text added at WARNING LABELS, on page 4, provides the exact language that must be included on labels placed adjacent to any asbestos-containing building materials and the display requirements for the labels.

#### CKB            (LEGAL)            SAFETY PROGRAM/RISK MANAGEMENT ACCIDENT PREVENTION AND REPORTS

This policy, previously included only in the *TASB Policy Reference Manual*, addresses eye and face protection for accident prevention purposes and is being added to your localized manual at this update. The policy references recommended guidelines on protective eye and face equipment in schools from Texas Department of State Health Services rules. We have also included Administrative Code provisions listing when the guidelines are applicable.

#### CKB            (LOCAL)            SAFETY PROGRAM/RISK MANAGEMENT ACCIDENT PREVENTION AND REPORTS

Consistent with the content of the corresponding legally referenced policy, we have expanded the scope of this local policy to address face protection in addition to eye protection and have added a reference to visitors at the schools.

In addition, we have added a reference to the relevant Texas Department of State Health Services guidelines and have replaced the list of circumstances when eye and face protection must be worn with a cross-reference to the legal policy, which includes an updated list.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

Existing language from the Administrative Code added on page 5 clarifies that the district must provide a buyer of district property any CERTIFICATE OF MOLD REMEDIATION issued during the five years preceding the date the district sells the property.

We have also added a citation to the Administrative Code at POOLS.

### CPC (LEGAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

We have added a link to the records retention schedules published by the State Library and Archives Commission that apply to school districts. One of these schedules, Local Schedule SD-Records for Public School Districts, was updated in September 2010. See RETENTION SCHEDULES on page 3.

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

Existing statutory text added at ELECTION TO BE EXEMPTED, beginning on page 8, lists the HIPAA provisions from which the plan sponsor of a nonfederal governmental group health plan, in this case a school district, may elect to be exempted.

### DC (LEGAL) EMPLOYMENT PRACTICES

Revisions to this policy are as follows:

- At DELEGATION OF AUTHORITY, we have replaced text with cross-references to BBFB and DBE for detailed information about the nepotism implications of delegating employment authority to the superintendent.
- We have moved the details about the GRIEVANCE policy requirements from page 1 to a separate margin note on page 2.
- We have repeated from BBC(LEGAL) a provision prohibiting a board member from accepting employment with the district for a year after his or her board membership ends. See FORMER BOARD MEMBER EMPLOYMENT on page 4.
- An existing statutory provision referencing the PENALTIES for violating the new hire reporting requirement has been added on page 5.

### DI (LEGAL) EMPLOYEE WELFARE

We have revised this policy to update references to the "Texas Department of Health" to "Texas Department of State Health Services."

## Explanatory Notes

### TASB Localized Policy Manual Update 89

#### DK (LEGAL) ASSIGNMENT AND SCHEDULES

On page 1, we have added a link to an Administrative Code chart showing the certification requirements for various positions.

On page 3, text at INAPPROPRIATELY CERTIFIED OR UNCERTIFIED TEACHER, item 1, has been revised to better match statutory language. The citation has also been updated.

#### DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

We have revised the text at TITLE I STAFF DEVELOPMENT to better reflect statutory language. Citations have also been updated.

#### E (LEGAL) INSTRUCTION

Update 89 includes significant reorganization of the E section addressing Instruction. These changes are prompted by a reexamination of the instruction policies in light of new options available to students to earn credit, such as through the Texas Virtual School Network (TxVSN). As a result, policies previously under the heading of Individualized Learning (EEJ), such as those addressing credit by examination and correspondence courses, have been revised and moved to the new heading, Alternative Methods for Earning Credit. As explained in more detail below, text on correspondence courses has been incorporated into EHDE addressing distance learning. This reorganization results in the following specific changes to the E section table of contents:

- Credit by Examination With Prior Instruction, previously at EEJA, has been moved to EHDB.
- Credit by Examination Without Prior Instruction, previously at EEJB, has been moved to EHDC.
- Text previously at EEJC addressing correspondence courses has been moved to EHDE, which now addresses all types of distance learning.
- EEJA, EEJB, and EEJC are no longer active codes.
- The EHD series has been renamed Alternative Methods for Earning Credit.
- Travel Study, previously at EHDB, has been moved to EHBM.
- Honors, previously at EHDC, has been moved to EHBN.

#### EEJA (LEGAL) INDIVIDUALIZED LEARNING CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

As indicated above, we have moved material addressing credit by examination with prior instruction to EHDB. EEJA is no longer an active code.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

EEJA        (LOCAL)        INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

As indicated above, we have revised and moved material addressing credit by examination with prior instruction to EHDB. EEJA is no longer an active code.

EEJB        (LEGAL)        INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

As indicated above, we have moved material addressing credit by examination without prior instruction to EHDC. EEJB is no longer an active code.

EEJB        (LOCAL)        INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

As indicated above, we have revised and moved material addressing credit by examination without prior instruction to EHDC. EEJB is no longer an active code.

EEJC        (LEGAL)        INDIVIDUALIZED LEARNING  
CORRESPONDENCE COURSES

As indicated above, we have moved material addressing correspondence courses to EHDE addressing distance learning. EEJC is no longer an active code.

EEJC        (LOCAL)        INDIVIDUALIZED LEARNING  
CORRESPONDENCE COURSES

As indicated above, we have revised and moved material addressing correspondence courses to EHDE addressing distance learning. EEJC is no longer an active code.

EFB        (LOCAL)        INSTRUCTIONAL RESOURCES  
LIBRARY MEDIA PROGRAMS

This policy on library media programs is recommended for deletion from the district's manual. All programs are considered annually when the district makes budget decisions, and a separate policy for the library's budget is unnecessary. Please contact your policy consultant if you have any questions.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

On pages 4 and 5, we have added existing statutory text addressing the School Health Advisory Council's DUTIES, which include making policy recommendations about recess. Existing statutory text has also been included to address the board's responsibility to determine the specific CONTENT OF HUMAN SEXUALITY INSTRUCTION in the district.

EHB (LEGAL) CURRICULUM DESIGN  
SPECIAL PROGRAMS

Administrative Code revisions effective August 24, 2010, resulted in several amendments to this policy on dyslexia and related disorders. Most of the Administrative Code changes were to clarify existing language. However, the State Board's handbook on dyslexia was officially renamed to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*.

EHBA (LEGAL) SPECIAL PROGRAMS  
SPECIAL EDUCATION

On page 2, we have updated the terminology at PLACEMENT OPTIONS, item 11, to replace "state school" with "state supported living center" consistent with recent amendments to the Administrative Code, effective August 24, 2010.

EHBC (LEGAL) SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

Existing statutory text added on page 9 includes requirements for intensive programs of instruction offered to STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, including that the admission, review, and dismissal committee must design each program to meet certain standards.

EHBI (LEGAL) SPECIAL PROGRAMS  
ADULT AND COMMUNITY EDUCATION

A new Administrative Code provision, effective July 1, 2010, is cited at ESSENTIAL PROGRAM COMPONENTS, item 6. The new text requires a district's adult education program to include collaboration with multiple partners in the community to expand the services available to adult learners and to prevent duplication of services.

At DIPLOMA REQUIREMENTS, the reference to 19 Administrative Code Chapter 75 has been corrected to Chapter 74.

We have moved the provisions addressing REIMBURSEMENT FOR COMMUNITY EDUCATION to the end of the policy for better flow.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

#### EHDB (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

The legally referenced text on credit by examination with prior instruction, previously at EEJA, has been moved unaltered to this new code.

#### EHDB (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

In moving the local policy text on credit by examination with prior instruction from EEJA, we are recommending significant revisions to the text. To assist district staff, parents, and students, the policy lists the circumstances under which a student who has had prior instruction in a subject may be given an opportunity to demonstrate mastery or earn course credit through a credit by examination:

- The student is enrolling in the district from a nonaccredited school;
- The student has failed a subject or course; or
- The student earned a passing grade in a subject or course but failed to earn credit because of excessive absences.

The revised policy continues to state that examinations shall assess mastery and shall be administered according to the district's procedures.

We are recommending deletion of provisions previously included in the policy:

- The provision stating that credit by examination shall not be used to gain eligibility for participation in extracurricular activities is governed by UIL rules and therefore not necessary to address in local policy.
- The provision requiring a student to score a 70 or above on the examination is included in EHDB(LEGAL).

The district's administrative procedures would provide guidance to determine whether the student has had prior instruction in the subject or course and address any other requirements, for example, requiring a student taking an examination to earn a minimum failing grade in the course, if that is the district's practice.

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

The text on credit by examination without prior instruction, previously at EEJB, has been moved unaltered to this new code.

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

Provisions on credit by examination without prior instruction have been moved from EEJB and have been updated throughout to simplify and refine the text. In addition, we have made several substantive changes, as explained below.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

The specific requirement for the district to publish the TEST DATES in the student handbook has been replaced with a more flexible requirement to publish the dates in “appropriate District publications or on the District’s Web site.”

Text requiring students to register for examinations at least 30 days before the test date is recommended for deletion, since this information is better suited for administrative regulations. The *TASB Model Student Handbook* includes information on this topic.

For clarity, we have reordered provisions addressing fees and requests for alternative examinations or dates. Districts are still prohibited from charging any fees for examinations administered on the published or alternative dates, except that the district may require a parent to pay for an alternative examination purchased from a source approved by the State Board of Education.

The district’s locally developed wording at KINDERGARTEN ACCELERATION was not moved from EEJB to this new policy. It incorrectly stated the board approved the following procedures, but only listed criteria to be considered. Instead, we offer our recommended text which includes a reference to the board’s approval of the procedures to be consistent with the statutory provision stating that the district shall develop procedures that are approved by the board. Once these procedures are developed, they do not need to be added to this policy. As noted previously in EEJB, we continue to reflect the district’s choice to omit the recommendation from a kindergarten or preschool teacher as one of the criteria that may be considered when evaluating a student for kindergarten acceleration. If you would like to include this information now as part of the list of criteria, please contact your policy consultant for appropriate revisions.

**Please note:** We have not moved from EEJB to this new policy the district’s locally developed provisions addressing a student’s option to retest each time credit by examination is given. This information is better suited for administrative regulations such as the student handbook or course catalog. Additionally, we have not included the district’s detailed provisions regarding CREDIT APPROVAL for elementary or secondary students since this information is already addressed in EHDC(LEGAL); instead, we offer our recommended text at this margin note for your consideration. Please contact your policy consultant if you have any questions or need further revisions to this policy.

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

With our focus in this update on distance learning and the Texas Virtual School Network (TxVSN), we have added a **Note** referring to EHDE, Distance Learning, and the TxVSN Web site for information on dual credit courses available through the TxVSN.

An existing statutory provision requiring a public institution of higher education to assist a district in developing and implementing the district’s COLLEGE CREDIT PROGRAM has been added on page 1.

At DUAL CREDIT PROGRAMS on page 2, we have moved relevant definitions to the beginning of the section, and we have added an existing statutory provision authorizing a school district to offer a dual credit course through agreement with a community college, regardless of whether the high school is located within the service area of the college district, if the college district that serves the area where the relevant high school is located is unable to provide the requested course to the satisfaction of the school district.

Extensive information from existing Administrative Code rules has been added at INSTRUCTIONAL PARTNERSHIPS WITH COMMUNITY COLLEGE DISTRICTS beginning on page 3, including a list of the types of partnerships, detailed information about the types of partnerships, and required elements of partnership agreements.



## Explanatory Notes

### TASB Localized Policy Manual Update 89

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

With our focus in this update on distance learning and the TEXAS VIRTUAL SCHOOL NETWORK (TxVSN), we have updated this policy to include provisions on college-level courses available through the TxVSN. Students may enroll in dual-credit courses through the TxVSN in accordance with the guidelines published by the TxVSN and the course provider. The district will apply credit earned toward graduation requirements.

For additional information on the TxVSN, including a discussion of other policy and administrative issues, see the *Texas Virtual School Network Policy Considerations*, available on myTASB at [www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx](http://www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx), and the TxVSN Web site at [www.txvsn.org](http://www.txvsn.org).

We have also revised the text at PARTNERSHIP PROGRAMS to make stylistic changes and to remove the list of the types of partnership programs that a district may enter into with a college or university. This material is now included at EHDD(LEGAL).

At OTHER COLLEGE-LEVEL COURSES, the provisions allowing a student to earn college-level credit by completing a course at an accredited college or university that is not in a partnership program with the district have also been updated with stylistic changes.

#### EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT DISTANCE LEARNING

As mentioned above, we have moved material addressing correspondence courses from EEJC to this policy so that the various types of distance learning are in one location in the manual. In addition, the text at DISTANCE LEARNING AND CORRESPONDENCE COURSES was revised as a result of amendments to the Administrative Code, effective September 2010, to add to the list of distance learning technologies references to “online courses” and “the Texas Virtual School Network (TxVSN).”

Significant detail on the TxVSN has been added to this policy, including provisions on student eligibility, a prohibition on requiring a student to enroll in a TxVSN course, a provision allowing a transfer student to remain enrolled in a TxVSN course, requirements for students enrolled in a TxVSN to take required state assessments, provisions addressing allowable fees, and information about applicability of the TxVSN provisions.

#### EHDE (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT DISTANCE LEARNING

This new policy includes material on the TEXAS VIRTUAL SCHOOL NETWORK (TxVSN) and, from EEJC, material on other distance learning and correspondence courses. Provisions addressing TxVSN are addressed separately from provisions addressing other types of distance learning based on the specific legal requirements and obligations applicable to the TxVSN. For this reason, the recommended policy text:

- Requires the superintendent or designee to establish separate procedures for students to enroll in TxVSN courses; and
- Includes a statement that enrollment in TxVSN courses is not subject to any limitations the district may impose for other distance learning courses.

## Explanatory Notes

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For additional information on the TxVSN, including a discussion of other policy and administrative issues, see the *Texas Virtual School Network Policy Considerations*, available on myTASB at [www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx](http://www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx), and the TxVSN Web site at [www.txvsn.org](http://www.txvsn.org).

Text on OTHER DISTANCE LEARNING has been updated. For added flexibility, we have removed the specific requirement to publish the district's procedures in the student handbook, as these could be published online or in other materials. In addition, the text has been broadened to reflect that distance learning may be used to earn credit in a subject or course, not just to receive graduation credit.

If the district has rules regarding which students are eligible to take correspondence courses, the maximum number of credits a student may earn through correspondence courses, and the maximum number of correspondence courses a student may enroll in at any one time, we recommend they be addressed in the student handbook or other administrative regulations. We have retained the district's locally developed requirement that the prior approval be in written format for OTHER DISTANCE LEARNING courses.

#### EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

Language at DIPLOMA/TRANSCRIPT/CERTIFICATE OF COURSEWORK COMPLETION, on page 1, has been updated as a result of amendments to the Administrative Code, effective August 23, 2010, to indicate that the academic achievement record or transcript, rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. Also based on the Administrative Code revisions, we have:

- Added text, on page 3, requiring STUDENTS WITH DISABILITIES who are on a modified curriculum to be automatically placed in the minimum high school program;
- Added text, also on page 3, that a student who took courses under the minimum high school program prior to the 2009–10 school year may remain in the minimum program (see APPLICABILITY);
- Updated the statutory references to the minimum high school program REQUIREMENTS based on the year in which the student entered grade 9;
- Updated and added detail on PHYSICAL EDUCATION SUBSTITUTIONS, on page 5; and
- Added text, at PRIOR COURSES on page 6, clarifying whether certain courses taken in prior years apply toward graduation requirements.

For clarification, we have:

- Added detail about personal graduation plans for STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, on page 2, including the requirement that the admission, review, and dismissal committee and the district be responsible for developing the plan; and
- Added references to the program requirements for the RECOMMENDED HIGH SCHOOL PROGRAM and the ADVANCED/DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM, on page 4, for students who entered grade 9 before the 2007–08 school year.

Citations have been updated throughout the policy.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

#### FD (LOCAL) ADMISSIONS

This policy has been updated to allow a MINOR LIVING APART from his or her parent, guardian or other person having lawful control of the student to present an authorization agreement as provided in Chapter 34 of the Family Code when enrolling in the district as an alternative to the required power of attorney. In an authorization agreement, a parent authorizes the child's grandparent, adult sibling, or adult aunt or uncle to perform acts described in Family Code 34.002, such as approving immunizations and medical care, enrolling the child in school, and giving permission for participation in extracurricular activities. A minor living apart must provide either a power of attorney or an authorization agreement, but under the policy the superintendent continues to have authority to grant exceptions to this requirement based on the individual student's circumstances.

Other provisions in the policy have been updated to simplify and refine the text. The text at REGISTRATION FORMS includes minor editorial changes. At PLACEMENT, ACCREDITED SCHOOLS, the parent rather than the student has the obligation to provide evidence of prior schooling outside the district when a student enrolls after attending an accredited school. Likewise, at WITHDRAWAL, the parent rather than the student must present the signed request stating the reason for withdrawal. Text at TRANSFER CREDIT has been revised to clarify that the district will validate courses taken by students at nonaccredited schools before the district grants credit.

#### FFAB (LEGAL) WELLNESS AND HEALTH SERVICES IMMUNIZATIONS

At REASONS OF CONSCIENCE, on page 2, we have updated the title of the commissioner to the "commissioner of state health services."

#### FFAE (LEGAL) WELLNESS AND HEALTH SERVICES SCHOOL-BASED HEALTH CENTERS

At FUNDING, on page 3, we have updated the title of the commissioner to the "commissioner of state health services."

#### FO (LEGAL) STUDENT DISCIPLINE

Because the provisions prohibiting SECLUSION apply to all students, not just students with disabilities, we have added the text to this policy on student discipline. See page 4. The seclusion provisions are also included at FOF(LEGAL), addressing discipline of students with disabilities. "Seclusion" is defined as a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that is smaller than 50 square feet in size.

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FOCA      (LEGAL)      PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION  
SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM  
OPERATIONS

From amended Administrative Code rules on DAEPs, effective August 18, 2010, we have added beginning on page 3 text addressing ACADEMIC ASSESSMENTS administered to a student in a DAEP. The new provisions include information on which assessments may be administered, factors to determine the appropriate grade level assessment, and reporting requirements to the student's locally assigned campus. The new provisions require the district to develop procedures for administering the assessments that must be given when a student is placed in a DAEP and when the student departs from the DAEP. Appropriate text will be included in the next release of the *Model Student Code of Conduct*, scheduled to be issued in summer 2011.

FP            (LEGAL)      STUDENT FEES, FINES, AND CHARGES

At AUTHORIZED FEES, item 16, we have included the statutory authority for the district to charge a fee for enrollment in a course through the Texas Virtual School Network (TxVSN).

**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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 school facility planning and construction  
 planning and construction CS, CT, CV series  
 selection of architects and engineers CV, CVB  
 school fairs FJ  
 school health advisory council BDF, BQ, EFAA, EHAA,  
 EHAC, FFA  
 school holidays DED, EB  
 school newspapers FMA, GBB  
 school property, student care of FNCF  
 school report card AIB, BR  
 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  
 trained dogs FNF  
 seclusion (See restraint of students)  
 secondary instruction, electives EHAC  
 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, FNCF,  
 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, FNCF  
 semester system/schedules EB, EEC, EED  
 senior class activities FMD, FMG, FMH, FNCC  
 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, GRA  
 sexual abuse BQ, DIA, FFG, FFH, FOC  
 sexual harassment DAA, DIA, FB, FFH, FNC  
 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, FNCF, GKA  
 social events, students FMD  
 social media CQ, DH  
 social networking CQ, DH  
 social security deductions CFEA  
 social services, student FFC, FFE  
 software CQ, EFE  
 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 series  
 procedural requirements EHBAE  
 staff development related to DMA  
 transition plan EHBA, EHBAD, EIF  
 transportation for CNA, CNB  
 special populations, student EHB series  
 special programs  
 adult education/community education EHBI  
 at-risk EHBC, FDAA  
 bilingual education/English as a second language EHBE  
 career/technical education EHBF  
 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  
 prekindergarten EHBG  
 remedial/compensatory instruction EHBC, EIE  
 special education EHBA series  
 Title I EHBD  
 tutorials EHBC  
 specifications  
   bids, proposals CH, CV, CVA, CVB  
   construction plans and specifications CV, CVC  
   educational facility specifications CS  
 sports FFAA, FM, FMF (*See also* athletics)  
 sports and special events news coverage GBBA  
 SRC (School Report Card) (*See* report cards)  
 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  
 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 School Boards Association BC  
 state virtual school network EHDE  
 "stay put" IDEA students EHBAE  
 steroids EHAA, FFAC, FNCF, FNF  
 stipends DEAA  
 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  
   arrests FL, GRA  
   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  
   care of school property FNCH  
   child abuse/neglect FFG, FFH, GRA  
   clubs, gangs FNCC  
   competency testing EIE, EKB, EKBA, EKC, EKD  
   complaints FNG  
   conduct FO  
     code of conduct FNC, FO  
     extracurricular standards of behavior FM, FO  
     on school buses FFFF  
     violation FO series  
   conferences, student/parent EIA  
   consent to treatment FFAC  
   contests and competitions FMF  
   corporal punishment FO  
   demonstrations or strikes FNCH  
   detention FO  
   discipline FO series  
   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  
   gifts to schools FJ  
   gifts to staff members DBD, DHA, FJ  
   government FMB  
   graduation EIF, FMH  
   handbook FN  
   hazing FNCC  
   health requirements/services FFA series  
   homeless EHBC, FD, FDC, FFC  
   immunizations FD, FDD, FFAB  
   injury or sudden illness FFAC  
   in residential facilities EHBA, EHBAC  
   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  
   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  
     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 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 FNCI  
     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 devices FNCE  
     pregnant students EHBC, FNE  
     publications, school- and nonschool-sponsored FMA, FNAA  
     responsibility for school property FNCB  
     right to information and privacy of records BBE, EF, FL, GBAA  
     right to pray EC, FNA  
     special education EHBA series  
     student government FMB  
     tobacco use/smoking FNCD  
     weapons FNCG, FOD  
 safety FDE, FFF, FFFD  
 safety patrols FFFB  
 searches FNF  
     by trained dogs FNF  
 schedules EED  
 school-age parents EHBC  
 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  
 surveys EF  
 suspension FM, FO, FOB  
 transfer petition procedures FDA, FDB  
 transfers and withdrawals FD, FDA, 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  
 volunteers FH  
 weapons FNCG, FNCH, FOD, FOF  
 welfare FF series  
 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 attempts/threats FFB, FFE  
 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, CVC  
     of students FFFA  
 supplemental duties DEA, DK  
 supplementary materials selection and adoption EFA, EFAA  
 supplies CM, CMB, CMD  
 support staff  
     assignment DK  
     compensation DEA  
     complaints DGBA  
     development opportunities DMA  
     dismissal DCD, DCE  
     employee organizations DGA, DGB  
     evaluation DN  
     exempt/nonexempt DEA  
     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
- 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
- salary schedule DEA
- 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
- 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 -

- taping of board meetings BE, BEC
- tardiness FEC
- TAKS (Texas Assessment of Knowledge and Skills) EIE, EIF, EKB, FMH
- 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
  - deposit BDAF
  - 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 (Texas Education Agency), relations with GNE

- 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
- 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 CQ, DH, EFB, EFE, EHBF
- 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
  - resignation DFE
  - suspension DFBA
  - termination during year DFBA
- termination, personnel DCD, DCE, DF, DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFE
- 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 series, BR, EKB, GBA
- Texas Economic Development Act CCG
- Texas Open Meetings Act (TOMA) (See open meetings)
- Texas School Safety Center BR, CK, CS
- Texas Virtual School Network (TxVSN) EHDE
- Texas Youth Commission FD
- textbooks
  - adoption of EFAA
  - annual inventory CFB, CMD
  - book identification CMD
  - Braille EFAA
  - committee EFAA
  - conflict of interest BBFB, CMD, DBD
  - conforming and nonconforming list EFAA
  - custodian CMD
  - destroyed CMD
  - distribution or donation of CMD
  - district-owned CMD
  - electronic BBFB, CMD, EFAA
  - local selection DBD, EFAA
  - open source textbooks EFAA
  - period of use EFAA
  - rebates/commissions, accepting DBD, EFAA
  - reports, forms to be completed for inventory CMD
  - requisitioning and responsibility for CMD



sale of CMD  
 samples and publisher contracts EFAA  
 selection challenge EFA  
 selection process EFAA  
 state textbooks CMD  
 surplus CMD  
 ticket sales CDG, CFD  
 time warrants CCB  
 Title I EHBD  
 Title V FOC  
 Title VII DAA, DIA  
 Title IX  
   employees  
     coordinator DIA  
     grievance procedures DGBA, DIA  
     rights and responsibilities DAA, DH, DIA  
   students  
     coordinator FB, FFH  
     grievance procedures FB, FFH, FNG  
     rights and responsibilities FB, FFH  
 tobacco use/prohibition DH, FNCD, GKA  
 TOMA (Texas Open Meetings Act) (See open meetings)  
 top ten percent EIC  
 tornado warnings CKC  
 tournaments FMF  
 traffic and parking controls CLC  
 training  
   administrator appraisal BJCD, DNB  
   board member BBD  
   investment officer CDA  
   safety CK, DH  
   staff development DMA  
 transcripts and permanent records, fees for copies FL  
 transfer  
   at-risk students FDA, FDAA  
   criteria FDA, FDAA, FDB  
   expelled students FD, FOD  
   factors FDA  
   interdistrict FDA  
   intradistrict FDB  
   of leave DEC  
   from low-performing schools FDAA  
   personnel DK  
   petition, students FDAA, FDB  
   revocation of transfer FDA  
   school safety FDE  
   students EHBB, FD, FDA  
   tuition EHBG, FDA  
 transportation  
   bus driver credentials DBA  
   bus maintenance CNB, CNC  
   contract with public companies CNA  
   cost of special/field trips CNB, EFD  
   designation of hazardous routes CNA  
   eligible students CNA  
   monitoring behavior on buses FO  
   safety of students CNC  
   special use of school buses CNB  
   state reimbursement CNA  
   student conduct on buses FO  
   students with disabilities CNA  
 travel  
   expense reimbursement BBG, BJCA, DEE  
   in-district expenses DEE  
   mileage reimbursement BBG, DEE  
   for professional development DMC  
   student FMG  
   UIL travel FMF

travel study program EHB  
 trespassing  
   assistance of local law enforcement agencies GKA  
   prohibited GKA, GKC  
 trips  
   extracurricular FMG  
   field EFD  
   professional DMC, DMD  
   reimbursement for BBG, BJCA, DEE  
   student FMG  
   use of district vehicles CNB  
   UIL FMF, FMG  
 truancy FEA  
 tuberculosis screening DBB, FFAA, GKG  
 tuition  
   attendance reporting FDA, FDAA  
   exemption for employees' children FDA  
   exemption for foreign students FD  
   nonresident students FDA  
   prekindergarten students EHBG  
   summer school FDA  
   waiver FDA, FP  
 tutorial program EHBC  
 tutoring for pay DBD  
 TxVSN (See Texas Virtual School Network)

## - U -

UDCA (Unlicensed Diabetes Care Assistant) FFAF  
 UIL (University Interscholastic League) FFAA, FM, FMF  
 unauthorized person on school property CLA, GKA, GKC  
 uncertified teachers DBA, DK, DPB  
 underage students FD  
 underground newspapers FNAA  
 unemployment insurance CRF  
 unexpired term, board members BBC  
 uniforms FNCA  
 unions, staff membership in DGA, DGB  
 universities GNC  
 unsafe schools FDE

## - V -

vacancies  
   board member BBC  
   school personnel DC  
 vacations  
   personnel DED  
   school vacations EB  
 vaccinations FFAB  
 valedictorian/salutatorian awards EIC, FG  
 vandalism  
   emergency measures CLA  
   prohibited FNCB  
   reporting incidents CLA  
 vehicle identification insignia CLC, CNB  
 vehicle parking control CLC, FFFD  
 vehicles owned by district CNB  
 vending machines CFD, COC, FFA  
 vendor list CH, CV  
 vendor relations CHE, GKC

veterans DAA, DEC  
 videoconference call (board meetings) BE  
 videotaping/monitoring  
     board meetings BE, GBBA  
     conduct on school buses, in buildings FO  
     students, with parental consent FNG  
     students, without parental consent EHA, FM, FO  
 Virginia Graeme Baker Pool and Spa Safety Act CL  
 virtual school network (See Texas Virtual School Network)  
 vision statement, district AE  
 visitations DMD  
 visitors  
     campus security CLA  
     law enforcement agencies GRA  
     permits GKC  
     professional GKC, GNC  
     students leaving with FFFA  
 vocational education contracts EEL  
 vocational program EEL, EHAC, EIF  
 volunteers  
     criminal history record check DC, GKG  
     immunity from liability GKG  
     school volunteer program GKG  
     student volunteers FH  
     TB screening GKG  
 voting  
     at board meetings BE  
     election of board officers BDAA

**- X - Y - Z -**

yearbooks FMA  
 year-round schools EB  
 zoning authorities relations GRA

**- W -**

wages CV, DEA  
 waivers  
     fees FP  
     insurance FFD  
     planning BQA, BQB  
     policy BF  
 walkers and riders, bus CNA  
 warehousing CMA  
 warning systems CKC  
 warrants, money CCB  
 warrants for student arrest GRA  
 weapons DH, EHAD, FNCG, FOD, FOF, GKA  
 web site postings BRB  
 weighted grades EIC  
 welfare authorities relations GRA  
 welfare, employee DI  
 welfare, student FFA, FFB, FFC, FFD, FFE, FFF, FFG  
 wellness BDF, EHAA, FFA  
 whistleblower complaints DG, DGBA  
 withdrawal, student FD, FEA  
 witnesses in expulsion hearings FOD  
 work calendars DEA, DK  
 workers' compensation  
     coordination with paid leave benefits CRE, DEC  
     indefinite absence CRE  
     required for construction contractor CV  
 work load DL  
 work schedules DK  
 workshops, board members BBH  
 work strikes/stoppages DGA  
 work-study employment EHAD  
 written expression, student FMA, FNA, FNAA

GEOGRAPHIC BOUNDARIES

AC  
(LEGAL)

BOUNDARY  
DESCRIPTIONS AND  
MAPS

The District shall file with TEA:

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

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

*Education Code 13.010*

CHANGES IN  
BOUNDARIES

Any change in the boundaries of the District is not effective unless approved by a majority of the Board if the Board's approval is required under Education Code Chapter 13. *Education Code 13.008*

Chapter 13 of the Education Code requires Board approval when:

1. The District detaches or annexes territory under Education Code Chapter 13, Subchapter B.
2. Two or more districts consolidate into a single district under Education Code Chapter 13, Subchapter D.
3. Minor boundary adjustments are made by agreement under Education Code 13.231 (see below).

MINOR BOUNDARY  
ADJUSTMENTS

Two contiguous districts may adjust their common boundary by agreement if, at the time the agreement is executed:

1. No child who resides in the territory that is transferred from one jurisdiction to the other is enrolled in a school of the district from which the territory is transferred; and
2. The taxable value of the territory that is transferred from one jurisdiction to the other does not exceed one-tenth of one percent of the total taxable value of all property in the district from

GEOGRAPHIC BOUNDARIES

AC  
(LEGAL)

which the territory is transferred. "Taxable value" is defined at Government Code 403.302.

*Education Code 13.231*

NOTICE  
TO VOTER  
REGISTRAR

A district that changes its boundaries or the boundaries of districts used to elect members to the Board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

*Election Code 42.0615*

TO COUNTY  
APPRAISER

The District shall notify the appraisal office of any boundary changes within 30 days after the date of the change. *Tax Code 6.07*

ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

AIA  
(LEGAL)

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**Note:** The following provisions apply beginning with the 2011–12 school year. For transition provisions relating to the accreditation and accountability system adopted by the 81st Legislature, see Education Code 39.116.

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ACCREDITATION

Each district must be accredited by TEA. A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

ACCREDITATION  
STATUSES

The Commissioner shall determine criteria for the following accreditation statuses:

1. Accredited
2. Accredited-warned
3. Accredited-probation

*Education Code 39.051*

ACCREDITATION  
CRITERIA

In determining the accreditation status of the District, the Commissioner shall consider performance on student achievement indicators [see below] and financial accountability [see CFA].

The Commissioner may also consider:

1. The District's compliance with statutory requirements and requirements imposed by rule of the Commissioner or State Board of Education that relate to:
  - a. Reports required by state or federal law or court order;
  - b. High school graduation requirements; or
  - c. Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs.
2. The effectiveness of the District's programs for special populations; and
3. The effectiveness of the District's career and technology program.

The District's accreditation status may be raised or lowered based on the District's performance. The District's accreditation status may be lowered based on the performance of one or more campuses in the District that is below a standard required by Education Code Chapter 39, Subchapter F.

*Education Code 39.052(b)*

ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

AIA  
(LEGAL)

STUDENT  
ACHIEVEMENT  
INDICATORS

The Commissioner shall adopt a set of indicators of student achievement. The student achievement indicators shall include:

1. The results of state assessments, including the results of assessments required for graduation and retaken by students;
2. Dropout rates; and
3. High school graduation rates.

Performance on the state assessment and dropout rate indicators shall be compared to state standards and required improvement. State standards shall be adopted by the Commissioner.

“Required improvement” is the progress necessary for the campus or District to meet state standards and, for the state assessment indicator, the progress necessary for the students to meet each of the performance standards under Education Code 39.0241 (state assessment standards).

*Education Code 39.053*

NOTICE OF STATUS

The Commissioner shall notify the District if the District has received an accreditation status of accredited-warned or accredited-probation, or a campus’s performance is below standard. The District must notify the parents of students enrolled in the District and property owners in the District of the accreditation status and its implications. *Education Code 39.052(e)*

QUALITY OF  
LEARNING  
INDICATORS

In addition to the student achievement indicators, the Commissioner shall adopt indicators of the quality of learning for the purpose of preparing performance reports [see AIB]. The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the Minimum High School Program, the Recommended High School Program, and the Advanced/Distinguished Achievement High School Program;
2. The results of the SAT, ACT, articulated postsecondary degree programs, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who agree to take courses under the Minimum High School Program;

ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

AIA  
(LEGAL)

5. The percentage of students provided accelerated instruction after unsatisfactory performance on a state assessment, the subject of the assessment on which each student failed to perform satisfactorily, the results of second and third administrations of the assessment, the percentage of such students promoted through the grade placement committee process, and the performance of those students in the following school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;
10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

*Education Code 39.301*

PERFORMANCE  
RATINGS

Each year, the Commissioner shall assign each district and campus a performance rating of either acceptable or unacceptable performance. The Commissioner shall evaluate against state standards and consider the performance of each campus in the District on the basis of the campus's performance on the student achievement indicators.

Acceptable performance shall be defined as meeting the state standard established by the Commissioner, based on:

1. Student performance in the current school year; or
2. Student performance as averaged over the current school year and the preceding two school years.

The Commissioner may assign an acceptable performance rating if the campus or District:

ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

AIA  
(LEGAL)

1. Performs satisfactorily on 85 percent of the measures the Commissioner determines appropriate with respect to the student achievement indicators. The Commissioner may grant an exception from this criterion only in special circumstances; and
2. Does not fail to perform satisfactorily on the same measure for two consecutive school years.

The Commissioner may grant an exception to the District or a campus if the performance is within a certain percentage, determined by the Commissioner, of the minimum performance standard for the measure of evaluation, or if the District or campus satisfies alternative performance criteria established by the Commissioner.

*Education Code 39.054*

A student ordered by a juvenile court into a residential program or facility operated by or under contract with the Texas Youth Commission or another governmental entity is not considered to be a student of the District in which the program or facility is physically located. *Education Code 39.055*

ACADEMIC  
EXCELLENCE  
DISTINCTION  
DESIGNATIONS

The Commissioner shall award distinction designations. The District or campus may not be awarded a distinction designation unless the District or campus has acceptable performance on the student achievement indicators. *Education Code 39.201*

The Commissioner shall establish a recognized and exemplary rating for districts and campuses. *Education Code 39.202*

CAMPUS  
DESIGNATIONS

The Commissioner shall award distinction designations to campuses that meet one or more of the following criteria:

1. The campus is ranked in the top 25 percent of campuses in the state in annual improvement in student achievement.
2. The campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and the campus is ranked in the top 25 percent of campuses in this state under performance criteria adopted by the Commissioner.
3. The campus satisfies the criteria developed by the Commissioner for the following programs or the following specific categories of performance:
  - a. Academic achievement in English language arts, mathematics, science, or social studies;
  - b. Fine arts;



- c. Physical education;
- d. 21st Century Workforce Development program; and
- e. Second language acquisition program.

*Education Code 39.203*

EXCELLENCE  
EXEMPTIONS

Except as listed below, a school or district that is rated exemplary is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

- 1. A prohibition on conduct that constitutes a criminal offense;
- 2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
- 3. A requirement, restriction, or prohibition relating to:
  - a. Curriculum essential knowledge and skills or high school graduation requirements;
  - b. Public school accountability;
  - c. Extracurricular activities;
  - d. Health and safety;
  - e. Purchasing;
  - f. Elementary class size limits;
  - g. Removal of a disruptive student from the classroom;
  - h. At-risk programs;
  - i. Prekindergarten programs;
  - j. Rights and benefits of school employees;
  - k. Special education programs; or
  - l. Bilingual education programs.

The Commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the Commissioner determines that achievement levels of the campus have declined.

*Education Code 39.232*



ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

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**Note:** The following provisions took effect beginning with the 2009–10 school year. However, TEA is not required to prepare certain data elements until the 2012–13 school year.

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DISTRICT  
PERFORMANCE  
REPORT

REQUIRED  
CONTENTS

The Board shall publish an annual report describing the educational performance of the District and of each campus in the District. The report shall include uniform student performance and descriptive information as determined under rules adopted by the Commissioner. The annual performance report must also include:

1. Campus performance objectives and the progress of each campus toward those objectives, which shall be available to the public;
2. The District's accreditation status and each campus awarded a distinction designation or considered an unacceptable campus;
3. The District's current special education compliance status with TEA;
4. The number, rate, and type of violent or criminal incidents that occurred on each District campus, to the extent permitted under the Family Educational Rights and Privacy Act [see FL];
5. Information concerning school violence prevention and violence intervention policies and procedures that the District is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.); and
7. Information received under Education Code 51.403(e) (student performance reports from institutions of higher education) for each high school campus in the District, presented in a form determined by the Commissioner.

The report must include a statement of the amount, if any, of the District's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

The annual performance report must also include a comparison provided by TEA of:

1. The performance of each campus to its previous performance and to state-established standards; and

ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

2. The performance of each district to its previous performance and to state-established standards.

Performance information on the student achievement and quality of learning indicators and descriptive information shall be provided by TEA.

OPTIONAL  
CONTENTS

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 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)*

PUBLIC HEARING

The Board shall hold a hearing for public discussion of the annual performance report. 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.

After the hearing the report shall be widely disseminated within the District in a manner to be determined under Commissioner rules.

*Education Code 39.306(c)*

REPORT USES

The information in the annual performance report 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. *Education Code 39.307*

ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

CAMPUS  
PERFORMANCE  
REPORT

Each school year, TEA shall distribute to each district a report card for each campus. Annually, the District shall distribute the following information from each campus report card to the parent, guardian, conservator, or other person having lawful control of each student at the campus:

1. The District's instructional expenditures ratio and instructional employees ratio, and the statewide average of those ratios;
2. Appropriate class size information; and
3. Appropriate student performance information.

On written request, the District shall provide a copy of a campus report card to any other party.

*Education Code 39.305*

WEB SITE NOTICES

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet Web site shall make the following information available:

1. The information in the most recent campus report card for each campus in the District;
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*

STUDENT  
PERFORMANCE  
REPORT

Each year, TEA shall report to the 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*

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 on-line educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

NOTICE TO  
TEACHERS AND  
STUDENTS

The 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*

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

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**Note:** The following contains basic requirements under the No Child Left Behind Act (NCLB) for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

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DISTRICT PLAN

The District may receive a subgrant under Title I, Part A for any fiscal year only if the District has on file a plan approved by TEA. The plan shall include the items listed at 20 U.S.C. 6312(b) and the required assurances under 20 U.S.C. 6312(c). The plan may be submitted as part of a consolidated application. *20 U.S.C 6312(a)–(c)*

The District shall develop its plan in consultation with teachers, principals, administrators, and other appropriate school personnel, and with parents of children in schools served under Title I, Part A. The plan shall remain in effect for the duration of the District's participation under Title I, Part A. The District shall periodically review and, as necessary, revise its plan. *20 U.S.C. 6312(d)(3)*

ANNUAL REVIEW

A district receiving federal funds under Title I, Part A shall:

1. Use the state academic assessments and other academic indicators described in the state plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making adequate yearly progress (AYP).
2. At the District's discretion, use any assessments or any other academic indicators described in the District plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making AYP.
3. Publicize and disseminate the results of the local annual review to parents, teachers, principals, schools, and the community.
4. Review the effectiveness of the actions and activities with respect to parental involvement, professional development, and other activities assisted under Title I, Part A.

*20 U.S.C. 6316(a)*

"AYP" DEFINED

All public school campuses and districts are required to meet AYP criteria on three measures: reading/English language arts, mathematics, and either graduation rate (for high schools and districts) or attendance rate (for elementary and middle/junior high schools).

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

	<p>The performance of the District or a campus is reported through indicators of AYP status established by the Commissioner. The specific criteria and calculations used in AYP are established annually by the Commissioner and communicated to all school districts. <i>19 TAC 97.1004</i></p>
TRANSFER OF DISCIPLINARY RECORDS	<p>The state shall provide an assurance to the United States Secretary of Education that the state has a procedure in place to facilitate the transfer by districts of disciplinary records, with respect to a suspension or expulsion, to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school. <i>20 U.S.C. 7165(b)</i></p>
CAMPUS-LEVEL INTERVENTIONS AND SANCTIONS	<p>A school that fails to make AYP is subject to identification by the District for school improvement, corrective action, or alternative governance, as described below. <i>20 U.S.C. 6316(b)(1), (b)(5), (b)(7), (b)(8)</i></p>
PRE-IDENTIFICATION REVIEW	<p>Before identifying a school for improvement, corrective action, or restructuring, the District shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.</p> <p>If the principal of a school proposed for identification believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the District, which shall consider that evidence before making a final determination.</p> <p>Not later than 30 days after the District provides the school with the opportunity to review such school-level data, the District shall make public a final determination on the status of the school with respect to the identification.</p> <p><i>20 U.S.C. 6316(b)(2)</i></p>
DURATION	<p>If a school identified for improvement, corrective action, or restructuring makes AYP for two consecutive school years, the District shall no longer subject the school to the requirements of improvement, corrective action, or restructuring, or identify the school for improvement for the succeeding school year. <i>20 U.S.C. 6316(b)(12)</i></p>
GENERAL REQUIREMENTS	<p>If a school is identified for school improvement, corrective action, or restructuring, the District shall:</p> <ol style="list-style-type: none"><li>1. Provide notice to parents, as described below;</li></ol>



ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

2. Provide eligible students with supplemental services; and
3. Provide students enrolled in the school with an option to transfer to a higher performing school [see OPTION TO TRANSFER, below].

NOTICE TO  
PARENTS

The District shall promptly provide notice of identification to the parent or parents of each student enrolled in the school. The notice shall be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The notice shall provide:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the District and TEA.
2. The reasons for the identification.
3. An explanation of what the school identified for school improvement is doing to address the problem of low achievement.
4. An explanation of what the District or TEA is doing to help the school address the achievement problem.
5. An explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement.
6. An explanation of the parents' option to transfer their child to another public school or to obtain supplemental educational services for the child.

*20 U.S.C. 6316(b)(6), (b)(7)(E)*

SUPPLEMENTAL  
SERVICES

The District shall arrange for the provision of supplemental educational services to eligible children from a provider with a demonstrated record of effectiveness. The provider shall be selected by the parents and approved for that purpose by TEA. Nothing contained in this provision shall permit the making of any payment for religious worship or instruction.

An "eligible child" means a child from a low-income family, as determined by the District for purposes of allocating funds to schools under 20 U.S.C. 6313(c).

"Supplemental educational services" means tutoring and other supplemental academic enrichment services that are:

1. In addition to instruction provided during the school day; and

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

2. High quality, research-based, and specifically designed to increase the academic achievement of eligible children on academic assessments and attain proficiency in meeting the state's academic achievement standards.

The District shall continue to provide supplemental educational services to a child receiving such services until the end of the school year in which such services were first received.

The District may request that TEA waive, in whole or in part, the requirement to provide supplemental educational services.

*20 U.S.C. 6316(e)*

OPTION TO  
TRANSFER

Not later than the first day of the school year following identification, the District shall provide all students enrolled in the school with the option to transfer to another public school in the District that has not been identified for school improvement. *20 U.S.C. 6316(b)(1)(E)* [See CNA and FDB]

FAILURE TO MAKE  
AYP FOR TWO  
YEARS

The District shall identify for school improvement any elementary or secondary school served under Title I, Part A that fails, for two consecutive years, to make AYP. The identification shall take place before the beginning of the school year following such failure to make AYP. *20 U.S.C. 6316(b)(1)(A)–(B)*

SCHOOL PLAN

After the resolution of any pre-identification review, the school shall, not later than three months after being identified for improvement, develop or revise a school plan in consultation with parents, school staff, the District, and outside experts. The school plan shall cover a two-year period and address the items at *20 U.S.C. 6316(b)(3)(A)*.

The school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification for improvement. If a plan is not approved before the beginning of a school year, such plan shall be implemented immediately upon approval.

Within 45 days of receiving a school plan, the District shall:

1. Establish a peer review process to assist with review of the school plan; and
2. Promptly review the school plan, work with the school as necessary, and approve the plan if it meets requirements.

*20 U.S.C. 6316(b)(3)(E)*

TECHNICAL  
ASSISTANCE

For each school identified for school improvement, the District shall ensure the provision of technical assistance as the school develops

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

and implements the school plan. Such technical assistance shall include the items listed at 20 U.S.C. 6316(b)(4)(B) and shall be based on scientifically based research. *20 U.S.C. 6316(b)(4)*

FAILURE TO MAKE  
AYP FOR THREE  
YEARS

If the school fails to make AYP by the end of the first full school year after identification, the District shall:

1. Continue to provide students with the option to transfer to another school served by the District;
2. Make supplemental educational services available; and
3. Continue to provide technical assistance.

*20 U.S.C. 6316(b)(5)*

FAILURE TO MAKE  
AYP FOR FOUR  
YEARS

If the school fails to make AYP by the end of the second full school year after identification, the District shall identify the school for corrective action and take at least one of the following corrective actions:

1. Replace the school staff relevant to the failure to make AYP.
2. Institute and fully implement a new curriculum, including appropriate professional development, for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP.
3. Significantly decrease management authority at the school level.
4. Appoint an outside expert to advise the school on its progress toward making AYP.
5. Extend the school year or school day for the school.
6. Restructure the internal organizational structure of the school.

*20 U.S.C. 6316(b)(7)(C)*

FAILURE TO MAKE  
AYP FOR FIVE  
YEARS

If, after one full school year of corrective action, a school continues to fail to make AYP, the District shall prepare a plan and make necessary arrangements to carry out alternative governance.

Not later than the beginning of the school year following the year in which the District implements restructuring, the District shall implement one of the following alternative governance arrangements for the school consistent with state law:

1. Reopen the school as a public charter school.
2. Replace all or most of the school staff (which may include the principal) who are relevant to the failure to make AYP.

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

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(LEGAL)

3. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
4. Turn the operation of the school over to the TEA, if permitted under state law and agreed to by the state.
5. Execute any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make AYP.

*20 U.S.C. 6316(b)(8)(B)*

NOTICE TO  
TEACHERS AND  
PARENTS

The District shall provide prompt notice to teachers and parents of the identification for restructuring. The District shall provide the teachers and parents with an adequate opportunity to comment before the District takes action and to participate in developing any restructuring plan.

DISTRICT-LEVEL  
INTERVENTIONS AND  
SANCTIONS

A district that fails to make AYP is subject to identification by TEA for district improvement or corrective action. *20 U.S.C. 6316(c)*

PRE-  
IDENTIFICATION  
REVIEW

Before identifying the District for improvement or corrective action, TEA shall provide the District with an opportunity to review the data, including academic assessment data, on which the proposed identification is based. If the District believes that the proposed identification is in error for statistical or other substantive reasons, the District may provide supporting evidence to TEA, which shall consider the evidence before making a final determination not later than 30 days after any pre-identification review.

TEA shall promptly provide to the parents of each student enrolled in a school served by a district identified for improvement, the results of any pre-identification review and, if the District is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the District.

*20 U.S.C. 6316(c)(5)*

DURATION

If the District makes AYP for two consecutive school years beginning after the date of identification for improvement, TEA need no longer identify the District for improvement or subject the District to corrective action for the succeeding school year. *20 U.S.C. 6316(c)(11)*

IDENTIFICATION  
FOR IMPROVEMENT

TEA shall identify for improvement a district that, for two consecutive years, fails to make AYP. *20 U.S.C. 6316(c)(3)*

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

DISTRICT PLAN

A district identified for improvement shall, not later than three months after being so identified, develop or revise a District plan, in consultation with parents, school staff, and others. The plan shall address the items at 20 U.S.C. 6316(b)(7)(A). The District shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the District was identified for improvement. *20 U.S.C. 6316(c)(7)*

TEA shall provide technical or other assistance if requested to better enable the District to develop and implement its plan and work with schools needing improvement. The technical assistance shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing parental involvement and professional development activities. *20 U.S.C. 6316(c)(9)*

IDENTIFICATION  
FOR CORRECTIVE  
ACTION

After providing technical assistance, TEA may take corrective action at any time with respect to a district that has been identified for improvement.

TEA shall take corrective action with respect to a district that fails to make AYP by the end of the second full school year after the identification for improvement. TEA shall continue to provide technical assistance while instituting any corrective action.

If the District is identified for corrective action, TEA shall take at least one of the following actions:

1. Defer programmatic funds or reduce administrative funds.
2. Institute and fully implement a new curriculum.
3. Replace District personnel relevant to the failure to make AYP.
4. Remove particular schools from the jurisdiction of the District and establish alternative arrangements for public governance and supervision of such schools.
5. Appoint a receiver or trustee to administer the affairs of the District in place of the Superintendent and Board.
6. Abolish or restructure the District.
7. In conjunction with at least one of the actions listed above, authorize students to transfer to a higher-performing public school operated by another district.

*20 U.S.C. 6316(c)(10)*

ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

AID  
(LEGAL)

TEA may delay, for a period not to exceed one year, implementation of corrective action if the District makes AYP for one year or its failure to make AYP is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the District. No such period shall be taken into account in determining the number of consecutive years of failure to make AYP.

HEARING

Before implementing any corrective action, TEA shall provide notice and a hearing to the affected district, if state law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action. *20 U.S.C. 6316(c)(10)(D)*

NOTICE TO  
PARENTS

TEA shall publish, and disseminate to parents and the public, information on any corrective action TEA takes, through such means as the Internet, the media, and public agencies. *20 U.S.C. 6316(c)(10)(E)*

**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 B: LOCAL GOVERNANCE

BA	BOARD LEGAL STATUS
BAA	Powers and Duties
BB	BOARD MEMBERS
BBA	Eligibility/Qualifications
BBB	Elections
BBBA	Reporting Campaign Funds
BBBB	Ethics
BBC	Vacancies and Removal From Office
BBD	Training and Orientation
BBE	Authority
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BBFA	Conflict of Interest Disclosures
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BC	BOARD MEMBERSHIPS
BD	BOARD INTERNAL ORGANIZATION
BDA	Officers and Officials
BDAA	Duties and Requirements of Board Officers
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BDB	Internal Committees
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BE	BOARD MEETINGS
BEC	Closed Meetings
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BF	BOARD POLICIES
BG	BOARD SELF-EVALUATION
BI	ADMINISTRATIVE GOALS AND OBJECTIVES

**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 B: LOCAL GOVERNANCE

BJ	SUPERINTENDENT
BJA	Qualifications and Duties
BJB	Recruitment and Appointment
BJC	Contract
BJCA	Travel
BJCB	Professional Development
BJCC	Consulting
BJCD	Evaluation
BJCE	Suspension/Termination During Contract
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BJCG	Retirement or Resignation
BK	ADMINISTRATIVE ORGANIZATION
BKA	Organization Charts
BKB	Line and Staff Relations
BM	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES
BP	ADMINISTRATIVE REGULATIONS
BQ	PLANNING AND DECISION-MAKING PROCESS
BQA	District-Level
BQB	Campus-Level
BR	REPORTS
BRB	Web Site Postings



BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

RESIGNATION	A Board member may resign by delivering written notice, signed by the Board member, to the presiding officer of the Board. The Board may not refuse to accept a resignation. <i>Election Code 201.001</i>
EFFECTIVE DATE	If a Board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the Board or on the eighth day after the date of its receipt by the Board, whichever is earlier. <i>Election Code 201.023</i>
HOLDOVER DOCTRINE	All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a Board member's resignation is filled by a successor, the Board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover Board member may not vote on the appointment of his or her successor. <i>Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945) [See DBE]</i>
RESIDENCY	A person elected to serve as a Board member must remain a resident of the District throughout the term of office. A Board member who ceases to reside in the District vacates his or her office. <i>Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)</i>
RESIDENCE DEFINED	"Residence" means domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person does not lose one's residence status by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code. <i>Election Code 1.015</i>

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**Note:** The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dismissed w.o.j)*

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BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

INVOLUNTARY  
REMOVAL FROM  
OFFICE

QUO WARRANTO

On his or her own motion, or at the request of an individual, the attorney general or the county district attorney may petition the district court for leave to file an action in quo warranto to remove a Board member. An action in quo warranto is available if:

1. A person usurps, intrudes into, or unlawfully holds or executes a public office; or
2. A public officer does an act or allows an act that by law causes forfeiture of office.

*Civ. Prac. & Rem. Code 66.001–.002*

REMOVAL BY  
PETITION AND  
TRIAL

A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition to remove a public officer from office for one of the reasons listed below. A proceeding for removal is begun by filing a written petition for removal in a district court of the county in which the officer resides. *Local Gov't Code 87.015*

REASONS FOR  
REMOVAL

A public officer may be removed from office for:

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

*Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .013, .031; Hendricks v. State, 49 S.W. 705 (1899), Tovar v. Somerset Indep.*

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

	<u>Sch. Dist.</u> , 994 S.W.2d 756 (Tex. App.—Corpus Christi 1999, pet. denied)
REMOVAL FOR PURCHASING VIOLATIONS	A Board member who is convicted of a purchasing offense [see CH(LEGAL), IMPERMISSIBLE PRACTICES] is considered to have committed official misconduct and is subject to removal under Local Government Code Chapter 87. <i>Education Code 44.032</i>
FORMER BOARD MEMBER EMPLOYMENT	A Board member is prohibited from accepting employment with the District until the first anniversary of the date the Board member's membership on the Board ends. <i>Education Code 11.063</i>
FILLING A VACANCY	<p>If a vacancy occurs on the Board, whether by death, resignation, lack of residency or other qualification, or involuntary removal, the remaining Board members may fill the vacancy by appointment until the next Board member election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs. <i>Education Code 11.060</i></p> <p>An election to fill a vacancy shall be to fill the unexpired term only. <i>Tex. Const. Art. XVI, Sec. 27</i></p>
APPOINTMENT	<p>To be eligible to be appointed to the Board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA]</p> <p>An appointment to the Board may be made with the intent to ensure that the Board is representative of the constituency served by the Board. A board that chooses this option shall adopt procedures for its implementation. <i>Local Gov't Code 180.005(b), (c)</i></p>
SPECIAL ELECTION	A special election to fill a vacancy shall be conducted in the same manner as the District's general election, except as provided in the Election Code. <i>Education Code 11.060(c)</i>
DATE OF ELECTION	If a law requires a special election to be held within a particular period after the occurrence of a certain event, the election shall be held on an authorized uniform election date occurring within the period. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. <i>Election Code 41.001(a), .004(a)</i> [See BBB]
ORDERING ELECTION	If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. The special election shall be held on the first authorized uniform election date occurring on or after the 30th day after the date the election is ordered. If the special election is to be held on the date of the

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

general election for state and county officers, the election shall be ordered not later than the 70th day before election day. *Election Code 201.051–.052*

PRECLEARANCE  
REQUIRED

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

TEMPORARY  
REPLACEMENT OF  
BOARD MEMBER ON  
MILITARY ACTIVE  
DUTY

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

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

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

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

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

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

OFFICERS AND OFFICIALS  
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

BDAF  
(LEGAL)

APPRAISAL FUNCTION	The county appraisal district shall be responsible for appraising School District property in the appraisal district for ad valorem tax purposes. <i>Tax Code 6.01(b)</i>
REGISTRATION REQUIREMENTS	<p>In accordance with the Property Taxation Professional Certification Act, the following School District tax officials shall be registered with the Board of Tax Professional Examiners:</p> <ol style="list-style-type: none"><li>1. An assessor-collector, collector, or other person designated by the District as the chief administrator of the District's assessment functions, collection functions, or both;</li><li>2. All persons engaged in appraisals of real or personal property for ad valorem tax purposes; and</li><li>3. A person who performs assessment or collection functions for the District and who is required to register by the chief administrator of the District's tax office.</li></ol> <p><i>Occupations Code 1151.151</i></p>
SELECTION OF ASSESSOR AND COLLECTOR	<p>The School Board may employ a person to assess or collect the School District's taxes and may compensate the person as the Board considers appropriate. <i>Education Code 45.231</i></p> <p>The District may also provide for the assessment or collection of the District's taxes under one of the following methods:</p> <ol style="list-style-type: none"><li>1. Require the county to assess and collect taxes for the District. The Board may revoke the requirement at any time by official action. <i>Tax Code 6.22(c)</i></li><li>2. Contract with another taxing unit or the county appraisal district(s) to perform duties relating to the assessment or collection of taxes. <i>Tax Code 6.24(a)</i></li></ol>
DUTIES	The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. <i>Tax Code 6.23(b)</i>
ASSESSOR	<p>In addition to any other duties that may be required by law, the assessor shall:</p> <ol style="list-style-type: none"><li>1. On receipt of the appraisal roll, determine the total appraised value, total assessed value, and total taxable value of property taxable by the District. <i>Tax Code 26.04(a)</i></li><li>2. By August 1 or as soon thereafter as practicable, submit to the Board the appraisal roll showing the total appraised, assessed, and taxable values. <i>Tax Code 26.04(b)</i></li></ol>

OFFICERS AND OFFICIALS  
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

BDAF  
(LEGAL)

3. On receipt of notice of the tax rate for the current tax year, calculate the tax imposed on each property on the appraisal roll for the District. *Tax Code 26.09*
4. By October 1 or as soon thereafter as practicable, prepare and mail a tax bill to each person in whose name the property is listed on the tax roll and to the person's authorized agent. *Tax Code 31.01*

COLLECTOR

In addition to any other duties that may be required by law, the collector shall:

1. By August 1 or as soon thereafter as practicable, certify to the Board an estimate of the collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year that was lower than the actual collection rate, the collector shall also certify the amount collected in excess of the anticipated amount in the preceding year. *Tax Code 26.04(b)*
2. Each month, prepare and submit to the Board a written report made under oath accounting for all taxes collected during the preceding month. Reports of collections made in the months of October through January are due on the 25th day of the month following the month that is the subject of the report. Reports of collections made in all other months are due on the 15th day of the month following the month that is the subject of the report. *Tax Code 31.10(a)*
3. Each year, prepare and submit to the Board an annual report made under oath accounting for all taxes collected or delinquent on property taxed by the District during the preceding 12-month period. Annual reports are due on the 60th day following the last day of the fiscal year. *Tax Code 31.10(b)*
4. At least monthly, deposit in the District's depository all taxes collected for the District. The Board may require deposits to be made more frequently. *Tax Code 31.10(c)*
5. If the District's taxes are collected by another taxing unit or the appraisal district, the collector shall deposit taxes in the District's depository daily, unless the Board by official action provides that deposits may be made less often than daily. *Tax Code 31.10(d)*
6. Each year, prepare a current and cumulative delinquent tax roll for the District. *Tax Code 33.03*

OFFICERS AND OFFICIALS  
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

BDAF  
(LEGAL)

7. At least once each year, deliver a delinquent tax notice to each person whose name appears on the delinquent tax rolls.  
*Tax Code 33.04*

COLLECTOR'S  
BOND

The District shall require a tax collector who is a District employee to give bond conditioned on the faithful performance of duties. The bond shall be made payable to and be approved by the Board in an amount determined by the Board. The Board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The Board may prescribe additional requirements for the bond.

If the District's taxes are collected by a person who is not an employee of the District, the Board may require the person to give bond conditioned on the faithful performance of duties. The bond shall be payable to, approved by, and paid for by the Board in an amount determined by the Board. The Board may prescribe additional requirements for the bond.

The District shall pay the premium for the required bond from its general fund or as provided by intergovernmental contract.

*Tax Code 6.29*

LIMIT ON  
CONTRACTING

The District may not enter into a contract relating to the performance of an activity governed by Title 1 of the Tax Code (i.e., the Property Tax Code) with a member of the board of directors of an appraisal district in which the District participates or with a business entity in which a member of the appraisal board has a substantial interest.

For purposes of the above paragraph, an individual has a substantial interest in a business entity if:

1. The combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or share of the business entity or the individual; or
2. The individual's spouse is a partner, limited partner, or officer of the business entity.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

*Tax Code 6.036(c), (d)*





BOARD INTERNAL ORGANIZATION  
CITIZEN ADVISORY COMMITTEES

BDF  
(LEGAL)

SCHOOL HEALTH  
ADVISORY COUNCIL

The Board shall establish a local school health advisory council (SHAC) to assist the District in ensuring that local community values are reflected in the District's health education instruction. *Education Code 28.004(a)* [See EHAA regarding duties of the SHAC]

The SHAC shall meet at least four times each year. *Education Code 28.004(d-1)*

COMPOSITION

The Board shall appoint at least five members to the council. A majority of the members must be parents of students enrolled in the District and must not be employed by the District. One of those members shall serve as chair or co-chair of the council.

The Board may also appoint one or more public school teachers, public school administrators, District students, health-care professionals, members of the business community, law enforcement representatives, senior citizens, clergy, representatives of nonprofit health organizations, or representatives of another group.

*Education Code 28.004(d)*

ANNUAL REPORT

In addition to its other duties, the council shall submit to the Board, at least annually, a written report that includes:

1. Any council recommendation concerning the District's health education curriculum and instruction or related matters that the council has not previously submitted to the Board;
2. Any suggested modification to a council recommendation previously submitted to the Board; and
3. A detailed explanation of the council's activities during the period between the date of the current report and the date of the last prior written report.

*Education Code 28.004(m)*

CHANGES IN  
CURRICULUM

The District must consider the recommendations of the local SHAC before changing the District's health education curriculum or instruction. *Education Code 28.004(b)*

PUBLIC STATEMENT

The District shall publish in the student handbook and post on the District's Internet Web site, if the District has an Internet Web site, a statement of:

1. District policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC];
2. The number of times during the preceding year the SHAC has met;

BOARD INTERNAL ORGANIZATION  
CITIZEN ADVISORY COMMITTEES

BDF  
(LEGAL)

3. Whether the District has adopted and enforces policies to ensure compliance with TEA's vending machine and food service guidelines for restricting student access to vending machines;
4. Whether the District has adopted and enforces policies and procedures that prescribe penalties for the use of tobacco products by students and others on school campuses or at school-sponsored or school-related activities; and
5. Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA].

*Education Code 28.004(k)*

SUPERINTENDENT  
RECRUITMENT AND APPOINTMENT

BJB  
(LEGAL)

VACANCY POSTING

The District's employment policy must provide for notice to each current District employee of a vacant position for which a certificate is required. Notice must be provided not later than the tenth school day before the date on which a District fills the position. Notice shall be posted on:

1. A bulletin board at:
  - a. A place convenient to the public in the District's central administrative office, and
  - b. The central administrative office of each campus during any time the office is open; or
2. The District's Internet Web site, if the District has a Web site.

The District shall provide each current District employee a reasonable opportunity to apply for the position.

*Education Code 11.1513(d)*

NAMES OF  
APPLICANTS

The name of an applicant for Superintendent is excepted from disclosure under Chapter 552, Government Code (Public Information Act). However, the Board must give public notice of the name or names of the finalists being considered for Superintendent at least 21 days before the date of the meeting at which a final action or vote is to be taken on the employment of the person. *Gov't Code 552.126*



SUPERINTENDENT  
SUSPENSION/TERMINATION DURING CONTRACT

BJCE  
(LEGAL)

SUSPENSION WITHOUT PAY	<p>The Board may, for good cause as determined by the Board, suspend the Superintendent without pay pending discharge or in lieu of termination. The suspension may not extend beyond the end of the school year. <i>Education Code 21.211(b)</i></p> <p>The procedures for hearings before a hearing examiner apply if the Superintendent requests a hearing after receiving notice of a proposed decision to suspend the Superintendent without pay. <i>Education Code 21.251(a)</i></p>
BACK PAY	<p>If no discharge occurs after a suspension without pay, the Superintendent is entitled to back pay for the period of suspension. <i>Education Code 21.211(c)</i></p>
SUSPENSION WITH PAY	<p>The Superintendent may be suspended with pay pending the outcome of a dismissal hearing. <i>Moore v. Knowles</i>, 482 F.2d 1069 (5th Cir. 1973)</p>
CONTRACT TERMINATION	<p>The Board may terminate the Superintendent's term contract and discharge the Superintendent at any time for good cause as determined by the Board. <i>Education Code 21.211(a), .212(d)</i></p>
NOTICE	<p>Before dismissal for good cause, the Superintendent shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the Superintendent to show any error that may exist. <i>Cleveland Bd. of Educ. v. Loudermill</i>, 470 U.S. 532 (1985)</p>
HEARING	<p>If the Superintendent desires a hearing before an independent hearing examiner on a proposed decision to terminate the Superintendent's term contract, the Superintendent shall file a written request with the Commissioner not later than the 15th day after receiving the written notice of the proposed action. The Superintendent shall provide a copy of the request to the District. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. <i>Education Code 21.251, .253</i> [See DFD]</p>
SEVERANCE PAYMENTS	<p>A board that makes a severance payment to the superintendent shall report the terms of the payment to the Commissioner.</p>
DUTY TO REPORT	<p>The interim Superintendent, new Superintendent, or Board President is responsible for timely filing a Superintendent Payment Disclosure Form with TEA. The District must file the Superintendent Payment Disclosure Form not later than 60 days after execution of an agreement to make payments of any kind to a departing Superintendent or any payment under such an agreement, whichever is sooner. No report is required for payments already earned and payable under the terms of a terminated employment contract, such as accrued vacation. Compliance with the reporting require-</p>

SUPERINTENDENT  
SUSPENSION/TERMINATION DURING CONTRACT

BJCE  
(LEGAL)

ment is part of the District's compliance with required financial account practices. Failure to comply may result in sanctions.

REDUCTION OF  
STATE FUNDS

The Commissioner shall reduce the District's Foundation School Program (FSP) funds by any amount that the severance payment exceeds one year's salary and benefits under the Superintendent's terminated contract. The reduction shall be made for the school year following the school year in which the payment is made subject to an FSP reduction amount. The Commissioner shall also reduce the District's FSP funds in the school year following each school year that any additional payments are made to the former Superintendent requiring an FSP reduction. The District will be subject to reductions to FSP state funding for one or more school years until the liability amount has been liquidated in full, if the liability to the state exceeds the total flow of estimated earned revenue to the District under the FSP.

DEFINITION OF  
SEVERANCE  
PAYMENT

"Severance payment" means any amount paid by the Board to or on behalf of a Superintendent on early termination of the Superintendent's contract that exceeds the amount earned by the Superintendent under the contract as of the date of termination, including any amount that exceeds the amount of earned standard salary and benefits, that is paid as a condition of early termination of the contract.

Payments to a former Superintendent who remains employed by the District in another capacity or contracts with the District for services may be severance payments in whole or in part, if the payments are compensation for the early termination of a prior employment agreement.

Damages for early termination of an employment contract, including loss of benefits, are severance payments regardless of whether litigation has commenced or the form of any settlement.

*Education Code 11.201(c); 19 TAC 105.1021-.1023*

LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT

CCH  
(LEGAL)

PARTICIPATION	The District shall participate in the appropriate countywide appraisal district or districts. <i>Tex. Const., Art. VIII, Sec. 18(b)</i>
APPRAISAL DISTRICT BOARD OF DIRECTORS	The Board shall participate in the election of the board of directors of the appraisal district or districts as provided by law.
ELIGIBILITY	<p>To be eligible to serve on the appraisal district board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the appraisal district and must have resided in the appraisal district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the appraisal district board is not ineligible because of membership on the governing body of a taxing unit.</p> <p>A District employee is not eligible to serve on the board of directors unless the employee is also a member of another governing body or an elected official of a taxing unit that also participates in the appraisal district.</p> <p><i>Tax Code 6.03(a)</i></p>
RESTRICTIONS NEPOTISM	An individual is ineligible to serve on an appraisal district board of directors if the individual is related within the second degree by consanguinity or affinity, as determined under Government Code, Chapter 573, Subchapter B [see DBE], to an individual who is engaged in the business of appraising property for compensation for use in proceedings relating to property taxes or of representing property owners for compensation in proceedings relating to property taxes in the appraisal district.
DELINQUENT TAXES	<p>An individual is ineligible to serve on an appraisal district board of directors if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and any penalties and interest are being paid under an installment payment agreement, or a suit to collect the delinquent taxes is deferred or abated.</p> <p><i>Tax Code 6.035(a)</i></p>
CONFLICT OF INTEREST	<p>An individual is not eligible to be appointed to or to serve on the board of directors of an appraisal district if the individual or a business entity in which the individual has a substantial interest is a party to a contract with:</p> <ol style="list-style-type: none"><li>1. The appraisal district; or</li></ol>

LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT

CCH  
(LEGAL)

2. A taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity relating to property taxes.

An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or shares of the business entity or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

*Tax Code 6.036*

RECALL	The School Board, by resolution submitted to the county clerk, may call for the recall of a member of the board of directors of an appraisal district for whom the School Board cast any of its votes in the appointment of the appraisal district board in accordance with Tax Code 6.033. <i>Tax Code 6.033(a)</i>
TERMS	The taxing units participating in an appraisal district may provide that the terms of the appointed members of the appraisal district board of directors be staggered in accordance with Tax Code 6.034. <i>Tax Code 6.034(a)</i>
APPRAISAL OFFICE	The board of directors of an appraisal district may contract with a taxing unit in the appraisal district to perform the duties of the appraisal office for the appraisal district. <i>Tax Code 6.05(b)</i>
OWNERSHIP OR LEASE OF REAL PROPERTY	<p>The acquisition or conveyance of real property or the construction or renovation of a building or other improvement by an appraisal district must be approved by the governing bodies of three-fourths of the taxing units entitled to vote on the appointment of appraisal district board members.</p> <p>The appraisal district board of directors by resolution may propose a property transaction or other action for approval of the taxing units. The chief appraiser shall notify the School Board President by delivering a copy of the appraisal district board's resolution, together with information showing the costs of other available alternatives to the proposal.</p> <p>On or before the 30th day after the date the School Board President receives notice of the proposal, the School Board by resolution may approve or disapprove the proposal. If the School Board fails to act on or before that 30th day or fails to file its resolution with the chief appraiser on or before the 10th day after that 30th</p>



LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT

CCH  
(LEGAL)

day, the proposal is treated as if it were disapproved by the School Board.

PROCEEDS

The proceeds of a conveyance of appraisal district property shall be credited to each taxing unit that participates in the appraisal district in proportion to the unit's allocation of the appraisal district budget in the year in which the transaction occurs.

*Tax Code 6.051(b)–(c)*

BUDGET AND  
FINANCING

Each year the chief appraiser shall prepare a proposed budget for the operations of the appraisal district for the following tax year as described in Tax Code 6.06(a) and shall submit a copy to the School District before June 15.

PUBLIC POSTING

Each taxing unit entitled to vote on the appointment of appraisal district board members shall maintain a copy of the proposed budget for public inspection at its principal administrative office.

BUDGET ADOPTION

The appraisal district board of directors shall hold a public hearing to consider the budget. The secretary of the appraisal district board shall deliver to the School Board President not later than the 10th day before the date of the hearing a written notice of the date, time, and place fixed for the hearing. The appraisal district board of directors shall complete its hearings, make any amendments to the proposed budget it desires, and finally approve a budget before September 15.

If governing bodies of a majority of the taxing units entitled to vote on the appointment of appraisal district board members adopt resolutions disapproving a budget and file them with the secretary of the appraisal district board within 30 days after its adoption, the budget does not take effect, and the appraisal district board shall adopt a new budget within 30 days of the disapproval.

AMENDMENTS

The appraisal district board may amend the approved budget at any time, but the secretary of the appraisal district board must deliver a written copy of a proposed amendment to the presiding officer of the governing body of each taxing unit participating in the district not later than the 30th day before the date the board acts on it.

ALLOCATION

Each taxing unit participating in the appraisal district is allocated a portion of the amount of the budget and must pay its allocation as provided by Tax Code 6.06.

*Tax Code 6.06(a)–(d)*

LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT

CCH  
(LEGAL)

CHANGES IN METHOD OF FINANCING	<p>The board of directors of an appraisal district, by resolution adopted and delivered to each taxing unit participating in the appraisal district after June 15 and before August 15, may prescribe a different method of allocating the costs of operating the appraisal district unless the governing body of any taxing unit that participates in the appraisal district adopts a resolution opposing the different method, and files it with the appraisal district board of directors before September 1. If an appraisal district board proposal is rejected, the appraisal district board shall notify, in writing, each taxing unit participating in the appraisal district before September 15.</p> <p>The taxing units participating in an appraisal district may adopt a different method of allocating the costs of operating the district in accordance with Tax Code 6.061.</p> <p><i>Tax Code 6.061(a)–(b)</i></p>
DISAPPROVAL OF APPRAISAL DISTRICT BOARD ACTIONS	<p>If the governing bodies of a majority of the taxing units entitled to vote on the appointment of appraisal district board members adopt resolutions disapproving an action, other than adoption of the budget, by the appraisal district board of directors and file them with the secretary of the appraisal district board within 15 days after the action is taken, the action is revoked effective the day after the day on which the required number of resolutions is filed. <i>Tax Code 6.10</i></p>
APPRAISAL REVIEW BOARD	<p>An appraisal review board is established for each appraisal district, unless the boards of directors of two or more adjoining appraisal districts provide for the operation of a consolidated appraisal review board by interlocal contract. Members of the appraisal review board are appointed by the appraisal district board of directors.</p> <p>Members of the appraisal review board are subject to the eligibility restrictions described in Tax Code 6.412, including prohibitions on service by school district board members, officers, and employees, and Tax Code 6.413, including prohibitions on service by individuals who are parties to certain contracts.</p> <p><i>Tax Code 6.41, .412–.413</i></p>
EXCEPTION	<p>In a county with a population of 3.3 million or more or a county with a population of 350,000 or more that is adjacent to a county with a population of 3.3 million or more, the members of the appraisal review board are appointed in accordance with Tax Code 6.41 by the local administrative district judge in the county in which the appraisal district is established. <i>Tax Code 6.41</i></p>

LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT

CCH  
(LEGAL)

PROHIBITION ON  
CONTRACTS

The School District may not enter into a contract with a member of the appraisal review board established for an appraisal district in which the School District participates or with a business entity in which a member of the appraisal review board has a substantial interest as defined in Tax Code 6.413. *Tax Code 6.413*



SAFETY PROGRAM/RISK MANAGEMENT  
INSPECTIONS

CKA  
(LEGAL)

ASBESTOS HAZARD  
EMERGENCY  
RESPONSE ACT

Under the Asbestos Hazard Emergency Response Act (AHERA), the District shall identify asbestos-containing materials and implement an appropriate management plan in a timely manner. *40 CFR 763.80*

DUTIES

The District shall ensure that:

1. All persons who perform inspections, reinspections, and periodic surveillance, who develop and update management plans, and who develop and implement response actions comply with federal and state law.
2. All custodial and maintenance employees are trained as required by law.
3. Workers and building occupants, or their legal guardians, are informed annually about inspections, response actions, and post-response action activities.
4. Short-term workers who may come in contact with asbestos in a school are informed of the locations of "asbestos-containing building material" (ACBM) and suspected ACBM assumed to be "asbestos-containing material" (ACM).
5. Warning labels are posted in accordance with 40 CFR 763.95 (see WARNING LABELS, below).
6. Management plans are available for inspection, and notice of their availability has been provided as specified in the management plan under 40 CFR 763.93(g).
7. An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2), is designated to ensure that legal requirements are met.
8. Any conflict of interest that may arise among accredited asbestos personnel is considered, especially when selecting accredited personnel.

*40 CFR 763.84*

MANAGEMENT  
PLAN

An asbestos management plan shall be developed for each school and submitted to the Texas Department of State Health Services (TDSHS) for approval. This plan shall be developed by an accredited management planner who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

SAFETY PROGRAM/RISK MANAGEMENT  
INSPECTIONS

CKA  
(LEGAL)

2. Specific information about inspections conducted before December 14, 1987.
3. Specific information about required inspections and reinspections.
4. The name, address, and telephone number of the designated asbestos coordinator and details of his or her required training. The plan must also contain a true and correct statement signed by the coordinator certifying that the general District responsibilities have been met.
5. The written recommendations on response actions from the District's accredited asbestos management planner(s), including the name, signature, state of accreditation, and accreditation number, if applicable, of each planner.
6. A detailed description of preventive measures and response actions to be taken.
7. In regard to asbestos inspectors and persons who design or carry out response actions, a statement that the District uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course.
8. A detailed description of any material described in item 1 of this list that remains after the response actions are taken. The description shall be updated when response actions are completed.
9. A reinspection plan for operations and maintenance activities, a plan for periodic surveillance, a description of the management planner's recommendation regarding additional cleaning, and the District's response.
10. A description of steps taken to inform workers and building occupants or their legal guardians about inspections, reinspections, response actions, post-response action activities, and the availability of management plans.
11. An evaluation of resources needed to complete the response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.
12. The name of each consultant contributing to the plan and a statement that the consultant is accredited under another state's accreditation plan or accredited by an EPA-approved course.

PLAN AVAILABILITY

A copy of the plan submitted to TDSHS shall be kept in the District's administrative office and be available for inspection by the

SAFETY PROGRAM/RISK MANAGEMENT  
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CKA  
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EPA, the state, and the public, including teachers, school personnel, employee representatives, and parents.

Updated management plans for each school shall also be available for inspection during normal business hours in the administrative office and at the school itself. Individual school plans shall be made available for inspection within at least five working days after a request is received.

NOTICE

Annually, the District shall notify in writing parent, teacher, and employee organizations of the availability of the management plans.

*40 CFR 763.93*

INSPECTIONS

Each building leased, owned, or used as a school building shall be inspected to determine the locations of friable and nonfriable ACBM. At least once every three years after a management plan is in effect, the District shall conduct reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The inspector shall provide a written assessment of all friable known or assumed ACBM in the school building for each inspection or reinspection. The assessment shall meet all legal requirements and shall be signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. *40 CFR 763.85, .88*

PERIODIC  
SURVEILLANCE

At least once every six months after the management plan is in effect, the District shall conduct and document periodic surveillance on any school building containing ACBM or assumed to contain ACBM. A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. *40 CFR 763.92(b)*

RESPONSE  
ACTIONS

The District shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. *40 CFR 763.90*

ASBESTOS-  
RELATED ACTIVITY

An "asbestos-related activity" means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Texas Asbestos Health Protection Act. *Occupations Code 1954.002, .101*

An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as

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INSPECTIONS

CKA  
(LEGAL)

the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. *Occupations Code 1954.252, .101; 25 TAC 295.61*

RECORDS

A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against the District by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. *Occupations Code 1954.251; 25 TAC 295.58(d)*

For each area where all ACM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. *40 CFR 763.94*

WARNING LABELS

A warning label shall be attached adjacent to any friable and non-friable ACM and suspected ACM assumed to be ACM located in routine maintenance areas at each school building. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACM that is labeled is removed. *40 CFR 763.95*

OPERATIONS /  
MAINTENANCE  
TRAINING

Members of the maintenance and custodial staff in buildings containing ACM shall receive required training, including at least two hours of awareness training and an additional 14 hours of required training if their work activities may result in the incidental disturbance of ACM. *40 CFR 763.92*



SAFETY PROGRAM/RISK MANAGEMENT  
ACCIDENT PREVENTION AND REPORTS

CKB  
(LEGAL)

EYE AND FACE  
PROTECTION

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by District policy. *Education Code 38.005*

REQUIRED  
DEVICES

RECOMMENDED  
GUIDELINES

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 CFR 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools TDSHS recommends the guidelines entitled, "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 CFR part 1210, subpart I, appendix B.

APPLICATION

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

*25 TAC 295.141--142*



SAFETY PROGRAM/RISK MANAGEMENT  
ACCIDENT PREVENTION AND REPORTS

CKB  
(LOCAL)

EYE- AND FACE-  
PROTECTIVE DEVICES

In accordance with Texas Department of State Health Services (TDSHS) guidelines, eye- and face-protective devices meeting TDSHS standards shall be worn by every teacher, student, and visitor participating in activities or programs identified in CKB(LEGAL).



BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

CL  
(LEGAL)

REDUCTION OF  
ENERGY  
CONSUMPTION

The Board shall establish a long-range energy plan to reduce the District's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the District's energy plan. The plan must include:

1. Strategies for achieving energy efficiency that:
  - a. Result in net savings for the District; or
  - b. Can be achieved without financial cost to the District; and
2. For each strategy identified above, the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy.

In determining whether a strategy may result in financial cost to the District, the Board shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy.

The Board may submit the plan required to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office are available to the District.

*Education Code 44.902*

ENERGY OR WATER  
CONSERVATION  
MEASURES

The Board may enter into an energy savings performance contract for energy or water conservation measures to reduce energy or water consumption or operating costs of school facilities.

An energy savings performance contract includes a contract for the installation or implementation of:

1. Insulation of a building structure and systems within the building;
2. Storm windows or doors, caulking or weatherstripping, multi-glazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption;
3. Automatic energy control systems, including computer software and technical data licenses;
4. Heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption;
5. Lighting fixtures that increase energy efficiency;

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

CL  
(LEGAL)

6. Energy recovery systems;
7. Electric systems improvements;
8. Water-conserving fixtures, appliances, and equipment or the substitution of nonwater-using fixtures, appliances, and equipment;
9. Water-conserving landscape irrigation equipment;
10. Landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
  - a. Landscape contouring, including the use of berms, swales, and terraces; and
  - b. The use of soil amendments that increase the water-holding capacity of the soil, including compost;
11. Rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control;
12. Equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent;
13. Equipment needed to capture water from nonconventional, alternate sources, including air conditioning condensate or graywater, for nonpotable uses;
14. Metering equipment needed to segregate water use in order to identify water conservation opportunities or verify water savings; or
15. Other energy or water conservation-related improvements or equipment, including improvements or equipment relating to renewable energy or nonconventional water sources or water reuse.

Each energy or water conservation measure shall comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. Notwithstanding the list above, an energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The Board may enter into energy savings performance contracts only with persons who are experienced in the design, implementa-

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

CL  
(LEGAL)

tion, and installation of the energy or water conservation measures addressed by the contract.

PERFORMANCE  
BOND

Before entering an energy savings performance contract, the Board shall require the provider of the energy or water conservation measures to file a payment and performance bond relating to the installation of the measures in accordance with Government Code Chapter 2253. The Board may also require a separate bond to cover the value of the guaranteed savings on the contract.

FINANCING

An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing.
2. With the proceeds of bonds.
3. Under a contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

An energy savings performance contract for energy or water conservation measures shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the District under the contract. If the term of an energy savings performance contract exceeds one year, the District's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures as determined by the District, divided by the number of years in the contract term.

CONTRACT  
PROCUREMENT

An energy savings performance contract for energy or water conservation measures shall be let according to the procedures established for professional services by Government Code 2254.004. Notice of the request for qualifications shall be published in the manner provided for competitive bidding.

COST SAVINGS  
REVIEW

Before entering an energy savings performance contract, the Board must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In con-

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

CL  
(LEGAL)

ducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract.

*Education Code 44.901*

ENERGY USAGE  
REPORT

The District shall record in an electronic repository the District's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services. The District shall report the recorded information on a publicly accessible Internet Web site with an interface designed for ease of navigation if available, or at another publicly accessible location. *Gov't Code 2265.001*

LIGHT BULBS

The District shall purchase for use in each type of light fixture in an instructional facility the commercially available model of light bulb that:

1. Uses the fewest watts for the necessary luminous flux or light output;
2. Is compatible with the light fixture; and
3. Is the most cost-effective, considering the factors described above.

*Education Code 44.903*

[See CS for energy conservation measures related to outdoor lighting fixtures]

RECYCLING  
PROGRAM

In cooperation with the comptroller or the Texas Commission on Environmental Quality (TCEQ), the District shall establish a program for the separation and collection of all recyclable materials generated by the District's operations, including at a minimum, aluminum, steel containers, aseptic packaging, polycoated paper-board cartons, high-grade office paper, and corrugated cardboard. "Recyclable materials" includes materials in the District's possession that have been abandoned or disposed of by the District's officers or employees or by any other person.

The District shall also:

1. Provide procedures for collecting and storing recyclable materials, provide containers for recyclable materials, and provide procedures for making contractual or other arrangements with buyers of recyclable materials.



BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

CL  
(LEGAL)

2. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
3. Establish educational and incentive programs to encourage maximum employee participation.

The District may seek an exemption from compliance if it has a population of less than 5,000 within its geographic boundaries and demonstrates to the TCEQ that compliance would work a hardship on the District.

*Health and Safety Code 361.425*

CERTIFICATE OF  
MOLD REMEDIATION

When the District sells property, the District shall provide to the buyer a copy of any certificate of mold remediation that has been issued for the property during the five years preceding the date the District sells the property. *Occupations Code 1958.154(b); 25 TAC 295.327(d)*

POOLS  
GENERALLY

An owner, manager, operator, or other attendant in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with pool safety standards necessary to prevent drowning adopted by the executive commissioner of the Health and Human Services Commission. *Health and Safety Code 341.0645; 25 TAC 265.181–.208*

DRAINS

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. Section 8003. "Public pool and spa" means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*



OFFICE MANAGEMENT  
RECORDS MANAGEMENT

CPC  
(LEGAL)

DEFINITION

A "local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the District or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by District officers or employees.
2. Notes, journals, diaries, and similar documents created by a District officer or employee for his or her own personal convenience.
3. Blank forms, stocks or publications, and library and museum materials acquired solely for the purposes of reference or display.
4. Copies of documents in any media furnished to the public under the Open Records Act or other state law.

*Local Gov't Code 201.003(8)*

BOARD'S  
RESPONSIBILITIES

In implementing the Local Government Records Act, the Board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all District records.
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer.
3. Facilitate the creation and maintenance of District records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the District and designed to furnish the information necessary to protect the District's legal and financial rights, the state, and persons affected by the District's activities.
4. Facilitate the identification and preservation of District records that are of permanent value.
5. Facilitate the identification and protection of essential District records.

OFFICE MANAGEMENT  
RECORDS MANAGEMENT

CPC  
(LEGAL)

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

*Local Gov't Code 203.021*

CUSTODIANS OF  
RECORDS

In implementing the Local Government Records Act, school personnel who are custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the District for the efficient and economical management of records and in carrying out the requirements of the Act.
2. Adequately document the transaction of District business and the services, programs, and duties for which they and their staff are responsible.
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records in accordance with the policies and procedures of the District's records management program.

*Local Gov't Code 203.022*

RECORDS  
MANAGEMENT  
OFFICER

In implementing the Local Government Records Act, the records management officer shall:

1. Assist in establishing and developing policies and procedures for the District's records management program.
2. Administer the records management program and provide assistance to the custodians in order to reduce costs and improve record-keeping efficiency.
3. In cooperation with the custodians of records, prepare and file records control schedules, amended schedules, and lists of obsolete records, as required by the Local Government Records Act.
4. In cooperation with the custodians of records, prepare or direct the preparation of requests for authorization to destroy records, when such requests are required under the Local Government Records Act.
5. In cooperation with the custodians of records, identify and take adequate steps to preserve District records of permanent value.
6. In cooperation with the custodians of records, identify and take adequate steps to protect essential District records.

7. In cooperation with the custodians of records, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the District's records management program and legal requirements.
8. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to the District's records.
9. In cooperation with the custodians of records, establish procedures to ensure that the handling of records is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

*Local Gov't Code 203.023*

RETENTION  
SCHEDULES

In developing the District's records retention schedule, the records management officer shall ensure it is consistent with the applicable minimum retention schedules adopted by the State Library and Archives Commission, i.e., Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts.  
*13 TAC 7.125*

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**Note:** The State Library and Archives Commission records retention schedules are available at  
[www.tsl.state.tx.us/slrn/recordspubs/localretention.html](http://www.tsl.state.tx.us/slrn/recordspubs/localretention.html).

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DESTRUCTION OF  
RECORDS

A District record may be intentionally destroyed under any of the following conditions:

1. The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards.
2. The record appears on a list of obsolete records approved by the State Library and Archives Commission.
3. A destruction request is filed with and approved by the State Library and Archives Commission for a record not listed on an approved control schedule.
4. The district court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.

5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission.

*Local Gov't Code 202.001*

EXCEPTIONS

A District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A District record that is subject to a request under Chapter 552, Government Code, shall not be destroyed until the request is resolved. *Local Gov't Code 202.002*

PRESERVATION OF  
RECORDS

The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004*

The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending. *Gov't Code 551.104(a)*

MICROFILMING

District records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 204 of the Local Government Code and rules adopted by the State Library and Archives Commission. *Local Gov't Code 204.002*

ELECTRONIC  
STORAGE

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

FEDERAL  
INVESTIGATIONS AND  
BANKRUPTCY

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

INSURANCE AND ANNUITIES MANAGEMENT  
HEALTH AND LIFE INSURANCE

CRD  
(LEGAL)

COVERAGE  
REQUIREMENTS

UNIFORM  
PROGRAM  
(TRS-ACTIVE  
CARE)

Unless an exemption applies, a district with 500 or fewer employees is required to participate in the uniform group coverage program established under Insurance Code 1579 (TRS-Active Care). A district with more than 500 employees may elect to participate in the program. *Insurance Code 1579.151–.152; Education Code 22.004(a)*

The Teacher Retirement System (TRS) shall implement and administer the uniform group coverage program. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, .101*

EMPLOYEE  
ELIGIBILITY

Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS.

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

A participating employee may select coverage in any coverage plan offered by TRS. If the combined state and District contributions [see COST OF COVERAGE, below] exceed the cost of a coverage plan selected by the employee, the employee may use the excess contributions to obtain coverage under a higher tier coverage plan, or to pay all or part of the cost of coverage for the employee's dependents. A married couple, both of whom are eligible for coverage under the program, may pool the amount of contributions to which the couple are entitled under the program to obtain coverage for themselves and dependent coverage.

*Insurance Code 1579, Subch. E*

OPTIONAL  
COVERAGES

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

OTHER PROGRAMS

Districts that do not participate in the uniform group coverage program shall make available to their employees group health coverage provided by a risk pool established by one or more districts under Local Government Code Chapter 172, or under a policy of group insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843.

FINANCIAL  
STATEMENT

The District may not contract with an insurer, company, or health maintenance organization to issue a policy or contract for group health insurance, or with any person to assist the District in obtaining or managing the policy or contract unless the insurer, company,

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organization, or person provides the District with an audited financial statement.

*Education Code 22.004(b), (c)*

SMALL  
EMPLOYER  
MARKET  
ELECTION

A district that does not participate in the uniform group coverage program may elect to participate in the small employer market without regard to the number of eligible employees in the District. If the District makes this election, it will be treated as a small employer for the purposes of Article 1501 of the Texas Insurance Code.

A district that is participating in the uniform group coverage program may not renew a health insurance contract obtained in accordance with Article 1501 after the date on which the program of coverages provided under the uniform group coverage program is implemented. This provision does not affect a contract for the provision of optional coverages.

*Insurance Code 1501.009*

EMPLOYEE  
ELECTION —  
SPOUSES

A District employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the District's employees and who is the spouse of another District employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. *Insurance Code 1501.0095*

SELF-FUNDED  
HEALTH CARE PLAN

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

*Education Code 22.005*

COMPARABILITY

If the District does not participate in the uniform group coverage plan, the coverage it provides must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act) and must meet the substantive coverage requirements set forth in Education Code 22.004(b).

COMPLIANCE  
REPORT

The District shall report its compliance with the comparability requirements to TRS by March 1 of each even-numbered year. The report must be based on the District group health coverage plan in effect during the current plan year and must include:

1. Appropriate documentation of:



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- a. The District's contract for group health coverage, or
  - b. A Board resolution authorizing a self-insurance plan.
2. The schedule of benefits.
3. The premium rate sheet, including the amount paid by the District and the employee.
4. The number of employees covered by each health coverage plan offered by the District.
5. Information concerning the ease of completing the report, as required by TRS.
6. Any other information considered appropriate by TRS.

The report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the District and must be posted on the District's Internet Web site if the District maintains a Web site.

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

COST OF COVERAGE	The cost of coverage under the uniform group coverage program shall be shared by the state, the District, and the employees, as set forth below.
TRs-ACTIVE CARE	
STATE CONTRIBUTION	The state shall provide for each covered employee the amount of \$900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 41 and 42 and used by districts as provided by Education Code 42.2514 and 42.260. <i>Insurance Code 1579, Subch. F</i>
EMPLOYEE CONTRIBUTION	An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and the District's contribution.  The District may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.  <i>Insurance Code 1579.253</i>
OTHER PROGRAMS	If the District does not participate in the uniform group coverage program, the cost of coverage shall be shared by the employees and the District, using the contributions by the state described at Insurance Code Chapter 1579, Subchapter F. [See STATE CONTRIBUTION, above] <i>Education Code 22.004(c)</i>

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DISTRICT CONTRIBUTION	The District shall, for each fiscal year, pay an amount equal to the number of participating employees multiplied by \$1,800.
MINIMUM EFFORT	
MAXIMUM EFFORT	Subject to the minimum effort requirement, a district that paid amounts for the 2000–01 school year for employees' health coverage shall, for each fiscal year, continue to pay at least the same amounts for each participating employee, computed as follows: the District shall divide the amount the District paid during the 2000–01 school year for the prior group health coverage plan by the total number of full-time employees in the 2000–01 school year and multiply the result by the number of full-time employees in the fiscal year for which the computation is made.  If, for the 2000–01 school year, the District provided group health coverage to its employees through a self-funded insurance plan, the amount the District paid during that school year for the plan includes only the amount of regular contributions made by the District.
	<i>Insurance Code 1581.052</i>
EXCESS FUNDS	If the amount the District is required to pay for maintenance of effort exceeds \$1,800 per participating employee, the District may use the excess only to provide employee compensation at a rate greater than the rate of compensation that the District paid an employee in the 2000–01 school year, benefits, or both.  <i>Insurance Code 1581, Subch. B</i>
HEALTH INSURANCE CONTRIBUTIONS FOR REHIRED RETIREES	Each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), the District shall contribute to the TRS Care trust fund any difference between the amount the retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program, as determined by TRS. [See DEA]
EXCEPTION	The District is not required to contribute these amounts for a retiree who retired from TRS before September 1, 2005.  <i>Gov't Code 825.4092; Insurance Code 1575.204</i>
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. [See DEA]
USE	An employee may use the compensation designated for health care supplementation for any employee benefit, including deposit-

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ing 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 22.103, .106*

CONTINUATION  
COVERAGE

AFTER  
RESIGNATION

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the group health coverage through the first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to District employees for the last instructional year in which the employee was employed by the District. The District may not diminish or eliminate its contribution [see DISTRICT CONTRIBUTION, above] before the last date on which the employee is entitled to participation or enrollment. *Education Code 22.004(k), (l)*

DURING MILITARY  
LEAVE

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

1. The 24-month period beginning on the date on which the person's absence begins; or
2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

*38 U.S.C. 4317*

DURING FMLA  
LEAVE

During any period of leave under the Family and Medical Leave Act (FMLA), the District shall allow the employee to maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 CFR 825.209, .210, .213* [See also DECA]

UPON  
TERMINATION OR  
OTHER QUALIFYING  
EVENT (COBRA)

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the District shall offer continuation coverage under any group health insurance plan established after July 1, 1986, to the following qualified beneficiaries for the stated period of time:

1. To the employee for 18 months after a termination (other than for gross misconduct) or reduction in hours. An employee providing notice of being disabled under Title II or XVI of the Social Security Act before the end of the initial 18 months of

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coverage shall be offered up to 29 months of continuation coverage.

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

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

PREMIUM

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

NOTICE

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

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

*42 U.S.C. 300bb-6*

TERMINATION OF  
COVERAGE

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

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

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5. The qualified beneficiary becomes entitled to Medicare benefits.

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

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

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COVERAGE OF  
PREEXISTING  
CONDITIONS

Notwithstanding any other law, group health benefit coverage provided by or offered through the District to its employees under any law other than the uniform group coverage program is subject to the requirements of Sections 1501.102–1501.105, Insurance Code, which limit exclusion for preexisting conditions. This requirement applies to all group health benefit coverage provided by or offered through the District to its employees, including a standard health benefit plan issued under the Insurance Code and health and accident coverage provided through a risk pool established under Chapter 172, Local Government Code. *Education Code 22.004(m)*

TRS-ACTIVE CARE

Coverage provided under the uniform group coverage program may not be made subject to a pre-existing condition limitation during the initial period of eligibility. *Insurance Code 1579.105*

FEDERAL LAW

In addition, a group health plan may not impose a preexisting condition exclusion unless:

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

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

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HEALTH AND LIFE INSURANCE

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HEALTH INSURANCE  
PORTABILITY AND  
ACCOUNTABILITY ACT  
(HIPAA)

CERTIFICATE OF  
CREDITABLE  
COVERAGE

A group health plan shall provide certification:

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

The certification is a written certification of:

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

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

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

OTHER HIPAA  
REQUIREMENTS

HIPAA requires plan sponsors to observe certain coverage requirements and restrictions, including:

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

ELECTION TO BE  
EXEMPTED

The plan sponsor of a nonfederal governmental group health plan may elect to be exempted from the following provisions of HIPAA:

1. Limitations on preexisting condition exclusion periods;
2. Special enrollment periods for individuals;

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3. Prohibitions against discriminating against individual participants and beneficiaries based on health status;
4. Standards relating to benefits for mothers and newborns;
5. Parity in the application of certain limits to mental health benefits;
6. Required coverage for reconstructive surgery and certain other services following a mastectomy under section 2706 of the Public Health Service Act.

FORM OF  
ELECTION

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

TIMING OF  
ELECTION

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

An election may be extended through subsequent elections.

CONTENTS OF  
NOTICE

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

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

PRIVACY OF HEALTH  
INFORMATION

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

'COVERED ENTITY'  
DEFINED

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

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

*45 CFR 160.103*

INSURANCE AND ANNUITIES MANAGEMENT  
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'PROTECTED  
HEALTH  
INFORMATION'  
DEFINED

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

1. Education records covered by the Family Educational Rights and Privacy Act (FERPA), as amended.
2. Medical treatment records, as described at 20 U.S.C. 1232g(a)(4)(B)(iv), on a student who is at least 18 years of age.
3. Employment records held by a covered entity in its role as employer.

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

SPONSORS OF  
GROUP HEALTH  
PLANS

Before a group health plan may disclose protected health information to the District that is a plan sponsor, the group health plan must ensure that the plan documents restrict uses and disclosures of such information by the District consistent with the requirements of the Privacy Rule. *45 CFR 164.504(f)*

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

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

*45 CFR 164.504(f)*

'PLAN SPONSOR'  
DEFINED

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

SELF-FUNDED  
PLANS

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



EMPLOYMENT PRACTICES

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EMPLOYMENT POLICIES	The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:
SUPERINTENDENT	1. The Board employs and evaluates the Superintendent;
SELECTION OF PERSONNEL	2. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent [see SUPERINTENDENT RECOMMENDATION, below];
CAMPUS ASSIGNMENTS	3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP]; and
JOB POSTINGS	4. Notice will be provided of vacant positions [see POSTING OF VACANCIES, below].
EMPLOYEE GRIEVANCES	5. Each employee has the right to present grievances to the Board. [See GRIEVANCES, below]
	<i>Education Code 11.1513</i>
CONTRACT POSITIONS	The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. <i>Education Code 21.002(c)</i>
DELEGATION OF AUTHORITY	The District's employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District. <i>Education Code 11.1513(c)</i> [For nepotism implications, see BBFB and DBE]
INTERNAL AUDITOR	If the District employs an internal auditor, the Board shall select the internal auditor and the internal auditor shall report directly to the Board. <i>Education Code 11.170</i>
SUPERINTENDENT RECOMMENDATION	The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel and shall include the Board's acceptance or rejection in the minutes of the Board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. <i>Education Code 11.1513</i>
POSTING OF VACANCIES	The District's employment policy must provide that not later than the tenth school day before the date on which the District fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position

EMPLOYMENT PRACTICES

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that affects the safety and security of students as determined by the Board, the District must provide to each current District employee:

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

*Education Code 11.1513(d)*

EXCEPTION

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

GRIEVANCES

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

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

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

CONTRACT  
EMPLOYEES

The District shall employ each classroom teacher, principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. The District is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

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	<p>“Classroom teacher” means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher’s aide or a full-time administrator. <i>Education Code 5.001(2)</i></p>
LENGTH OF CONTRACT	<p>A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator’s salary. <i>Education Code 21.401</i></p>
EDUCATIONAL AIDES	<p>The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. <i>Education Code 54.214(f)</i></p>
EMPLOYMENT OF RETIREES REPORT TO TRS	<p>The District shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. The District shall inform TRS of changes in status of the District that affect the District’s reporting responsibilities.</p> <p>The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District.</p> <p>An administrator of the District who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.</p> <p><i>Gov’t Code 824.6022, 825.403(k); 34 TAC 31.2</i></p>
ACUTE SHORTAGE AREAS	<p>For purposes of Government Code 824.602(a)(5) (permitting certain retirees to return to work in acute shortage areas) the Board shall determine by rule whether there are acute shortage areas in the District based on TEA’s acute shortage area guidelines. The guidelines must include:</p> <ol style="list-style-type: none"><li>1. A list of acute shortage areas;</li><li>2. Suggested criteria for identifying local acute shortage areas; and</li><li>3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.</li></ol> <p><i>Gov’t Code 824.602(m)</i></p>

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FORMER BOARD  
MEMBER  
EMPLOYMENT

A Board member is prohibited from accepting employment with the District until the first anniversary of the date the Board member's membership on the Board ends. *Education Code 11.063*

NEW HIRES  
I-9 FORMS

The District shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

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

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

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

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

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

*8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)*

NEW HIRE  
REPORTING

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

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

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

DEADLINE

New hire reports are due:

1. Not later than 20 calendar days after the date the District hires the employee; or

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2. In the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

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

PENALTIES

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

*42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I*

SOCIAL SECURITY  
NUMBERS

It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to the District maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF  
USES

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

*Privacy Act of 1974, Pub. L. No. 93-579, sec. 7(b), 88 Stat. 1896, 1897 (1974)*



EMPLOYEE WELFARE

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(LEGAL)

HAZARD COMMUNICATION ACT	The District shall perform the following duties in compliance with the Hazard Communication Act:
NOTICE	1. Post and maintain the notice promulgated by the Texas Department of State Health Services (TDSHS) in the workplace. <i>Health and Safety Code 502.017(a)</i>
EDUCATION AND TRAINING	2. Provide an education and training program for employees using or handling hazardous chemicals. "Employee" means any person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. <i>Health and Safety Code 502.003(10), .009</i>  3. Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. <i>Health and Safety Code 502.009(g)</i>
WORKPLACE CHEMICAL LIST	4. Compile and maintain a workplace chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the TDSHS for certain highly toxic or dangerous hazardous chemicals. The list shall be readily available to employees and their representatives. <i>Health and Safety Code 502.005(a), (c)</i>  5. Update the list as necessary, but at least by December 31 each year, and maintain at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. <i>Health and Safety Code 502.005(b), (d)</i>
LABELING	6. As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled. <i>Health and Safety Code 502.007</i>
MATERIAL SAFETY DATA SHEETS	7. Maintain a legible copy of the most current manufacturer's material safety data sheets (MSDS) for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request. <i>Health and Safety Code 502.006</i>

EMPLOYEE WELFARE

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PROTECTIVE  
EQUIPMENT

8. Provide employees with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

PEST CONTROL  
TREATMENT NOTICE

The chief administrator or building manager shall notify persons who work in a District building or facility of a planned pest control treatment by both of the following methods:

1. Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
2. Providing the official Structural Pest Control Service Consumer Information Sheet to any individual working in the building, on request.

*Occupations Code 1951.455; 4 TAC 7.146*



ASSIGNMENT AND SCHEDULES

DK  
(LEGAL)

ASSIGNMENT	<p>The District may not employ a person as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or counselor unless the person holds an appropriate certificate or permit. In addition, a public school employee must have the appropriate credentials, as set forth by the State Board for Educator Certification (SBEC), for his or her current assignment, unless the appropriate permit has been issued. <i>Education Code 21.003; 19 TAC 230.601</i> [See DBA]</p> <hr/> <p><b>Note:</b> Certification requirements for personnel assigned to various District positions are available at <a href="http://info.sos.state.tx.us/fids/201004175-1.pdf">http://info.sos.state.tx.us/fids/201004175-1.pdf</a>.</p> <hr/>
EMERGENCY PERMITS	<p>A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment.</p>
TEMPORARY VACANCIES	<p>The District is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below.</p> <p><i>19 TAC 230.501(b), (g)</i></p>
CURRENT EMPLOYEES	<p>A degreed, certified teacher employed in the previous year or semester in an assignment for which he or she was fully certified may not be assigned to a position that requires activating an emergency permit unless:</p> <ol style="list-style-type: none"><li>1. The teacher has given written consent to the activation of the permit; or</li><li>2. Because of fluctuations in enrollment or changes in course offerings, the teacher's previous assignment no longer exists and no alternative assignment for which the teacher is fully certified is available on that campus. If a permit is activated for a teacher under these circumstances, the teacher shall be offered the opportunity to return to his or her previous assignment or an alternative assignment for which the teacher is fully certified on that campus as soon as such an assignment is available. If a teacher accepts the assignment, the actual transfer of duties shall occur not later than the beginning of the next academic year.</li></ol>

ASSIGNMENT AND SCHEDULES

DK  
(LEGAL)

If an emergency permit is activated for a temporary staffing condition within 30 days of the opening of the school year or later during the contract year, the teacher is exempt from the requirement to complete additional coursework or examination requirements for certification for the remainder of the contract year for which the permit is activated. This exemption is not renewable, and a teacher continuing on an emergency permit for a second year must meet the full requirements of an emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the permit. However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with local District policy.

*19 TAC 230.501(c)*

PRINCIPAL'S  
APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent or designee has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

TRANSFERS

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

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**Note:** In accordance with Education Code 21.057, the following notice requirements do not apply if a school is required by the No Child Left Behind Act of 2001 to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school gives notice as required by that Act. [See DBA]

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PARENT  
NOTIFICATION

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

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappro-

ASSIGNMENT AND SCHEDULES

DK  
(LEGAL)

priately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY  
CERTIFIED OR  
UNCERTIFIED  
TEACHER

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

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

*Education Code 21.057; 19 TAC 231.1*



PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

STAFF DEVELOPMENT	Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see BQB].
TRAINING SPECIFICS	<p>The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p> <p>The staff development must include training, based on scientifically based research, that relates to the instruction of students with disabilities and is designed for educators who work primarily outside the area of special education. The District is required to provide such training only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. The District may determine the time and place at which the training is delivered. In developing or maintaining such training, the District must consult persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified District personnel, and any other persons identified as qualified by the District.</p> <p>The staff development may include:</p> <ol style="list-style-type: none"><li>1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct; and</li><li>2. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.</li></ol> <p><i>Education Code 21.451</i></p> <p>The District may use District-wide staff development that has been developed and approved through the District-level decision process. <i>Education Code 21.452(c)</i></p>
SPECIAL PROGRAMS TRAINING	A district that receives assistance under Title I, Part A, shall include in its plan [see AID] a description of the strategy the district will use to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including district staff, in accordance with 20 U.S.C. 6318 and 6319 (No Child Left Behind Act). <i>20 U.S.C. 6312(b)(1)(D), 7801(34)</i>
TITLE I STAFF DEVELOPMENT	
READING ACADEMIES	A teacher shall attend a reading academy under 19 Administrative Code 102.1101 if:

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

1. The teacher teaches at a campus that fails to satisfy any performance standard under Education Code 39.054(d) [see AIA] on the basis of student performance on the state reading assessment instrument administered to students in any grade level at the campus; and
2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
  - a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
  - b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

From funds appropriated for this purpose, a teacher who attends a reading academy is entitled to a stipend in the amount determined by the Commissioner. The stipend shall not be considered in determining whether the District is paying the teacher the state minimum monthly salary [see DEA].

*Education Code 21.4551(c), (e); 19 TAC 102.1101(b)*

GIFTED AND  
TALENTED  
EDUCATION

The District shall ensure that:

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

*19 TAC 89.2*

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

ELECTIVE BIBLE COURSE	A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the Commissioner with respect to Bible elective courses. <i>Education Code 28.011(f)</i>
ADULT EDUCATION	<p>All adult education staff shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. <i>19 TAC 89.25(1), (2)</i></p> <p>Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. <i>19 TAC 89.25(4)(B)</i></p>
EXCEPTIONS	The in-service professional development requirements may be reduced by local programs in individual cases where exceptional circumstances prevent employees from completing the required hours of in-service professional development. Documentation justifying such circumstances must be kept. Requests for exemption in individual cases may be submitted to TEA for approval in the application for funding and must include justification and proposed qualification. <i>19 TAC 89.25(5)</i>
VOLUNTEERS	The above requirements also apply to volunteers who generate student contact time that is accrued by the adult education program and reported to TEA for funding purposes. <i>19 TAC 89.25(7)</i>
RECORDS	Records of staff qualifications and professional development shall be maintained by the District and must be available for monitoring. <i>19 TAC 89.25(6)</i>
AUTOMATED EXTERNAL DEFIBRILLATORS	<p>The District shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).</p> <p>The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the Commissioner, and each student who serves as an athletic trainer, must:</p>

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

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

*Education Code 22.902*

EXTRACURRICULAR  
ACTIVITY SAFETY  
TRAINING

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

1. A coach or sponsor for an extracurricular athletic activity;
2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;
3. A physician who is employed by the District or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
4. A director responsible for a school marching band.

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

*Education Code 33.202(b), (f); 19 TAC 76.1003*

RECORDS

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

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

*Education Code 33.206; 19 TAC 76.1003(e)*

STEROIDS

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

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

*Education Code 33.091(c-1)*



PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

RESOURCES FOR  
STAFF DEVELOPMENT

If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the District. *Education Code 21.453*



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

## SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials Selection and Adoption
EFAA	Textbook Selection and Adoption
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EFE	Copyrighted Material
EFF	Instructional Television
EG	CURRICULUM DEVELOPMENT
EGA	Innovative and Magnet Programs
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EBAC	Students in Non-District Placement
EBAD	Transition Services
EBAE	Procedural Requirements

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

## SECTION E: INSTRUCTION

EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten
EBH	Other Special Populations
EHBI	Adult and Community Education
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination With Prior Instruction
EHDC	Credit by Examination Without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EJ	ACADEMIC GUIDANCE PROGRAM
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	LEP Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CHARTER CAMPUS OR PROGRAM
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Animals in the School
EMI	Study of Religion

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

PURPOSE

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. The District shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, the District shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

The District shall ensure that all children in the District participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

REQUIRED  
CURRICULUM

A district that offers kindergarten through grade 12 shall offer the following as a required curriculum:

FOUNDATION  
CURRICULUM

1. A foundation curriculum that includes:
  - a. English Language Arts and reading;
  - b. Mathematics;
  - c. Science; and
  - d. Social studies, consisting of Texas, United States, and world history; government; and geography.

*Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)*

ENRICHMENT  
CURRICULUM

2. An enrichment curriculum that includes:
  - a. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the District may offer an elective course in the language;
  - b. Health, with emphasis on the importance of proper nutrition and exercise;
  - c. Physical education;

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

- d. Fine Arts;
- e. Economics, with emphasis on the free enterprise system and its benefits;
- f. Career and technical education;
- g. Technology applications; and
- h. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

*Education Code 28.002(a)(2); 19 TAC 74.1(a)(2)*

LOCAL CREDIT

The District may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

LOCAL  
INSTRUCTIONAL PLAN

The District's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. The District is encouraged to exceed minimum requirements of law and State Board rule. *Education Code 28.002(g)*

COORDINATED  
HEALTH PROGRAMS

TEA shall make available to the District one or more coordinated health programs or allow the development of District programs designed to prevent obesity, cardiovascular disease, and type 2 diabetes in elementary, middle, and junior high school students. Each program must provide for coordinating:

- 1. Health education;
- 2. Physical education and physical activity;
- 3. Nutrition services; and
- 4. Parental involvement.

*Education Code 38.013; 19 TAC 102.1031(a)*

The District shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the District. *Education Code 38.014*

Coordinated school health programs that are developed by the District and that meet TEA criteria may be approved and made available as approved programs. The District must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

**PHYSICAL EDUCATION** The District shall establish specific objectives and goals the District intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

**STUDENT/TEACHER RATIO** The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the District to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If the District establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the District shall specifically identify the manner in which the safety of the students will be maintained.

*Education Code 25.114, 28.002(d); 19 TAC 74.37*

**CLASSIFICATION FOR PHYSICAL EDUCATION** The District shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
  - a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

- b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

*19 TAC 74.31*

SCHOOL HEALTH  
ADVISORY COUNCIL

The Board shall establish a local school health advisory council to assist the District in ensuring that local community values are reflected in the District's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of council and FFA regarding federal wellness requirements]

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and type 2 diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;
3. Appropriate grade levels and methods of instruction for human sexuality instruction; and
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
  - a. School health services;
  - b. Counseling and guidance services;
  - c. A safe and healthy school environment; and
  - d. School employee wellness.

*Education Code 28.004(c)*

The council shall consider and make policy recommendations to the District concerning the importance of daily recess for elementary school students. The council must consider research regarding



BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

	<p>unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The council shall ensure that local community values are reflected in any policy recommendation made to the District concerning the importance of daily recess for elementary school students. <i>Education Code 28.004(l)</i></p>
CONTENT OF HUMAN SEXUALITY INSTRUCTION	<p>The Board shall determine the specific content of the District's instruction in human sexuality. <i>Education Code 28.004(h)</i></p> <p>The Board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the local school health advisory council. The instruction must:</p> <ol style="list-style-type: none"><li>1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;</li><li>2. Devote more attention to abstinence than to any other behavior;</li><li>3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;</li><li>4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and</li><li>5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.</li></ol> <p><i>Education Code 28.004(e)</i></p>
CONDOMS	<p>The District may not distribute condoms in connection with instruction relating to human sexuality. <i>Education Code 28.004(f)</i></p>
SEPARATE CLASSES	<p>If the District provides human sexuality instruction, it may separate students according to sex for instructional purposes. <i>Education Code 28.004(g)</i> [See FBA regarding single-sex classes under Title IX]</p>
NOTICE TO PARENTS	<p>Before each school year, the District shall provide written notice to a parent of each student enrolled in the District of the Board's decision regarding whether the District will provide human sexuality</p>

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

instruction to District students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the District's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
  - a. Review curriculum materials as provided by Education Code 28.004(j); and
  - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the District or the student's school; and
  - c. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

*Education Code 28.004(i), (i-1)*

AVAILABILITY OF  
MATERIALS

The District shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFAA regarding selection of curriculum materials for human sexuality instruction]

STEROID NOTICE AND  
EDUCATION

The District shall, at appropriate grade levels as determined by the State Board of Education, provide to students involved in extracurricular athletic activities information developed by TEA regarding the use of anabolic steroids and the health risks involved with such use. *Education Code 38.0081(b)*

Each school in a district in which there is a grade level of seven or higher shall post in a conspicuous location in the school gymnasium and each other place in a building where physical education classes are conducted a notice regarding steroids, using the text set forth at Education Code 38.008 [see FNCF(EXHIBIT)]. *Education Code 38.008*

CURRICULUM DESIGN  
SPECIAL PROGRAMS

EHB  
(LEGAL)

DYSLEXIA AND RELATED DISORDERS	The Board shall ensure that procedures are implemented for identifying and providing appropriate instructional services to students for dyslexia and related disorders, in accordance with the State Board of Education's <i>Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders</i> .
IDENTIFICATION AND TESTING	<p>Screening should be done only by individuals who are trained to assess students for dyslexia and related disorders.</p> <p>Before an identification or assessment procedure is used selectively with an individual student, the District shall notify the student's parent or guardian or another person standing in parental relation to the student.</p> <p>A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the <i>Dyslexia Handbook</i>.</p>
TREATMENT	Each school shall provide each identified student access at his or her campus to instructional programs required at READING PROGRAM below and to the services of a teacher trained in dyslexia and related disorders. The District may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus.
READING PROGRAM	<p>The District shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the <i>Dyslexia Handbook</i>.</p> <p>Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multi-sensory, phonetic methods and a variety of writing and spelling components described in the <i>Dyslexia Handbook</i>. The professional development activities specified by the District- and/or campus-level committees shall include these instructional strategies.</p>
NOTICE TO PARENTS	The District shall inform parents and guardians of students eligible under Section 504 [see FB] of all services and options available to the student under that statute.
PARENT EDUCATION	<p>The District shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modifications, especially modifications allowed on standardized testing.</p>

*Education Code 38.003; 19 TAC 74.28*



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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 CFR 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 CFR 300.13, .17, .36*

LEAST RESTRICTIVE  
ENVIRONMENT

The 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 CFR 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(g)* [See FOF]

PLACEMENT OPTIONS

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

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 the 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 in an interdistrict program, 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 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;
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; or
12. Other program options, including contracts with other districts and programs approved by TEA.

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

SPECIAL PROGRAMS  
SPECIAL EDUCATION

EHBA  
(LEGAL)

SHARED SERVICES  
ARRANGEMENTS

The 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 CFR 300.34*

TRANSPORTATION

The 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 (ESY)  
SERVICES

The District shall ensure that extended school-year (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. The District may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

*34 CFR 300.106; 19 TAC 89.1065*





SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

COMPENSATORY  
EDUCATION  
ALLOTMENT

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

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

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

*Education Code 42.152(a)–(b)*

USE

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

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

The District may also use allocated funds for:

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

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

LIMIT ON DAEP  
EXPENDITURES

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

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

*Education Code 42.152(c)(1)–(2)*

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

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 the 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 the 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.

The 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).

The 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 21 years of age and who:

1. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
2. If the student is in grades 7–12 did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Was not advanced from one grade level to the next for one or more school years, 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;
4. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year

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COMPENSATORY/ACCELERATED SERVICES

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subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

5. Is pregnant or is a parent;
6. Has been placed in a disciplinary alternative education program 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 the District, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

*Education Code 29.081(d)–(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)*

COMPENSATORY,  
INTENSIVE, AND  
ACCELERATED  
INSTRUCTION

The District shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the District's schools that enable

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COMPENSATORY/ACCELERATED SERVICES

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	the students to perform at grade level at the conclusion of the next regular school term. <i>Education Code 29.081(a)</i>
ACCELERATED INSTRUCTION	The District shall provide accelerated instruction to enrolled students who have not performed satisfactorily on each section of the secondary exit-level assessment instrument or who are at risk of dropping out of school. <i>Education Code 29.081(b)</i>
EFFECTIVENESS	The District shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other District students. <i>Education Code 29.081(c)</i>
DROPOUT RECOVERY EDUCATION PROGRAMS	<p>The District may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must meet the criteria set forth at Education Code 29.081(e)(1)–(5).</p> <p>Students in attendance at a dropout recovery education program shall be included in the District's average daily attendance for funding purposes.</p> <p><i>Education Code 29.081(f)</i></p>
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. <i>Education Code 33.157</i>
OPTIONAL EXTENDED-YEAR PROGRAM (OEYP)	<p>The 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:</p> <ol style="list-style-type: none"><li>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</li><li>2. In grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.</li></ol> <p>A student who does not demonstrate proficiency in a subject area as determined by the District is also eligible for services.</p> <p>An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction</p>

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	for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.
POLICY	If the District provides an OEYP, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.
PROGRAM CRITERIA	An OEYP must meet the requirements set forth at Education Code 29.082 and 19 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 28.021 shall be promoted or retained in accordance with Education Code 29.082(e).
TRANSPORTATION	<p>The District shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services. [See EIE and FDC]</p> <p><i>Education Code 29.082; 19 TAC 105.1001</i></p>
OPTIONAL FLEXIBLE YEAR PROGRAM (OFYP)	<p>The District may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level.</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], the 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 of-</p>

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ferred in a program that meets the required minimum number of instructional days under Education Code section 25.081 and the required length of school day under Education Code section 25.082.

STUDENT  
ELIGIBILITY

The District may provide an OFSDP for students who:

1. Have dropped out of school or are at risk of dropping out of school, as defined above at DEFINITION OF AT-RISK STUDENT;
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
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 optional flexible school day program shall be based on the number of instructional days in the District calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required shall be proportionately reduced for funding purposes. 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 retaking the class.

ANNUAL  
PERFORMANCE  
REVIEW

Annually, the 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*

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

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

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

*Education Code 29.084*

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

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

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

*Education Code 29.086*

**AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS AND SCIENCE PROGRAMS**      The District may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

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

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

1. Determining student eligibility for participating in the program that:
  - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
  - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

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

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

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

*Education Code 29.089*

ACCELERATED  
READING  
INSTRUCTION  
PROGRAM

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The District shall determine the form, content, and timing of the program.

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

LIMITATION

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

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

INTENSIVE PROGRAM  
OF INSTRUCTION  
STATE  
ASSESSMENTS

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

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



SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

- b. Attain a standard of annual growth specified by the District and reported by the District to TEA; and

2. If applicable, carry out the purposes of Education Code 28.0211. [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:

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

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

NO CAUSE OF  
ACTION

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

*Education Code 28.0213*



SPECIAL PROGRAMS  
ADULT AND COMMUNITY EDUCATION

EHBI  
(LEGAL)

ADULT EDUCATION      The District shall provide, to the extent possible within available public and private resources, adult education programs designed to meet the education and training needs of adults. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development. *Education Code 29.253*

ESSENTIAL PROGRAM COMPONENTS      The following essential program components shall be provided:

1. Adult basic education;
2. Programs for adults of limited English proficiency;
3. Adult secondary education, including programs leading to the achievement of a high school equivalency certificate and/or high school diploma;
4. Instructional services to improve student proficiencies necessary to function effectively in adult life, including accessing further education, employment-related training, or employment;
5. Assessment and guidance services related to items 1–4, above; and
6. Collaboration with multiple partners in the community to expand the services available to adult learners and to prevent duplication of services.

*19 TAC 89.23*

DIPLOMA REQUIREMENTS      The standards for awarding diplomas to adults shall be those established in 19 Administrative Code Chapter 74, except:

1. There shall be no limit to the number of secondary credits adults may earn by demonstrating competence.
2. Adults may earn the required physical education credits by one or more of the following:
  - a. Satisfactory completion of approved secondary physical education courses; or
  - b. Substitution of state-approved secondary elective courses.
3. Adults must meet the requirements for successful performance on a secondary level test designated by the Commissioner.

*19 TAC 89.24*

SPECIAL PROGRAMS  
ADULT AND COMMUNITY EDUCATION

EHBI  
(LEGAL)

STAFF DEVELOPMENT	<p>All adult education staff hired after September 1, 1996, shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of pre-service professional development before they begin work in an adult education program. Aides shall have at least a high school diploma or a high school equivalency certificate.</p> <p>Directors, teachers, counselors, and supervisors must have a bachelor's degree. Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of inservice professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience.</p> <p>The requirements for inservice professional development may be reduced by local programs in individual cases upon documented demonstration of exceptional circumstances that prevent employees from completing the required hours.</p> <p>These staff development requirements apply to volunteers who generate contact time that is part of the adult education program and is reported to TEA for funding purposes. [See DMA]</p> <p><i>19 TAC 89.25</i></p>
STAFF ASSIGNMENTS	<p>Teachers and aides shall be assigned to instruction, counseling, and/or assessment for a minimum of 75 percent of the hours for which they are employed. <i>19 TAC 89.26</i></p>
TUITION AND FEES	<p>No student tuition or fees shall be charged for adult basic education as a condition for membership and participation in a class. Tuition for adult secondary education may be charged and established by local policy. Funds generated by such tuition and fees shall be used for the adult education instructional program. <i>19 TAC 89.33</i></p>
REIMBURSEMENT FOR COMMUNITY EDUCATION	<p>If the Board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.</p>
CONDITIONS	<p>The District will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year.</p> <p><i>Education Code 29.256</i></p>

ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EHDB  
(LEGAL)

GRADES 6–12

In accordance with local policy, a student in any of grades 6–12 may be given credit for an academic subject in which he or she had some prior instruction, if the student scores 70 percent on a criterion-referenced test for the applicable course. *Education Code 28.023; 19 TAC 74.24(c)(3)*



ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EHDB  
(LOCAL)

The principal or designee or the attendance committee, as applicable, shall have authority to offer a student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when:

1. The student is enrolling in the District from a nonaccredited school [see FD];
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit because of excessive absences [see FEC].

Examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established District procedures.

Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate District employee shall review the student's educational records to determine whether the student has had prior instruction in the subject or course.





ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC  
(LEGAL)

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

KINDERGARTEN–  
GRADE 5

The District shall develop procedures for kindergarten acceleration that are approved by the Board.

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

1. The student scores 90 percent or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A District representative recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval of the acceleration.

GRADES 6–12

The District shall give a student in grades 6–12 credit for an academic subject in which the student has received no prior instruction if the student scores 90 percent or above on a criterion-referenced examination for acceleration for the applicable course. If such credit is given, the District shall enter the examination score on the student's transcript.

ANNUAL  
ADMINISTRATION

The District shall provide at least three days between January 1 and June 30 and three days between July 1 and December 31 annually when examinations for acceleration shall be administered in grades 1 through 12. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community.

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

FEES

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

*Education Code 28.023; 19 TAC 74.24*



ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

EHDC  
(LOCAL)

TEST SELECTION	The Superintendent or designee shall be responsible for the development or selection of tests a student may use to earn course credit or accelerate to the next grade level without prior instruction in a course or grade level. Each examination shall thoroughly test the essential knowledge and skills in the applicable course or grade level.
TEST DATES	The Superintendent or designee shall establish a schedule of dates, in accordance with law, when examinations for acceleration shall be administered and shall ensure that the dates are published in appropriate District publications or on the District's Web site.
SPECIAL REQUESTS	The District may deny a parent's or student's request for an alternative examination or alternative date.
FEES	<p>The District shall not charge for an examination for acceleration administered on the published dates or alternative dates.</p> <p>However, the student's parent shall pay for an alternative examination approved by the District.</p>
CREDIT APPROVAL	The Superintendent or designee shall award course credit or approve acceleration on the basis of an examination for acceleration, in accordance with State Board rules.
KINDERGARTEN ACCELERATION	<p>The Board shall approve procedures developed by the Superintendent or designee to allow a child who is five years old at the beginning of the school year to be assigned initially to grade 1 rather than kindergarten. Criteria for acceleration may include:</p> <ol style="list-style-type: none"><li>1. Scores on readiness tests or achievement tests that may be administered by appropriate District personnel.</li><li>2. Chronological age and observed social and emotional development of the student.</li><li>3. Other criteria deemed appropriate by the principal and Superintendent or designee.</li></ol>



ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

**NOTICE TO PARENTS** Each school year, the District shall notify the parent of each student enrolled in grade nine or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. The notice must include the name and contact information of any public or private entity offering such a program in the District.

The District may provide the notice on the District's Internet Web site.

*Education Code 28.010*

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**Note:** For information on dual credit courses available through the Texas Virtual School Network (TxVSN), see EHDE and [www.txvsn.org](http://www.txvsn.org).

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**COLLEGE CREDIT  
PROGRAM**

The District shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the District, a public institution of higher education in this state shall assist the District in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, the District shall report to TEA:

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative numbers of courses in which participating students have enrolled and college credit hours the students have earned.

The District is not required to pay a student's tuition or other associated costs for taking a course under this section.

*Education Code 28.009*

**COLLEGE-LEVEL  
COURSES**

The Board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools
2. Middle States Association of Colleges and Schools
3. New England Association of Colleges and Schools
4. North Central Association of Colleges and Schools
5. Western Association of Colleges and Schools
6. Northwest Association of Colleges and Schools

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by the District. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

*19 TAC 74.25*

DUAL CREDIT  
PROGRAMS  
DEFINITIONS

For purposes of the following provisions, “college” means a public two-year associate degree–granting institution or a public university.

“Dual credit” means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school.

*19 TAC 4.83(2), (4)*

PARTNERSHIP  
AGREEMENTS WITH  
PUBLIC COLLEGES

The District may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

COMMUNITY  
COLLEGE  
JURISDICTION

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008 but only if the community college district that serves the area where the high school is located is unable to provide the requested course to the satisfaction of the school district. *Education Code 130.008(d)–(d-1)*

ATTENDANCE  
ACCOUNTING

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

a student to be considered a full-time student in average daily attendance. [See FEB] *Education Code 42.005*

PARTNERSHIP  
AGREEMENT

The Board of the District and the governing board of a college must approve any dual credit partnership between the schools before offering such courses.

The partnership agreement must address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcribing of credit; and
9. Funding.

*19 TAC 4.84-.85*

INSTRUCTIONAL  
PARTNERSHIPS WITH  
COMMUNITY COLLEGE  
DISTRICTS

Types of instructional partnerships between the District and a community college district include:

1. Award of High School Credit Only (see HIGH SCHOOL CREDIT-ONLY COURSES, below).
2. Award of Concurrent Course Credit (see DUAL CREDIT PROGRAMS, above).
3. Tech-Prep Programs (see TECH-PREP PROGRAMS, below).
4. Remedial or Developmental Instruction (see REMEDIAL PROGRAMS, below).

*19 TAC 9.143*

AGREEMENT

For any educational partnership between the District and a community college district, an agreement must be approved by the board or designee of both the District and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

*19 TAC 9.144*

HIGH SCHOOL  
CREDIT-ONLY  
COURSES

The District may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The District and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*

TECH-PREP  
PROGRAMS

The District may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*

REMEDIAL  
PROGRAMS

The Board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which the District is located for the college district to provide remedial programs for students enrolled in the District's secondary schools in preparation for graduation from secondary school and entrance into college. The District and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit. *Education Code 130.090; 19 TAC 9.125, .143(d), .146*

CERTAIN ACADEMIES

The District shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*



ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LOCAL)

PARTNERSHIP  
PROGRAMS

An eligible student may enroll in a partnership program with a Texas college or university in accordance with an agreement between the District and the college or university.

The District shall award credit toward high school graduation in accordance with the agreement between the District and the college or university.

OTHER COLLEGE-  
LEVEL COURSES

The District may award a student credit for completing a college-level course at an accredited college or university that is not in a partnership program with the District. Award of credit shall be based on administrator approval in accordance with District guidelines.

TEXAS VIRTUAL  
SCHOOL NETWORK

According to guidelines established by the Texas Virtual School Network (TxVSN) and the course provider, the District may enroll a student in college-level courses through the TxVSN. When the student successfully completes a course, credit shall be applied toward graduation requirements. [See EHDE]



ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

DISTANCE LEARNING  
AND  
CORRESPONDENCE  
COURSES

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the Commissioner.
2. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TxVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

*19 TAC 74.23*

TEXAS VIRTUAL  
SCHOOL NETWORK

“Electronic course” means a course in which:

1. Instruction and content are delivered primarily over the Internet;
2. A student and teacher are in different locations for a majority of the student’s instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of the District or open-enrollment charter school.

*Education Code 30A.001(4)*

PROVIDER SCHOOL  
DISTRICTS

A district rated acceptable or higher may provide an electronic course in accordance with Education Code Chapter 30A through the TxVSN to students enrolled in that district or students enrolled in another district or open-enrollment charter school. *Education Code Ch. 30A.001(7)(A), . 101*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TxVSN. *Education Code 30A.006*

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

STUDENT  
ELIGIBILITY

GENERALLY

A student is eligible to enroll in a course provided through the TxVSN only if the student:

1. Is younger than 21 years of age on September 1 of the school year;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

A student is eligible to enroll full-time in courses provided through the TxVSN only if:

1. The student was enrolled in a public school in this state in the preceding school year; or
2. The student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

EXCEPTION  
FOR MILITARY  
DEPENDENTS

A student is eligible to enroll in one or more courses provided through the TxVSN or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. Does not reside in this state due to a military deployment or transfer.

*Education Code 30A.002*

ENROLLED  
STUDENTS

A student who is enrolled in the District as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b)*

UNENROLLED  
STUDENTS

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

*Education Code 30A.107(c)*

NOTICE

At the time and in the manner that the District informs students and parents about courses that are offered in the District's traditional classroom setting, the District shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN.

REQUESTS TO  
ENROLL

A district in which a student is enrolled as a full-time student may not unreasonably deny the request of a parent of a student to enroll the student in an electronic course offered through the TxVSN. The District shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

The District is not considered to have unreasonably denied a request to enroll a student in an electronic course if:

1. The District can demonstrate that the course does not meet state standards or standards of the District that are of equivalent rigor as the District's standards for the same course provided in a traditional classroom setting;
2. A student attempts to enroll in a course load that:
  - a. Is inconsistent with the student's high school graduation plan; or
  - b. Could reasonably be expected to negatively affect the student's performance on an assessment instrument administered under Education Code 39.023; or
3. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course.

APPEALS

A parent may appeal to the Commissioner the District's decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner's decision under this subsection is final and may not be appealed.

*Education Code 26.0031*

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

PROHIBITION ON REQUIRED ENROLLMENT	The District or open-enrollment charter school may not require a student to enroll in an electronic course. <i>Education Code 30A.107(d)</i>
COURSE PORTABILITY	A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. <i>Education Code 30A.1051</i>
STUDENT ASSESSMENT	<p>Each student enrolled under this chapter in an electronic course offered through the TxVSN must take any assessment instrument under Education Code 39.023 that is administered to students who are provided instruction in the course material in the traditional classroom setting. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.</p> <p>The District shall report to the Commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.</p> <p><i>Education Code 30A.110</i></p>
FEES	<p>The District may charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and:</p> <ol style="list-style-type: none"><li>1. Is enrolled in the District or open-enrollment charter school as a full-time student; and</li><li>2. Is enrolled in a course load greater than that normally taken by students in the equivalent grade level in other school districts or open-enrollment charter schools.</li></ol> <p>The District may charge a fee for enrollment in an electronic course provided through the TxVSN during the summer.</p> <p>The District shall charge a fee for enrollment in an electronic course provided through the TxVSN to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.</p> <p>The amount of a fee charged a student for each electronic course in which the student enrolls through the TxVSN may not exceed the lesser of:</p> <ol style="list-style-type: none"><li>1. The cost of providing the course; or</li><li>2. \$400.</li></ol>

ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LEGAL)

A district that is not the provider school district or school may charge a student enrolled in the district a nominal fee, not to exceed the amount specified by the Commissioner, if the student enrolls in an electronic course provided through the TxVSN that exceeds the course load normally taken by students in the equivalent grade level.

*Education Code 30A.155(a)–(c-1)*

APPLICABILITY

Unless the District chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of the District or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by the District only to District students if the course is not provided as part of the TxVSN.

*Education Code 30A.004*





ALTERNATIVE METHODS FOR EARNING CREDIT  
DISTANCE LEARNING

EHDE  
(LOCAL)

TEXAS VIRTUAL  
SCHOOL NETWORK

The Superintendent or designee shall establish procedures for students to enroll in courses provided by the Texas Virtual School Network (TxVSN).

Enrollment in courses through the TxVSN shall not be subject to limitations the District may impose for other distance learning courses.

OTHER DISTANCE  
LEARNING

The Superintendent or designee shall establish procedures governing the use of other distance learning courses, including correspondence courses, as a means of earning credit in a subject or course. In order to receive credit, a student shall obtain written approval from the principal or designee prior to enrollment in the course.



ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

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

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

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

POSTHUMOUS  
DIPLOMA

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

EXCEPTION

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

*Education Code 28.0254*

DIPLOMA /  
TRANSCRIPT /  
CERTIFICATE OF  
COURSEWORK  
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record or transcript, rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.51(a), .61(a)* [See EI for provisions regarding certificate of coursework completion]

SPECIAL  
EDUCATION  
STUDENTS

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

PERSONAL  
GRADUATION  
PLAN (PGP)

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

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

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

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.

In addition, the District is encouraged to establish for each student entering grade 9 a PGP that identifies a course of study that:

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

*Education Code 28.0212*

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student receiving special education services, the student's admission, review, and dismissal (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]*

EARLY GRADUATION

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

STATE GRADUATION  
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.51(b), .61(b)*

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**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2004–05 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [www.tea.state.tx.us/rules/tac/chapter074/index.html](http://www.tea.state.tx.us/rules/tac/chapter074/index.html).

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MINIMUM HIGH  
SCHOOL PROGRAM

The District shall ensure that each student enrolls in the courses necessary to complete the Recommended or Advanced/Distinguished Achievement High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree 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 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.

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, the 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.

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), (b-6), (b-8), 19 TAC 74.51(d), .52–.54, .61(c)–(e), .62–.64*

REQUIREMENTS

A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must demonstrate proficien-

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

cy in the program requirements listed at 19 Administrative Code 74.52. A student who entered grade 9 in 2007–08 and thereafter must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62. *19 TAC 74.52, .62*

RECOMMENDED  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.53.

A student who entered grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.

*Education Code 28.025; 19 TAC 74.53, .63*

ADVANCED /  
DISTINGUISHED  
ACHIEVEMENT  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.54.

A student who entered grade 9 in the 2007–08 school year or thereafter must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.

*Education Code 28.025, 19 TAC 74.54, .64*

CURRICULUM MAY  
NOT VARY

The District may not vary the curriculum for a course in the required curriculum based on whether a student is enrolled in the Minimum, Recognized, or Advanced/Distinguished Achievement High School Program. *Education Code 28.004(q)*

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 74.53(d), .54(e), .63(d), .64(e)*

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 74.51(h), .61(k)*

READING

The District may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the District:

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

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 74.51(e), .61(e)*

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 74.51(i), .61(l)*

PHYSICAL  
EDUCATION  
SUBSTITUTIONS

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.

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. The 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

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

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.

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.

STUDENTS 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 28.002(b-10); 19 TAC 74.52(b)(7), .53(b)(7), .54(b)(7), .62(b)(7), .63(b)(7), .64(b)(7)*

TRANSFERS FROM  
OUT-OF-STATE OR  
NONPUBLIC SCHOOLS      Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. 19 TAC 74.51(f), .61(f) [See EHDB, EHDC, EHDE, and EI]

PRIOR COURSES      High school courses successfully completed prior to grade 9 and the 2007–08 school year shall count toward graduation in the manner established in 19 Administrative Code Chapter 74 for credit in the year the course is successfully completed.

Science and physical education graduation requirements successfully completed prior to the 2010–11 school year shall count toward



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GRADUATION

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graduation in the manner established at the time the credit was earned.

Physical education graduation requirements successfully completed through a two- or three-credit career and technical education work-based training course prior to the 2011–12 school year shall count toward graduation.

*19 TAC 74.61(f), (m)*

GRADUATION OF  
SPECIAL EDUCATION  
STUDENTS

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

COMPLETION OF  
GENERAL  
EDUCATION  
REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements applicable to students in general education for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance on the exit-level assessment instrument; or
2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements applicable to students in general education for graduation under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on a required state assessment shall also be required for graduation.

*19 TAC 89.1070(b)*

COMPLETION OF  
IEP

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

1. The student's IEP;
2. One of the following conditions, consistent with the student's IEP:
  - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
  - b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District; or

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- c. Access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program;
3. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and
4. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

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

*19 TAC 89.1070(c), (h)*

AGING OUT

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee's determination that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP. *19 TAC 89.1070(d)*

EVALUATION

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

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 dis-

ACADEMIC ACHIEVEMENT  
GRADUATION

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trict, 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]*



ADMISSIONS

FD  
(LOCAL)

PERSONS AGE 21 AND OVER	The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.
REGISTRATION FORMS	The student's parent, legal guardian, or other person having lawful control shall annually complete and sign registration forms. A student who has reached age 18 shall be permitted to complete and sign these forms.
MINOR LIVING APART PERSON STANDING IN PARENTAL RELATION	A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.
MISCONDUCT	A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.
EXCEPTIONS	Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.
EXTRACURRICULAR ACTIVITIES	The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.
NONRESIDENT STUDENT IN GRANDPARENT'S AFTER-SCHOOL CARE	<p>The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.</p> <p>The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.</p>
PLACEMENT ACCREDITED SCHOOLS	The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

ADMISSIONS

FD  
(LOCAL)

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

NONACCREDITED  
SCHOOLS

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

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

TRANSFER  
CREDIT

Before granting credit, the District shall validate, by testing or other evidence, that any course taken by a student at a nonaccredited public, private, or parochial school meets State Board requirements. [See EHDB]

WITHDRAWAL

A parent or guardian wishing to withdraw a minor student shall present a signed request stating the reason for the withdrawal. A student who is 18 or older may request withdrawal without a parent's or guardian's signature.

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

WELLNESS AND HEALTH SERVICES  
IMMUNIZATIONS

FFAB  
(LEGAL)

IMMUNIZATION  
REQUIREMENTS

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

TDSHS requires students in kindergarten through twelfth grade to have the following additional vaccines, according to the immunization schedules set forth in department regulations: pertussis, hepatitis B, hepatitis A (for students attending schools in high incidence geographic areas as designated by the department), and varicella (chickenpox).

TDSHS requires students in seventh through twelfth grade to have the meningococcal vaccine, according to the immunization schedules set forth in department regulations.

*25 TAC 97.63(2)(B)*

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**Note:** For immunization requirements, see TDSHS's Web site at [www.dshs.state.tx.us/immunize/docs/school/6-14.pdf](http://www.dshs.state.tx.us/immunize/docs/school/6-14.pdf). For TDSHS's recommended immunization schedule, see [www.dshs.state.tx.us/immunize/Schedule/schedule\\_child.shtm](http://www.dshs.state.tx.us/immunize/Schedule/schedule_child.shtm)

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Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72*

IMMUNIZATION  
AWARENESS  
PROGRAM

A district that maintains an Internet Web site shall post prominently on the Web site:

1. A list, in English and Spanish, of:
  - a. The immunizations required by TDSHS for admission to public school;
  - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
  - c. Health clinics in the District that offer the influenza vaccine, to the extent those clinics are known to the District; and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an

WELLNESS AND HEALTH SERVICES  
IMMUNIZATIONS

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exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

*Education Code 38.0181*

APPLICABILITY

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to the District. 25 TAC 97.61(a)

EXCEPTIONS

Immunization is not required for admission to the District:

1. If the student submits to the admitting official:

MEDICAL  
REASONS

- a. An affidavit or a certificate signed by the student's physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

or

REASONS OF  
CONSCIENCE

- b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

or

MILITARY DUTY

2. If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

*Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d)(2), .0041; 25 TAC 97.62*



WELLNESS AND HEALTH SERVICES  
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PROVISIONAL ADMISSION	A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.
COMPLETION OF VACCINATIONS	To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccination series on schedule and provide acceptable evidence of vaccination to the District.
REVIEW OF STATUS	A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and the District will exclude the student from school attendance until the required dose is administered.
HOMELESS STUDENT	A student who is homeless, as defined in the McKinney-Vento Homeless Education Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to appropriate public health programs to obtain the required vaccinations. [See FD and FDC]
TRANSFER STUDENTS	A student can be enrolled provisionally for no more than 30 days if he or she transfers from one Texas school to another, and is awaiting the transfer of the immunization record.
MILITARY DEPENDENTS	<p>A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. [See FDD]</p> <p>The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law.</p> <p><i>Education Code 38.001(e), 162.002 art. IV, § C; 25 TAC 97.66, .69; Atty. Gen. Op. GA-178 (2004)</i></p>
EVIDENCE OF IMMUNIZATION	<p>A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to the District. 25 TAC 97.63(2)</p> <p>Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:</p>

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1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel;
2. An official immunization record generated from a state or local health authority, such as a registry; or
3. A record received from school officials including a record from another state.

*25 TAC 97.68*

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [See the form on TDSHS's Web site at [www.dshs.state.tx.us/immunize/docs/c-9.pdf](http://www.dshs.state.tx.us/immunize/docs/c-9.pdf)].

*25 TAC 97.65*

IMMUNIZATION  
RECORDS

Not later than the 30th day after a parent or other person with legal control of a student under a court order enrolls the student in the District, the parent or other person, or the District in which the student most recently attended school, shall furnish to the District a record showing that the student has the required immunizations. *Education Code 25.002(a)(3), (a-1)*

Each district shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS. *Education Code 38.002(a); 25 TAC 97.67*

TRANSFER OF  
RECORDS

Each district shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b)*

ANNUAL REPORT

The District shall submit annual reports of the immunization status of students, in a format prescribed by TDSHS, to monitor compliance with immunization requirements. All districts shall submit the report at the time and in the manner indicated in the instruc-

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tions printed on the form. *Education Code 38.002(c); 25 TAC 97.71*

CONSENT TO  
IMMUNIZATION

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

*Family Code 32.101(a)*

The district in which the child is enrolled may give consent to the immunization if:

1. The persons listed above are not available; and
2. The district has written authorization to consent from a person listed above.

*Family Code 32.101(b)(5)*

The District may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for the District to consent.

*Family Code 32.101(c)*

DUTY TO PROVIDE  
INFORMATION

A district that consents to immunization of a child shall provide the health-care provider with sufficient and accurate health history and other information as set forth in Family Code 32.101(e).

FORM OF CONSENT

Consent to immunization must meet the requirements of Family Code 32.002(a). [See FFAC] The District has the responsibility to ensure that the consent, if given, is an informed consent. The District is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

*Family Code 32.101(f), .102*

LIABILITY

A district consenting to immunization of a child is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from the district's own acts of negligence. *Family Code 32.103*



WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS

FFAE  
(LEGAL)

SCHOOL-BASED  
HEALTH CENTERS

The District may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to the District.

On the recommendation of an advisory council, the District may establish a school-based health center at one or more campuses in the District to meet the health-care needs of students and their families. The District may contract with a person to provide services at a school-based health center.

*Education Code 38.051*

PROGRAMS GOALS

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

*Education Code 38.063(c)*

CONSENT  
REQUIRED

A school-based health center may provide services to a student only if the District or the provider with whom the District contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services.

*Education Code 38.053*

PERMISSIBLE  
SERVICES

The permissible categories of services are:

1. Family and home support;
2. Health care, including immunizations;
3. Dental health care;
4. Health education; and
5. Preventive health strategies.

*Education Code 38.054*

WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS

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(LEGAL)

SERVICES NOT  
PERMITTED

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school. If it is determined that a student should be referred for mental health services, the staff of the center shall notify verbally and in writing the person who has authority to consent, and the referral shall not be made unless the person provides written consent for the service to be provided and specific written consent for each treatment occasion. *Education Code 38.057*

ADVISORY COUNCIL

The Board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist the District in ensuring that local community values are reflected in the operation of each center and in the provision of health education. A majority of the members must be parents of students enrolled in the District. In addition to the appointees who are parents, the Board shall also appoint at least one teacher, one administrator, one licensed health-care professional, one member of the clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student. *Education Code 38.058*

The District may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

If the District is located in a county with a population not greater than 50,000 or that has been designated as a health professional shortage area, a medically underserved area, or a medically underserved community, the District shall make a good-faith effort to identify and coordinate with existing providers. *Education Code 38.060*

PRIMARY CARE  
PHYSICIAN

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center

WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS

FFAE  
(LEGAL)

shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

FUNDING

The District shall comply with the funding requirements and limitations set out in Education Code 38.062–.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062–.063*

STANDARDS FOR  
STATE-FUNDED  
CENTERS

If the District receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*





STUDENT DISCIPLINE

FO  
(LEGAL)

STUDENT CODE OF  
CONDUCT

The Board shall adopt a Student Code of Conduct for the District, with the advice of its District-level committee. The Student Code of Conduct must:

1. Specify the circumstances, consistent with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, or disciplinary alternative education program (DAEP).
2. Specify the conditions that authorize or require a principal or other appropriate administrator to transfer a student to DAEP.
3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].
4. Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:
  - a. Self-defense;
  - b. Intent or lack of intent at the time the student engaged in the conduct;
  - c. A student's disciplinary history; or
  - d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), the District is not required to specify a minimum term of removal or expulsion.
6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.
7. Prohibit bullying, harassment, and making hit lists and ensure that District employees enforce those prohibitions.

"Bullying" means engaging in written or verbal expression or physical conduct that the Board or its designee determines:

- a. Will have the effect of physically harming a student, damaging a student's property, or placing a student in rea-

STUDENT DISCIPLINE

FO  
(LEGAL)

sonable fear of harm to the student's person or of damage to the student's property; or

- b. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

"Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

"Hit list" means a list of people targeted to be harmed using a firearm, as defined by Penal Code 46.01(3) [see FNCG]; a knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or any other object to be used with intent to cause bodily harm.

- 8. Provide, as appropriate for students at each grade level, methods, including options, for:
  - a. Managing students in the classroom and on school grounds;
  - b. Disciplining students; and
  - c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

The methods adopted must provide that a student who is enrolled in a special education program under Education Code Chapter 29, Subchapter A, may not be disciplined for bullying, harassment, or making of hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. [See FOF]

CHANGES IN SCOC

Once the Student Code of Conduct is promulgated, any change or amendment shall be approved by the Board.

POSTING

The Student Code of Conduct shall be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

*Education Code 37.001*

STUDENT DISCIPLINE

FO  
(LEGAL)

NOTICE TO PARENTS	Each school year, the District shall provide parents with notice of and information regarding the Student Code of Conduct. <i>Education Code 37.001(d)</i>
NONCUSTODIAL PARENT	A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, the District provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. The District may not unreasonably deny the request. Notwithstanding this requirement, the District shall comply with any applicable court order of which the District has knowledge. <i>Education Code 37.0091(a)</i>
COPIES TO STAFF	The District shall provide each teacher and administrator with a copy of Education Code Chapter 37, Subchapter A regarding student discipline and with a copy of the related local policy. <i>Education Code 37.018</i>
NO UNSUPERVISED SETTING	Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP. <i>Education Code 37.008(h)</i>
CONTINUATION OF DISCIPLINARY ACTION	<p>If the District takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.</p> <p>"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.</p> <p>"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.</p> <p><i>Education Code 37.022</i></p>
OPPORTUNITY TO COMPLETE COURSES	If a student is placed in in-school suspension or other alternative setting other than a DAEP, the District shall offer the student the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of removal. The District may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. <i>Education Code 37.021</i>

STUDENT DISCIPLINE

FO  
(LEGAL)

SECLUSION A District employee or volunteer or an independent contractor of the District may not place a student in seclusion. *Education Code 37.0021(c)*

“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

*Education Code 37.0021(b)(2)*

EXCEPTIONS This prohibition on seclusion does not apply to:

1. A peace officer, while performing law enforcement duties;
2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of the District.

*Education Code 37.0021(g)*

CORPORAL PUNISHMENT Reasonable corporal punishment is not prohibited in order to preserve an effective educational environment, free from disruption.

REASONABLE AND MODERATE Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and condition of the student, the type of instrument to be used, the amount of force to be used, and the part of the body to be struck shall be considered before administering any corporal punishment.

*Baker v. Owen*, 395 F. Supp. 294 (M.D.N.C. 1975), *aff'd*, 423 U.S. 907 (1975); *Ingraham v. Wright*, 430 U.S. 651 (1977)

MAINTAIN DISCIPLINE The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. *Penal Code 9.62*

VIDEOTAPES AND RECORDINGS A District employee may, without consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)* [See FNG]

REPORTS The District shall annually report to the Commissioner:

STUDENT DISCIPLINE

FO  
(LEGAL)

DISCIPLINARY  
ALTERNATIVE  
EDUCATION  
PROGRAMS

1. For each placement in a DAEP:
  - a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
  - b. Information indicating whether the placement was based on:
    - (1) Conduct violating the Student Code of Conduct;
    - (2) Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];
    - (3) Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or
    - (4) Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);
  - c. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and
  - d. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

EXPULSIONS

2. For each expulsion:
  - a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
  - b. Information indicating whether the expulsion was based on:
    - (1) Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school; or
    - (2) Conduct for which expulsion is permitted;
  - c. The number of full or partial days the student was expelled;
  - d. Information indicating whether:

STUDENT DISCIPLINE

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(LEGAL)

- (1) The student was placed in a juvenile justice alternative education program;
  - (2) The student was placed in a DAEP; or
  - (3) The student was not placed in a juvenile justice or other DAEP; and
- e. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct.

*Education Code 37.020*

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

	<p>A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. <i>19 TAC 103.1201(a)</i></p>
JOINT / CONTRACTED DAEP	<p>The District may provide a DAEP jointly with one or more other school districts, or may contract with third parties for DAEP services. A district that contracts with a third party must require and ensure compliance with District responsibilities that are transferred to the third-party provider. <i>Education Code 37.008(d); 19 TAC 103.1201(d)</i></p>
	<p>The DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. <i>Education Code 37.008(b)</i></p>
COMMUNITY ORGANIZATIONS	<p>The District shall cooperate with government agencies and community organizations that provide services in the District to students placed in a DAEP. <i>Education Code 37.008(e)</i></p>
FUNDING	<p>A student removed to a DAEP is counted in calculating the District's average daily attendance for the student's time in actual attendance in the program. <i>Education Code 37.008(f)</i></p> <p>The District shall allocate to a DAEP the same expenditure per student attending the DAEP as would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. <i>Education Code 37.008(g)</i> [See also EHBC(LEGAL), LIMIT ON DAEP EXPENDITURES]</p>
LOCATION	<p>A DAEP shall be provided in a setting other than the student's regular classroom. It may be located on or off a regular school campus. An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39.</p> <p>An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy.</p> <p>Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. However, summer programs provided by the District may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.</p>

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

Students in the DAEP shall be separated from students in a juvenile justice alternative education program (JJAEP).

*Education Code 37.006(f), .008(a), (c); 19 TAC 103.1201(f)(3), (h)(1), (h)(3)*

HOURS OF  
OPERATION

The school day for a DAEP shall be at least seven hours but no more than ten hours in length each day, including intermissions and recesses. *Education Code 37.008(a); 19 TAC 103.1201(f)(2)*

SAFETY

The District is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG] shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

The District shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

*19 TAC 103.1201(h)*

STAFFING

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

*19 TAC 103.1201(i)*



PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

ENTRANCE  
PROCEDURES

Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

ACADEMICS

The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a), (m)*

The District shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's four-year graduation plan (Minimum, Recommended, or Advanced/Distinguished Achievement) may not be altered when the student is assigned to a DAEP.

OPPORTUNITY TO  
COMPLETE  
COURSE

The District shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The District may not charge the student for such course provided under this subsection. Except for this requirement, the District is not required to provide in the DAEP a course necessary to fulfill a student's high school graduation requirements.

*Education Code 37.008(l); 19 TAC 103.1201(f)*

ACCOUNTABILITY

The campus of accountability for student performance shall be the student's locally assigned campus, including when the District or shared services arrangement contracts with a third party for DAEP services. *19 TAC 103.1201(e)*

ACADEMIC  
ASSESSMENTS

The District shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:

1. Initially on placement of the student in the program; and
2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

Released state assessments for reading and mathematics for the appropriate grade may be used. The District may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills (TEKS) for reading and mathematics for the stu-

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
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dent's assigned grade. The Commissioner will publish on the Texas Education Agency Web site a list of assessments approved for use in each school year.

The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

The District shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within ten days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local District policy.

A student in the District's DAEP must also be assessed under the requirements of the Education Code Chapter 39. [See EKB]

*Education Code 37.0082; 19 TAC 103.1203*

SPECIAL  
POPULATIONS

SPECIAL  
EDUCATION

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the student's IEP. 19 TAC 103.1201(g)

DRUG AND  
ALCOHOL  
TREATMENT

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

TRANSITION  
SERVICES

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

1. An established time line for the student's transition from the DAEP to the student's locally assigned campus; and
2. Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

*19 TAC 103.1201(k)*

STUDENT FEES, FINES, AND CHARGES

FP  
(LEGAL)

AUTHORIZED FEES

The Board may require payment of:

1. Fees for materials used in any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of materials.
2. Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary.
3. Security deposits for the return of materials, supplies, or equipment.
4. Fees for personal physical education and athletic equipment and apparel. However, any student may provide his or her own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the Board.
5. Fees for items of personal use or products that a student may purchase at the student's option, such as student publications, class rings, annuals, and graduation announcements.
6. Fees specifically permitted by any other statute.
7. Fees for an authorized, voluntary student health and accident benefit plan.
8. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the District.
9. Fees for personal apparel that become the property of the student and that are used in extracurricular activities.
10. Parking fees [see CLC] and fees for identification cards.
11. Fees for driver training courses, provided that such fees shall not exceed the actual District cost per student in such programs for the current school year.
12. Fees for courses offered for credit that require the use of facilities not available on the school premises or the employment of an educator who is not part of the school's regular staff, if participation in the course is at the student's option. Payment may not be required if the course is one requested by parents according to Education Code 28.003 [see EHA].
13. Fees for courses offered during summer school, except that the Board may not charge a fee for a course required for

STUDENT FEES, FINES, AND CHARGES

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graduation unless the course is also offered without a fee during the regular school term.

14. A reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the Board may not charge a fee for transportation for which the District receives funds under Education Code 42.155(d).
15. A reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Education Code 25.092. [See FEC] The District shall provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The District may assess the fee only if the student returns the signed form.

*Education Code 11.158(a), (d), (h)*

16. A fee for enrollment in an electronic course provided through the Texas virtual school network (TxVSN) in accordance with Education Code 30A.155. *Education Code 30A.155* [See EHDE]

PROHIBITED FEES

The Board may not charge fees for:

1. Textbooks, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course, except as authorized under this code.
2. Field trips required as part of a basic educational program or course.
3. Any specific form of dress necessary for any required educational program or diplomas.
4. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.
5. Library books required to be used for any educational course or program. However, fines may be assessed for lost, damaged, or overdue books.
6. Admission to any activity the student is required to attend as a prerequisite to graduation.

STUDENT FEES, FINES, AND CHARGES

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7. Admission or examination in any required educational course or program.
8. Lockers.

PERSONAL SUPPLIES      Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, and notebooks. Students may be required to furnish school uniforms, subject to the provisions of Education Code 11.162 regarding educationally disadvantaged students. [See FNCA]

SCHOOL STORE      The District may operate a school store where students may purchase school supplies and materials.

WAIVER OF FEES      The District shall adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook.

POSTSECONDARY  
INSTRUCTIONAL  
PROGRAMS      The Board may charge reasonable fees for goods and services provided in connection with any postsecondary instructional program, including career and technology, adult, veterans, or continuing education, community service, evening school, and high school equivalency programs.

*Education Code 11.158(b)–(c), (e)–(g)*

