

# Agenda of Regular Meeting

## The Board of Trustees Splendora ISD

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A Regular meeting of the Board of Trustees of Splendora ISD will be held July 18, 2022, beginning at 6:30 PM in the Administration Building Boardroom, 23419 FM 2090, Splendora, Texas 77372.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Strategic Direction - Why We Exist	3
2. ROLL CALL	
3. INVOCATION	
4. U.S. & STATE OF TEXAS PLEDGE OF ALLEGIANCES	4
5. GOOD THINGS	
6. DISTRICT RECOGNITION	
A. Counselors	
B. PCE Parent Donald McCulley	
7. AUDIENCE	
8. SUPERINTENDENT'S REPORT	
A. Month-At-A-Glance	5
9. INFORMATION ITEMS	
A. Monthly Police Report	6
10. ADMINISTRATIVE PRESENTATIONS	
A. Counseling Audit Presentation	8
B. EOC / STAAR Results / CCMR Update	13
11. CONSENT AGENDA ITEMS	
A. Minutes	20
B. Financials, Tax Report, Investment Report, and Accounts Payable	29
C. Consider Approval of TASB Policy Update 119	67
D. Consider Approval of Risk Management Fund Renewal 22-23	570
E. Consider Approval of Sub Pay Rate	577
F. Consider Purchase of two - 78 Passenger School Buses	579
G. Consider and Accept Excess Collections for 2021 Debt Service and Certification for Debt Service Collection Rate for 2022-2023.	592

H. Consider Greenleaf Elementary Roof and Waterproofing Project	595
12. ACTION ITEMS	
A. Consider Approval of Student Handbook & Code of Conduct	596
B. Consider Approval of Employee Handbook 2022-2023	738
C. Set Date for Tax Rate Public Hearing	806
D. Discussion and Possible Action to approve the emergency repair of the Junior High Rooftop Gas Lines.	807
13. CLOSED SESSION ITEMS	
A. Personnel - Section 551.074	
1. Resignation(s)	
2. Discussion regarding Superintendent Evaluation	
B. Board Self Evaluation Discussion	
C. Real Estate - Section 551.072	
14. POSSIBLE ACTION ARISING FROM CLOSED SESSION	
A. Consider Approval of Superintendent's Evaluation	
15. POSSIBLE AGENDA ITEMS FOR NEXT MEETING	817
16. ADJOURN	

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*If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on \_\_\_\_\_, at \_\_\_\_\_

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For the Board of Trustees



## STRATEGIC DIRECTION - *why we exist*

**VISION** Right People. Right Things. Right Way. Right Resources. Right Relationships

**MISSION** Cultivating Exceptional People

<b>BELIEFS</b> - <i>why we act</i>	<b>PRINCIPLES</b>
<u>Student-Focused</u> : We believe the greatest outcomes result when students come first.	<ul style="list-style-type: none"> <li>• Be accountable.</li> <li>• Live with integrity.</li> <li>• Focus on student needs.</li> </ul>
<u>Relationships</u> : We believe positive and supportive relationships create the conditions for students to be advocates in their education.	<ul style="list-style-type: none"> <li>• Value each other.</li> </ul>
<u>Culture</u> : We believe a healthy, collaborative culture fosters exploration and innovation in a supportive environment.	<ul style="list-style-type: none"> <li>• Ensure a safe physical, emotional, + social environment.</li> </ul>
<u>Servant Leaders</u> : We believe servant leaders and critical thinkers strengthen our community and democracy.	<ul style="list-style-type: none"> <li>• Develop servant leaders.</li> </ul>
<u>Learning</u> : We believe all students deserve high-quality, engaging learning experiences that honor the potential in each student.	<ul style="list-style-type: none"> <li>• Create a dynamic learning environment.</li> </ul>

## LEARNER PROFILE

The Splendor ISD Learner Profile provides an educational setting where every student is empowered to be: Self Motivated, Confident, An Adaptable Learner, A Critical Thinker, A Productive Citizen

## STRATEGIC GOALS

Goal 1: Establish a shared commitment to district beliefs, the need for continuous innovation, and a focus on the future.

Goal 2: Ensure the focus of school district activity is on improving the quality of learning experiences for all.

Goal 3: Enhance the capacity to increase student engagement through digital learning.

Goal 4: Enact a communication strategy that results in a common language and a shared commitment to student success.

Goal 5: Establish a culture that promotes social, emotional and physical well-being for all.

U.S. Pledge:

"I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Texas Pledge:

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

## Superintendent Spotlight



Our staff has been hard at work getting ready for the school year. We said goodbye to Zizi and hello to new hires. Students have enjoyed sports camps, STEAM camp, and the SJH Wind Ensemble placed 4th at the 2022 Texas Music Educators Association Honor Band Contest.



**Splendor ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: Jul 18, 2022**

**Submitted Date: Jul 11, 2022**

**Agenda Business Items:**

- Consent Agenda Item
- New Action

**Information Only Items:**

- Presentation
- Recognition
- Information

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Name of Person Responsible: Chief Colin Weatherly

Department or Campus: Police

Topic: Monthly Report

Background Information:

Attachments: Monthly Report(s)

Superintendent's Resolutions: Reviewed

## **July 2022 Police Report**

- MONTHLY ACTIVITY June 2022
  - Nothing to Report
  
- SIGNIFICANT EVENTS
  -
  
- PERSONNEL ISSUES
  - New Officer starting July 25, 2022
  - New Officer starting August 1, 2022
  - Trying to hire additional officer before school starts
  
- BUDGET ISSUES
  -
  
- OTHER
  - New Traverse and Tahoe should be arriving soon
  - Attempting to purchase additional Tahoe in July/August 2022
  - School Safety Meeting 08/01/2022
  - Multiple Staff Meetings setup in July/August to discuss safety issues
  - Summer TEA security requirements



**Splendor ISD Board of Trustees  
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**Board Meeting Date: 7/18/2022**

**Submitted Date: 7/13/2022**

**Agenda Business Items:**

- Consent Agenda Item  
(Board has acted on items such as this previously)
- New Action  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation
- Recognition
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**Name of Person Responsible: Loydette Youngblood**

**Department or Campus: Director of Wellness and Counseling**

**Topic: Counseling Audit Presentation**

**Background Information:**

**Attachments: Presentation & Exec Summary**

**Superintendent's Resolutions: Reviewed**

## **COUNSELING DEPARTMENT REVIEW - SPRING 2022**

### **SUMMARY REPORT**

**PURPOSE:** An objective review of the systems, plans and staffing patterns that we have in place with observations and recommendations for support and growth. Conducted by Gene Rutland.

Changes in legislation require an increased focus on mental health and comprehensive planning to meet the Texas Model of Comprehensive School Counseling. New changes also require that at least 80% of a counselor's time be spent on counseling duties. Mr. Rutland was contracted to review the counseling plan, meet with counselors to review their roles and responsibilities, and their existing and developing systems to support student growth and wellness.

**PROCESS:** Mr. Rutland met with all campus counselors. Elementary counselors met as a group and secondary counselors met as a group. He also met with Ms. Youngblood to review the framework for the SISD Comprehensive Counseling Plan and the SISD Indicators of Social and Emotional Wellness. He met again with all counselors to discuss what "student success" looks like, and what factors in the counseling process can be leveraged to affect student success.

#### **FINDINGS:**

##### **The SISD Comprehensive Counseling Plan**

"This is a well developed plan that will cover areas that have not always been in place at many schools. This plan breaks down in different increments, areas where students can experience ways to succeed at school, home, college, work, and the community. It needs all members of the school staff to support and encourage students to take advantage of its many components. This proves that success at school should not only focus on academic areas but the many other areas where students can feel accomplished in many other areas. It will take time to launch and monitor this plan, but the end result will make this district's innovative approach to student success a program that other districts will want to consider and possibly implement." G.Rutland

##### **Highlights from Interviews with the campus counselors:**

###### **Elementary Counselors**

- They believe that they have a solid support system with each other and Ms. Youngblood.
- They report good working relationships with their administrators.
- They genuinely enjoy their jobs.
- They expressed equal voice and the belief that each of them bring a variety of strengths to the team.

- They believe that they can better support the students with the removal of non-counseling duties like 504 Coordination.

### **Junior High**

- They report equally shared voice and input.
- They feel supported at the district level.
- They have positive relationships with administrators and are an active part of leadership decisions on campus.
- They are very much looking forward to the new comprehensive model and the focus on counseling duties.
- They truly enjoy their jobs.

### **High School**

- They were not as comfortable sharing their voices and opinions.
- They experienced an increased workload with the resignation of one of the counselors mid year. They would like to see a redistribution of student caseloads for next year.
- They would like a lead counselor at the campus level
- They feel supported at the district level
- They expressed needing more communication and collaboration from campus administration.
- They expressed concerns with the Master Schedule that caused a significant amount of time to be spent on schedule changes. "Scheduling this year has been a major area of concern for them."
- They are very much looking forward to implementing the new comprehensive model format next year and having more time to work directly with students.

## **AREAS OF SUPPORT AND PROFESSIONAL LEARNING FOR 2022-2023 - as identified by campus counselors:**

### **All Counselors:**

- Develop a Counselor Accountability Plan and Profile
- Training and ongoing meetings and planning with the Director of Counseling and Wellness to transition to and support the SISD Comprehensive Counseling Plan.
- Grief and Trauma

### **Secondary Counselors**

- Team Building with Counselors and Campus Administrators
- Develop Job Descriptions/Roles with combined district and campus input
- Graduation Requirements and CCMR Standards
- They would like more support for TSIA Testing and Planning
- Scholarships and Financial Aid
- Small Group Planning and Implementation
- They would like to see more restorative practices in the discipline procedures.

- Inclusion, Diversity and Acceptance training to better support students, staff, parents, and community.

### **Elementary Counselors**

- Targeted training for the utilization of small group counseling on a more regular basis.
- Small Group Planning and Implementation
- Restorative Practices with discipline
- Inclusion, Diversity and Acceptance with students, staff, parents, and community.
- Finding multiple ways to measure student success
- Professional learning for Social Skill Building with students

### **RECOMMENDATIONS FROM THE FINDINGS:**

Continue to develop the SISD Comprehensive Counseling Plan.

Provide education for administrators about the Texas Model for Comprehensive School Counseling and the Roles and Responsibilities of a school counselor.

Remove Non-Counseling Duties to better support the direct counseling work with students.

Meet regularly as a counseling department to review progress on the Comprehensive Counseling Plan.

Continue to add counseling positions as outlined on the staffing plan as student growth occurs on the campuses.

Provide targeted professional learning opportunities to meet the expressed needs of counselors.

### **POSITIVES FROM REVIEW:**

- Strong support and leadership at the district and board level
- A solid framework for developing and managing a comprehensive counseling program that meets the legislated requirements
- Counselors that enjoy their jobs and are committed to student success
- Network of support from Region 6 and the Area Directors Collaborative
- Positive relationships and inclusion in campus decision making
- Strong relationship with Lone Star College - both with College and Career options for students

### **OPPORTUNITIES:**

- Meeting staffing needs in a fast growth environment
- Addressing diversity issues that come with the fast growth

- Developing strong master schedules that will sustain growth and not require constant change
- Skyward training and PEIMS reporting - More training and understanding the connections and logistics of scheduling priorities and challenges
- Gearing Professional Learning to targeted populations by age group
- Networking with other districts to pull resources for scholarships and opportunities



**Splendoria ISD Board of Trustees  
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**Name of Person Responsible: Glenn Barnes**

**Department or Campus: Chief of Leadership & Culture**

**Topic: EOC / STAAR / CCMR updates**

**Background Information: The presentations will cover the district's performance on STAAR and EOC exams as well as how we are performing on the CCMR indicators. It will include the presentation of summaries of the data, goals, and plans of action moving forward.**

**Attachments: [21-22 SY CCMR Update](#) [21-22 SY STAAR/EOC Overview](#)**

**Superintendent's Resolutions: Reviewed**



# SISD STAAR 21-22 SY<sup>14</sup> Overview

July 2022

## Overview

- STAAR is a once a year norm referenced exam
- 21-22 SY was the second year students were tested on STAAR after the return from missing extended time due to Covid
- Students did not test in Writing this school year
- 21-22 SY is the last year before the transition to online STAAR testing for all students
- District and campus ratings will be released by TEA in August



# Opportunities

- Increase the amount of students achieving Meets and Masters performance
- 5th-9th grade Math overall performance
- Increase the consistency of student performance across teachers
- Increase student longitudinal performance as they advance grade levels
- Increase focus on writing across the curriculum





# Positives

## SHS/SJH

- 12 of 14 STAAR EOC exams displayed improvement in the number of students passing during the first administration
- 8 of 12 STAAR EOC exams displayed growth in the number of students achieving Meets performance levels

## Elementary Schools

17

- Student performance is consistent across SISD elementary campuses
- 26 of 36 STAAR exams revealed student improvement in the Approaches performance standard
- 29 of 36 STAAR exams revealed student improvement in the Meets performance standard

## Comparison Groups

- SISD students are performing at similar levels to neighboring schools districts with similar demographics

# Plans Moving Forward

- Curriculum writers focused on TEKS needing additional support
- RTI teachers hired to provide TIER Two and Tier Three instructional supports for struggling students
- Focused implementation of EB (Emergent Bilingual and SPED instructional supports in the general curriculum
- Instructional Specialists on all campuses focused exclusively on supporting teachers with classroom instruction
- Increase focus on adjusting to online instruction and testing environment
- Increase our capacity in Design work with support from the Schlechty Center





# Goals for 22-23 SY

- Expand the implementation of Blended Learning district wide by 25%
- 100% of students will have access to grade level content and instruction
- Teachers will utilize the Schlechty Engagement and Design process to lesson design for three essential standards per grade level per semester

SPLENDORA INDEPENDENT SCHOOL DISTRICT  
SPECIAL BOARD MEETING MINUTES

June 6, 2022

5:30 PM

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The Trustees of the Splendora Independent School District met at Splendora ISD Administration Boardroom located at 23419 FM 2090, Splendora, TX 77372, on Monday, June 6, 2022, for a special meeting. It was the intent of the District to have, and the meeting did have, a quorum of the Board of Trustees physically present at 23419 FM 2090 Splendora, TX 77372, although one or more Trustees may have participated by video conference in compliance with the Texas Open Meetings Act. The meeting was recorded as required by law.

1. STRATEGIC DIRECTION - WHY WE EXIST
2. Meeting began at **5:33 PM. ROLL CALL:** (1) Adam Dietrich - Member (2) Dan Muirhead – Assistant Secretary, (3) Barry Welch – Member, (4) Jason Sessum - Member, (5) Allen Wells - Vice President, (6) Jackie Knott - Secretary, (7) Suzanne Soto - President, and Dr. Jeff Burke – Superintendent

Presiding: Suzanne Soto Recording: Dan Muirhead Absent: Barry Welch, Jackie Knott

3. INVOCATION by Suzanne Soto
4. U.S. & STATE OF TEXAS PLEDGE OF ALLEGIANCES
5. GOOD THINGS
6. AUDIENCE - Participants must have signed up prior to the Board Meeting start time. Participants may address the Board on any agenda item. Participation is limited to three minutes to make comments to the Board unless the participant requires the use of a translator, in which case participation is limited to six minutes. The Board will only consider complaints that remain unresolved after being addressed through proper administrative channels and when they have been placed on the agenda. Please note the Board of Trustees shall not deliberate, respond, or make decisions regarding any subject that is not included on the agenda that is posted. For further information on these requirements, contact Katie Key, Superintendent Secretary at 281-689-4441.

**No one asked to address the Board.**

7. CLOSED SESSION ITEM(S)  
*"The Board of Trustees will now go into a Closed session. This Closed Session will be held for purposes authorized by the Texas Open Meetings Act, Texas Government Code(s) Section 551.074. Personnel Matters, concerning any and all purposes permitted by the Act(s). No voting will take place in the closed meeting. Any action the Board wishes to take as a part of discussions in closed session will take place after the board reconvenes in the open meeting. It is now 5:37 pm."*

A. Personnel - Section 551.074

1. Discuss and Consider potential appointment, employment, resignation, and/or duties of a public officer and/or professional personnel.

**BREAK AT 5:37 PM**

**CLOSED SESSION BEGAN AT 5:38 PM**

**RECONVENED FROM CLOSED SESSION AT 5:56 PM**

8. POSSIBLE ACTION ARISING FROM CLOSED SESSION

- A. A motion was made by Suzanne Soto, seconded by Allen Wells to appoint Kim Klepcyk for School Board Position #1 replacing Adam Dietrich. Voting for: 4, Against: 0. Adam Dietrich sustained. Motion carried.

9. CLOSED SESSION ITEM(S)

*"The Board of Trustees will now go into a Closed session. This Closed Session will be held for purposes authorized by the Texas Open Meetings Act, Texas Government Code(s) Section 551.074. Personnel Matters and Section 551.076 Security, concerning any and all purposes permitted by the Act(s). No voting will take place in the closed meeting. Any action the Board wishes to take as a part of discussions in closed session will take place after the board reconvenes in the open meeting. It is now 6:00 pm."*

A. Personnel - Section 551.074

1. Discuss and Consider potential appointment, employment, resignation, and/or duties of a public officer and/or professional personnel.

B. Security - Section 551.076

**BREAK AT 6:00 PM**

**CLOSED SESSION BEGAN AT 6:03 PM**

**RECONVENED FROM CLOSED SESSION AT 7:02 PM**

10. POSSIBLE ACTION ARISING FROM CLOSED SESSION

~~A. Consider Approval of Hire of Director of Multilingual Services~~

~~A motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the hire of \_\_\_\_\_ as Director of Multilingual Services. Voting for: \_\_\_\_\_, Against: \_\_\_\_\_. Motion \_\_\_\_\_.~~

**The Board did not take any action on this item.**

B. Consider Approval of Principal Hire of Mental Health & Wellness Specialist

A motion was made by Allen Wells, seconded by Suzanne Soto to approve the hire of Kathy White as the Mental Health & Wellness Specialist. Voting for: 5, Against: 0. Motion carried.

C. Consider Approval of Principal Hire for Timber Lakes Elementary

A motion was made by Allen Wells, seconded by Dan Muirhead to approve the hire of Dawn Jackson as the Principal for Timber Lakes Elementary. Voting for: 5, Against: 0 Motion carried.

D. Consider Approval of Principal Hire for Peach Creek Elementary

A motion was made by Jason Sessum, seconded by Allen Wells to approve the hire of Jessica Sowell as the Principal for Peach Creek Elementary. Voting for: 5, Against: 0. Motion carried.

11. INFORMATION ITEM(S)

A. Discussion of DMA Policy - Discussion regarding DMA policy and the creation of a district Professional Development policy with Laura Wildman and Brian Kroeger.

B. Discussion of TASB Advocacy Resolutions - Suzanne Soto discussed some options regarding TASB Advocacy resolutions.

12. ACTION ITEM(S)

A. Consider TASB Advocacy Resolutions

A motion was made by Suzanne Soto, seconded by Kim Klepcyk to approve the TASB Advocacy Resolutions regarding teacher incentives and retention. Voting for: 5, Against: 0. Motion carried.

13. Workshop

A. Budget Discussion

B. Superintendent Evaluation Discussion

14. Agenda Review - June Regular Meeting

15. **ADJOURNMENT at 7:43 PM**

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Board President

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Board Secretary

SPLENDORA INDEPENDENT SCHOOL DISTRICT  
PUBLIC HEARING MEETING MINUTES

June 27, 2022

6:30 PM

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The Trustees of the Splendora Independent School District met at Splendora ISD Administration Boardroom located at 23419 FM 2090, Splendora, TX 77372, on Monday, June 27, 2022, for a public hearing meeting. It was the intent of the District to have, and the meeting did have, a quorum of the Board of Trustees physically present at 23419 FM 2090 Splendora, TX 77372, although one or more Trustees may have participated by video conference in compliance with the Texas Open Meetings Act. The meeting was recorded as required by law.

1. STRATEGIC DIRECTION - WHY WE EXIST
2. Meeting began at **6:30 PM. ROLL CALL:** (1) Adam Dietrich - Member (2) Dan Muirhead – Assistant Secretary, (3) Barry Welch – Member, (4) Jason Sessum - Member, (5) Allen Wells - Vice President, (6) Jackie Knott - Secretary, (7) Suzanne Soto - President, and Dr. Jeff Burke – Superintendent  
  
Presiding: Suzanne Soto    Recording: Dan Muirhead    Absent: Jackie Knott, Adam Dietrich and Barry Welch
3. INVOCATION by Pastor Chester Holloway, First Baptist Church Shepherd
4. U.S. & STATE OF TEXAS PLEDGE OF ALLEGIANCES
5. Public Hearing to discuss the 2022-2023 Budget. The public was given a 3-minute time restriction for their questions.
6. ADJOURNMENT at **6:46 pm**

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Board President

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Board Secretary

SPLENDORA INDEPENDENT SCHOOL DISTRICT  
REGULAR BOARD MEETING MINUTES

June 27, 2022

6:45 PM

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The Trustees of the Splendora Independent School District met at Splendora ISD Administration Boardroom located at 23419 FM 2090, Splendora, TX 77372, on Monday, June 27, 2022, for a regular monthly meeting. It was the intent of the District to have, and the meeting did have, a quorum of the Board of Trustees physically present at 23419 FM 2090 Splendora, TX 77372, although one or more Trustees may have participated by video conference in compliance with the Texas Open Meetings Act. The meeting was recorded as required by law.

1. STRATEGIC DIRECTION - WHY WE EXIST

2. Meeting began at **6:46 PM. ROLL CALL:** (1) Adam Dietrich - Member (2) Dan Muirhead – Assistant Secretary, (3) Barry Welch – Member, (4) Jason Sessum - Member, (5) Allen Wells - Vice President, (6) Jackie Knott - Secretary, (7) Suzanne Soto - President, and Dr. Jeff Burke – Superintendent

Presiding: Suzanne Soto      Recording: Dan Muirhead      Absent: Barry Welch, Adam Dietrich, Jackie Knott

3. GOOD THINGS

4. DISTRICT RECOGNITION

- A. Exceptional Leader II Candidates - Dianna Archer introduced and presented certificates to the candidates of the Exceptional Leaders II.

5. AUDIENCE - Participants must have signed up prior to the Board Meeting start time. Participants may address the Board on any agenda item. Participation is limited to three minutes to make comments to the Board unless the participant requires the use of a translator, in which case participation is limited to six minutes. The Board will only consider complaints that remain unresolved after being addressed through proper administrative channels and when they have been placed on the agenda. Please note the Board of Trustees shall not deliberate, respond, or make decisions regarding any subject that is not included on the agenda that is posted. For further information on these requirements, contact Katie Key, Superintendent Secretary at 281-689-4441.

**Marjorie Hyman addressed the Board regarding teachers and bullies.**

6. CLOSED SESSION ITEMS

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- A. Personnel - Section 551.074

1. Resignation(s)
  2. Discuss and Consider potential appointment, employment, resignation, and/or duties of a public officer and/or professional personnel.
- B. Security - Section 551.076

**BREAK AT 7:03 PM**

**CLOSED SESSION BEGAN AT 7:06 PM**

**RECONVENED FROM CLOSED SESSION AT 8:04 PM**

7. POSSIBLE ACTION ARISING FROM CLOSED SESSION

- A. Consider the acceptance of the resignation of Board member Adam Dietrich, Position 1

A motion was made by Allen Wells, seconded by Jason Sessum to approve the resignation of Board member Adam Dietrich, Position 1 which was submitted to the Board on May 16, 2022. Voting for: 4, Against: 0. Motion carried.

- B. Discuss and Consider Appointment to Fill Vacant Board Trustee Position 1

A motion was made by Dan Muirhead, seconded by Suzanne Soto to fill by appointment the vacancy of Board of Trustee Position, and to approve the appointment of Board member Kimberly Klepcyk, Position 1, as presented. Voting for: 4, Against: 0. Motion carried.

- C. Discuss and Consider the Rescission of May 2, 2022 Action to Approve Employee Cost of Living Adjustment

A motion was made by Allen Wells, seconded by Suzanne Soto to rescind the motion made in the May 2, 2022 workshop to "approve the higher of either a \$2,000 or 3% cost of living adjustment for all employees excluding the Superintendent, regardless of the number of days worked." Voting for: 5, Against: 0. Motion carried. (Kimberly Klepcyk was present via ZOOM and began voting.)

- D. Discuss and Consider Revised SY 2022-2023 Employee Cost of Living Adjustment for Eligible Employees

*"I make a motion that SISD increase salaries of all eligible employees for the 2022-2023 school year, in the following manner,*

*1. Full time (Full Time=Minimum 37.5 hours/weekly) employees by \$2000 or 3%, whichever is greater, (Excluding Bus Drivers and Bus Aides)*

*2. Part time (Part time=Minimum 20 hours/weekly) employees by \$1000 or 3%, whichever is greater, (Excluding Bus Drivers and Bus Aides)*

*3. Bus Drivers and Bus Aides by \$2.00 per hour. (\$2000 increase based on the Average route length and hourly wage)"*

A motion was made by Allen Wells, seconded by Suzanne Soto to approve the Revised COLA 2022-2023 as presented. Voting for: 5, Against: 0. Motion carried.

E. Consider approval of the 2022-2023 Budget

A motion was made by Suzanne Soto, seconded by Jason Sessum to approve the 2022-2023 Budget as presented. Voting for: 5, Against: 0. Motion carried.

F. Consider the Approval of the 2022-2023 Emergency Operations Plan

A motion was made by Jason Sessum, seconded by Dan Muirhead to approve the 2022-2023 Emergency Operations Plan as presented. Voting for: 5, Against: 0. Motion carried.

G. Consider Approval of Hire of Director of Multilingual Services

A motion was made by Suzanne Soto, seconded by Dan Muirhead to approve the Hire of Itzil Welch as the Director of Multilingual Services as presented. Voting for: 5, Against: 0. Motion carried.

H. Consider Approval of Hire of Assistant Principal for Timber Lakes Elementary

A motion was made by Dan Muirhead, seconded by Suzanne Soto to approve the Hire of Stephanie Morse as the Assistant Principal for Timber Lakes Elementary as presented. Voting for: 4, Against: 0. Motion carried. (Kimberly Klepcyk's internet failed and was unable to vote.)

I. Consider Approval of Hire of Assistant Principal for Peach Creek Elementary

A motion was made by Dan Muirhead, seconded by Jason Sessum to approve the Hire of Patricia Tillery as the Assistant Principal for Peach Creek Elementary as presented. Voting for: 5, Against: 0. Motion carried. (Kimberly Klepcyk's internet was back on and she was able to vote.)

J. Consider Approval of Hire of Assistant Principal for Splendora Junior High

A motion was made by Allen Wells, seconded by Dan Muirhead to approve the Hire of Molly Buford as the Assistant Principal for Splendora Junior High as presented. Voting for: 5, Against: 0. Motion carried.

K. Consider Approval of Hire of Content Coordinator - Humanities

A motion was made by Allen Wells, seconded by Dan Muirhead to approve the Hire of Dr. Kristy Dietrich as the Content Coordinator - Humanities as presented. Voting for: 5, Against: 0. Motion carried.

L. Consider Approval of Hire of Content Coordinator - STEM

A motion was made by Suzanne Soto, seconded by Jason Sessum to approve the Hire of Staci Davis as the Content Coordinator - STEM as presented. Voting for: 5, Against: 0. Motion carried.

8. SUPERINTENDENT'S REPORT

- A. Month-at-a-Glance
- B. Balanced Scorecard

9. INFORMATION ITEM(S)

- A. Monthly Police Report - The report was included in the Boardbook packet. SISD Police Chief Colin Weatherly was available for questions.
- B. Safety Committee Recommendations - The recommendations were included in the Boardbook packet. SISD Police Chief Colin Weatherly was available for questions.
- C. Substitute Pay Rates 2022-2023 - Discussion regarding current Substitutes Pay Rates in 2022-2023.

10. ADMINISTRATIVE PRESENTATION(S)

- A. Teaching & Learning Update - Curriculum Audit - Executive Director of Teaching & Learning Carrie Garza went over the results of the Curriculum audit.

11. CONSENT AGENDA ITEMS

- A. Minutes
- B. Financials, Tax Report, Investment Report, and Accounts Payable
- C. Consider Approval of Budget Amendment #5
- D. Consider Revision of the Teacher Compensation Plan
- E. Consider Approval of Professional Development Policy
- ~~F. Consider Employee Handbook 2022-2023~~ **Allen Wells asked to pull this item.**
- G. Consider District Waste Removal (Dumpster lease/pick up) Contract
- H. Consider Renewal of District Copier Contract with Skelton Business for a 1-year term 2022-2023
- I. Consider MOU with UH for TCLAS Decision 5 paid residencies
- J. Consider Renewal of Property/Casual Insurance with Texas Political Subdivisions

A motion was made by Suzanne Soto, seconded by Dan Muirhead to approve the May 2nd special minutes, May 5th special meeting minutes, May 16th, 2022 regular meeting minutes; the financials, tax reports, investment and collections reports, and accounts payable in the General Operating Account in the total amount of \$1,145,051.90; Budget Amendment #5, Revision of the Teacher Compensation Plan, the Professional Development Policy, the revised Staff Compensation Plan, the District Waste Removal (Dumpster lease/pick up) Contract, the District Copier Contract with Skelton Business for a 1-year term 2022-2023, the MOU with UH for TCLAS Decision 5 paid residencies, and the Renewal of Property/Casual Insurance with Texas Political Subdivisions as presented. Voting for: 5, Against: 0. Motion carried.

12. ACTION ITEM(S)

- ~~A. Discussion and Possible Action to approve the Superintendent Evaluation~~

A motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve the Superintendent Evaluation as presented. Voting for: \_\_\_\_\_, Against: \_\_\_\_\_. Motion \_\_\_\_\_

**No action taken. Moving this item to July 18, 2022 meeting**

B. Discussion and Possible Action to approve the 2022-2023 District Goals

A motion was made by Suzanne Soto, seconded by Dan Muirhead to approve the 2022-2023 District Goals as presented. Voting for: 5, Against: 0. Motion carried.

C. Discussion and Possible Action to install Security Lighting on the ring road

A motion was made by Jason Sessum, seconded by Allen Wells to approve installing Security Lighting on the ring road as presented. Voting for: 5, Against: 0. Motion carried.

D. Consider Revision to InterDistrict Transfer Policy

A motion was made by Allen Wells, seconded by Dan Muirhead to approve the InterDistrict Transfer Policy as presented. Voting for: 5, Against: 0. Motion carried.

13. Possible Agenda Items for Next Meeting

- A. Curriculum Management Plan Presentation - CCMR Update
- B. Monthly Police Report
- C. Workers Compensation Insurance
- D. Consider 2021-2022 Student Handbook and Code of Conduct
- E. Board Self Evaluation
- F. EOC/STAAR Results
- G. Set Date for Tax Rate Public Hearing
- H. Facility Usage Fee Schedule Discussion
- I. Counseling Audit Presentation
- J. CTE Audit Presentation

14. ADJOURNMENT at **9:14 pm**


\_\_\_\_\_  
Board President

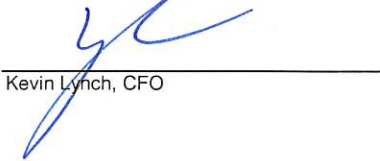
\_\_\_\_\_  
Board Secretary

**Splendora ISD Investment Report  
June-22**

FUND ACCOUNT	INTEREST RATE	INVESTMENT LOCATION	BEGINNING BALANCE	DEPOSITS / (WITHDRWS)	INTEREST EARNED	FISCAL YTD INTEREST	ENDING BALANCE	TOTAL BY FUND
<b>199 GENERAL OPERATING</b>								
Checking Account	0.30%	Southside Bank	4,846,095.80	(904,222.21)	882.57	10,806.93	3,942,756.16	
TexPool	1.00%	TexPool	5,007,709.75	(0.00)	4,121.27	9,830.49	5,011,831.02	
Government Overnight Fund	0.98%	LoneStar Inv Pool	1,695,445.47	0.00	1,361.60	2,817.89	1,696,807.07	
Texas CLASS Government	0.87%	Texas CLASS Pool	5,006,291.30	0.00	3,564.11	8,125.21	5,009,855.41	
								<b>15,661,249.66</b>
<b>599 DEBT SERVICE</b>								
Money Market Account	0.27%	Southside Bank	514,292.11	84,737.57	123.53	2,206.61	599,153.21	
								<b>599,153.21</b>
<b>699 CAPITAL PROJECTS</b>								
Checking Account	0.30%	Southside Bank	837,881.67	-	207.75	1,843.10	838,089.42	
TexPool	1.00%	TexPool	2,025,409.75	0.00	1,666.86	3,975.87	2,027,076.61	
								<b>2,865,166.03</b>
<b>240 FOOD SERVICES</b>								
Checking Account	0.30%	Southside Bank	1,308,109.57	200,044.92	330.56	1,446.94	1,508,485.05	
TexPool	1.00%	TexPool	18,194.67	0.00	14.98	35.81	18,209.65	
								<b>1,526,694.70</b>
<b>TOTALS</b>					<b>12,273.23</b>	<b>41,088.85</b>	<b>20,652,263.60</b>	<b>20,652,263.60</b>

Signed:

  
 Stacey Swanson, Accountant

  
 Kevin Lynch, CFO

**SPLENDORA ISD MC TAX COLLECTION**  
**May-22**

YEAR	M&O AMOUNT	I&S AMOUNT	LEVY PAID	P&I AMOUNT	ATTORNEY	TOTAL
2021	111,082.71	51,498.52	162,581.23	18,862.21	8,031.84	189,475.28
2020	5,795.08	2,555.50	8,350.58	1,958.95	1,758.87	12,068.40
2019	2,831.87	1,139.74	3,971.61	802.95	562.05	5,336.61
2018	2,826.93	1,038.96	3,865.89	598.83	353.16	4,817.88
2017	884.36	325.02	1,209.38	272.04	139.46	1,620.88
2016	0.00	0.00	0.00	0.00	0.00	0.00
2015	0.00	0.00	0.00	0.00	0.00	0.00
2014	0.00	0.00	0.00	0.00	0.00	0.00
2013	0.00	0.00	0.00	0.00	0.00	0.00
2012	3.92	1.04	4.96	6.14	2.22	13.32
2011	5.29	1.47	6.76	9.12	3.18	19.06
PRIOR	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>\$123,430.16</b>	<b>\$56,560.25</b>	<b>\$179,990.41</b>	<b>\$22,510.24</b>	<b>\$10,850.78</b>	<b>\$213,351.43</b>

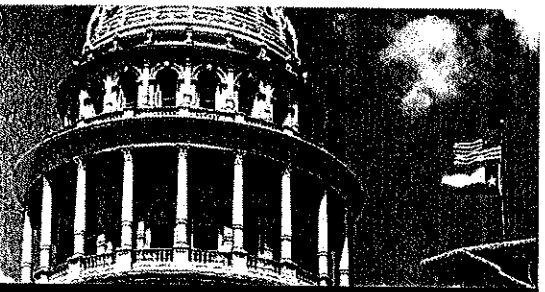
Board Report  
 Recap Comparison of Revenue to Budget  
 SPLENDORA ISD  
 As of June

	Estimated Revenue (Budget)	Revenue Realized Current	Revenue Realized To Date	Revenue Balance	Percent Realized
168 / 2 SKATING RINK	100,000.00	-23,522.67	-244,697.76	-144,697.76	244.70%
169 / 2 ATHLETICS	50,000.00	.00	-79,072.12	-29,072.12	158.14%
199 / 2 GENERAL FUND	45,062,500.00	-5,602,992.60	-42,821,141.86	2,241,358.14	95.03%
240 / 2 NATL SCHOOL LUNCH	2,862,000.00	-597,164.93	-3,559,504.34	-697,504.34	124.37%
599 / 2 DEBT SERVICE	6,457,000.00	-63,725.69	-6,121,069.37	335,930.63	94.80%
699 / 2 CAPITAL PROJECTS	.00	-1,874.61	-5,818.97	-5,818.97	.00%
<b>Total 5000 Revenues</b>	<b>54,531,500.00</b>	<b>-6,289,280.50</b>	<b>-52,831,304.42</b>	<b>1,700,195.58</b>	<b>96.88%</b>
<b>Total 7000 Revenues</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00%</b>
<b>Total Revenues</b>	<b>54,531,500.00</b>	<b>-6,289,280.50</b>	<b>-52,831,304.42</b>	<b>1,700,195.58</b>	<b>96.88%</b>

Board Report  
 Recap Comparison of Expenditures and Encumbrances to Budget  
 SPLENDORA ISD  
 As of June

	<u>Budget</u>	<u>Encumbrance YTD</u>	<u>Expenditure YTD</u>	<u>Current Expenditure</u>	<u>Balance</u>	<u>Percent Expended</u>
168 / 2 SKATING RINK	-208,000.00	.00	190,361.02	18,473.61	-17,638.98	91.52%
169 / 2 ATHLETICS	-275,000.00	.00	272,216.05	17,222.87	-2,783.95	98.99%
199 / 2 GENERAL FUND	-47,782,500.00	-33.54	45,587,949.27	4,166,536.12	-2,194,584.27	95.41%
240 / 2 NATL SCHOOL LUNCH	-2,862,000.00	.00	2,753,639.60	366,611.94	-108,360.40	96.21%
599 / 2 DEBT SERVICE	-6,886,000.00	.00	6,663,510.83	.00	-222,489.17	96.77%
699 / 2 CAPITAL PROJECTS	-3,188,825.11	.00	140,310.46	.00	-3,048,514.65	4.40%
<b>Total 6000 Expenditures</b>	<b>-61,202,325.11</b>	<b>-33.54</b>	<b>55,607,987.23</b>	<b>4,568,844.54</b>	<b>-5,594,371.42</b>	<b>90.86%</b>
<b>Total 8000 Expenditures</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00</b>	<b>.00%</b>
<b>Total Expenditures</b>	<b>-61,202,325.11</b>	<b>-33.54</b>	<b>55,607,987.23</b>	<b>4,568,844.54</b>	<b>-5,594,371.42</b>	<b>90.86%</b>

End of Report



# Monthly Newsletter: July 2022

## ANNOUNCEMENTS

We welcome the following entities who joined TexPool in June 2022:

### TexPool

- Liberty County MUD 1
- Montgomery County MUD 140
- Northeast Texas Housing Finance Corporation
- Benbrook Water Authority
- Liberty County Municipal Management District 1
- Highway 380 Municipal Management District 1
- The Lakes FWSD of Denton County
- Lone Oak Farm MUD
- Kaufman County FWSD 4A
- Morningstar Ranch MUD 1
- Kaufman County MUD 2
- Kaufman County MUD 3
- Kaufman County MUD 4
- Kaufman County MUD 14

### TexPool Prime

- Jefferson Economic Development Corporation
- Northeast Texas Housing Finance Corporation

### Upcoming Events

- August 26, 2022 August 28, 2022  
**Texas Association of Counties (TAC) Legislative Conference**  
Fairmont Austin Hotel, Austin, TX
- September 12, 2022 - September 15, 2022  
**74th Annual County Treasurers' Association of Texas (CTAC) Conference**  
Waco Convention Center, Waco, TX
- September 23, 2022 - September 25, 2022  
**Texas Association of School Administrators (TASA) and Texas Association of School Boards (TASB): Annual Conference - txEDCON22**  
Convention Center, San Antonio, TX

### TexPool Advisory Board Members

- |                    |                 |
|--------------------|-----------------|
| Patrick Krishock   | Jerry Dale      |
| Belinda Weaver     | David Landeros  |
| Deborah Laudermilk | Sharon Matthews |
| Valarie Van Vlack  | David Garcia    |

Overseen by the State of Texas Comptroller of Public Accounts Glenn Hegar  
Operated under the supervision of the Texas Treasury Safekeeping Trust Company

## Economic and Market Commentary: Perpetual motion

July 1, 2022

The Federal Reserve is taking the punch bowl away so quickly that rate expectations are sloshing around. They even spilled over following its extraordinary leak to the press during the customary quiet period ahead of its June Federal Open Market Committee (FOMC) meeting. The hint that a 0.75% hike was likely to follow put the fed funds futures market in a tizzy.

Communicating through the media is one of the most effective tools in the Fed's toolbox, but doing so anonymously and so close to the start of a FOMC meeting is new. We will all have to be more cautious now about guidance. But it shows just how data dependent this Fed has become. Policymakers knew the Consumer Price Index for May would be high, but they didn't like the jump in inflation expectations indicated by the University of Michigan consumer sentiment report.

While the aggressive rate move increased the probability of a recession, let's not discount the possibility of a less-onerous pullback. "We're not trying to provoke—and don't think that we will need to provoke—a recession," Chair Jerome Powell said in his semiannual testimony to Congress midmonth. It still is possible the Fed can tame inflation without overly damaging the economy.

(continued page 6)

### Performance as of June 30, 2022

	TexPool	TexPool Prime
Current Invested Balance	\$26,164,485,356	\$10,558,837,564
Weighted Average Maturity**	23 Days	18 Days
Weighted Average Life**	81 Days	54 Days
Net Asset Value	0.99960	0.99952
Total Number of Participants	2,723	461
Management Fee on Invested Balance	0.0450%	0.0550%
Interest Distributed	\$21,640,580.39	\$10,537,000.80
Management Fee Collected	\$699,495.33	\$416,963.05
Standard & Poor's Current Rating	AAAm	AAAm
<b>Month Averages</b>		
Average Invested Balance	\$26,307,496,939	\$10,668,273,692
Average Monthly Rate*	1.00%	1.20%
Average Weighted Average Maturity**	25	23
Average Weighted Average Life**	87	61

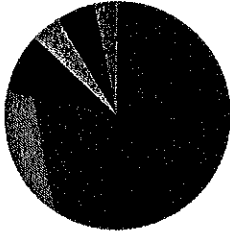
\*This average monthly rate for TexPool Prime for each date may reflect a waiver of some portion or all of each of the management fees.

\*\*See page 2 for definitions.

Past performance is no guarantee of future results.

### Portfolio by Maturity (%)

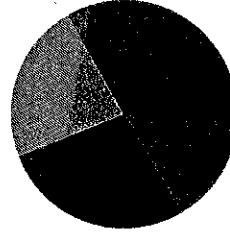
As of June 30, 2022



- 1-7 days 78.7
- 8-30 days 8.3
- 31-90 days 4.2
- 91-180 days 5.5
- 181+ days 3.3

### Portfolio by Type of Investment (%)

As of June 30, 2022



- Agencies 41.5
- Repurchase Agreements 27.5
- Treasuries 22.9
- Money Market Funds 8.1

### Portfolio Asset Summary as of June 30, 2022

	Book Value	Market Value
Uninvested Balance	\$1,363.05	\$1,363.05
Receivable for Investments Sold	0.00	0.00
Accrual of Interest Income	21,039,373.47	21,039,373.47
Interest and Management Fees Payable	-21,640,557.77	-21,640,557.77
Payable for Investments Purchased	0.00	0.00
Accrued Expenses & Taxes	-25,216.52	-25,216.52
Repurchase Agreements	7,202,408,000.00	7,202,408,000.00
Mutual Fund Investments	2,127,074,000.00	2,127,085,200.00
Government Securities	9,522,125,948.00	9,518,696,407.89
US Treasury Bills	3,693,502,612.61	3,689,330,629.20
US Treasury Notes	3,619,999,833.05	3,617,109,423.72
<b>Total</b>	<b>\$26,164,485,355.89</b>	<b>\$26,154,004,623.05</b>

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by Federated Investment Counseling and the assets are safe kept in a separate custodial account at State Street Bank in the name of TexPool. The only source of payment to the Participants is the assets of TexPool. There is no secondary source of payment for the pool such as insurance or State guarantee. Should you require a copy of the portfolio, please contact TexPool Participant Services.

### Participant Summary

	Number of Participants	Balance
School District	600	\$7,772,457,188.19
Higher Education	60	\$1,232,499,729.38
County	196	\$3,215,752,358.65
Healthcare	90	\$1,394,998,367.05
Utility District	895	\$4,347,870,947.26
City	484	\$6,899,916,054.14
Emergency Districts	98	\$320,121,412.66
Economic Development Districts	84	\$173,999,663.53
Other	216	\$806,879,030.13

#### \*\*Definition of Weighted Average Maturity and Weighted Average Life

WAM is the mean average of the periods of time remaining until the securities held in TexPool (a) are scheduled to be repaid, (b) would be repaid upon a demand by TexPool, or (c) are scheduled to have their interest rate readjusted to reflect current market rates. Securities with adjustable rates payable upon demand are treated as maturing on the earlier of the two dates set forth in (b) and (c) if their scheduled maturity is 397 days or less; and the later of the two dates set forth in (b) and (c) if their scheduled maturity is more than 397 days. The mean is weighted based on the percentage of the amortized cost of the portfolio invested in each period.

WAL is calculated in the same manner as WAM, but is based solely on the periods of time remaining until the securities held in TexPool (a) are scheduled to be repaid or (b) would be repaid upon a demand by TexPool, without reference to when interest rates of securities within TexPool are scheduled to be readjusted.



### Daily Summary

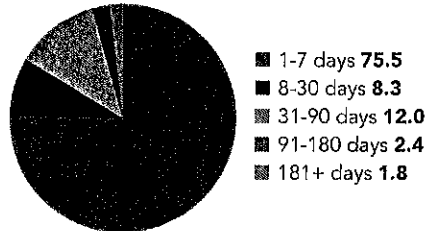
Date	Money Mkt. Fund Equiv. (SEC Std.)	Dividend Factor	TexPool Invested Balance	NAV	WAM Days	WAL Days
6/1	0.7228%	0.000019804	\$26,072,847,431.78	0.99979	26	93
6/2	0.7441%	0.000020385	\$26,093,090,566.13	0.99978	26	93
6/3	0.7353%	0.000020144	\$26,028,843,306.53	0.99977	28	94
6/4	0.7353%	0.000020144	\$26,028,843,306.53	0.99977	28	94
6/5	0.7353%	0.000020144	\$26,028,843,306.53	0.99977	28	94
6/6	0.7328%	0.000020077	\$25,966,445,127.43	0.99973	26	91
6/7	0.7412%	0.000020306	\$26,022,945,791.40	0.99976	26	91
6/8	0.7419%	0.000020326	\$26,167,161,149.37	0.99975	25	89
6/9	0.7188%	0.000019694	\$26,502,628,238.75	0.99971	25	88
6/10	0.7346%	0.000020126	\$26,690,650,501.14	0.99961	26	88
6/11	0.7346%	0.000020126	\$26,690,650,501.14	0.99961	26	88
6/12	0.7346%	0.000020126	\$26,690,650,501.14	0.99961	26	88
6/13	0.7505%	0.000020563	\$26,628,628,370.04	0.99945	24	86
6/14	0.7593%	0.000020802	\$26,483,978,653.21	0.99941	25	87
6/15	0.7596%	0.000020812	\$26,422,380,440.86	0.99944	25	88
6/16	0.9059%	0.000024818	\$26,203,282,842.84	0.99951	26	88
6/17	1.2712%	0.000034828	\$26,150,792,652.34	0.99952	27	89
6/18	1.2712%	0.000034828	\$26,150,792,652.34	0.99952	27	89
6/19	1.2712%	0.000034828	\$26,150,792,652.34	0.99952	27	89
6/20	1.2712%	0.000034828	\$26,150,792,652.34	0.99952	27	89
6/21	1.2679%	0.000034738	\$26,040,061,064.54	0.99950	24	84
6/22	1.2526%	0.000034317	\$25,970,630,725.42	0.99957	25	86
6/23	1.2868%	0.000035254	\$26,319,725,055.36	0.99958	24	84
6/24	1.2834%	0.000035163	\$26,628,779,389.46	0.99957	25	83
6/25	1.2834%	0.000035163	\$26,628,779,389.46	0.99957	25	83
6/26	1.2834%	0.000035163	\$26,628,779,389.46	0.99957	25	83
6/27	1.3029%	0.000035696	\$26,660,911,833.05	0.99956	23	82
6/28	1.3388%	0.000036679	\$26,473,264,469.81	0.99956	23	82
6/29	1.3254%	0.000036313	\$26,384,450,846.56	0.99957	23	81
6/30	1.3425%	0.000036782	\$26,164,485,355.89	0.99960	23	81
<b>Average:</b>	<b>1.0013%</b>	<b>0.000027433</b>	<b>\$26,307,496,938.77</b>	<b>0.99961</b>	<b>25</b>	<b>87</b>



## TEXPOOL Prime

### Portfolio by Maturity (%)

As of June 30, 2022



### Portfolio by Type of Investment (%)

As of June 30, 2022



### Portfolio Asset Summary as of June 30, 2022

	Book Value	Market Value
Uninvested Balance	\$60.94	\$60.94
Receivable for Investments Sold	0.00	0.00
Accrual of Interest Income	3,656,839.39	3,656,839.39
Interest and Management Fees Payable	-10,537,003.43	-10,537,003.43
Payable for Investments Purchased	0.00	0.00
Accrued Expenses & Taxes	-13,633.98	-13,633.98
Repurchase Agreements	1,645,271,000.00	1,645,271,000.00
Commercial Paper	6,187,799,547.19	6,183,776,258.20
Mutual Fund Investments	830,153,483.22	829,943,055.05
Government Securities	117,507,823.12	117,735,815.45
Variable Rate Notes	1,784,999,447.52	1,783,885,800.00
<b>Total</b>	<b>\$10,558,837,563.97</b>	<b>\$10,553,718,191.62</b>

Market value of collateral supporting the Repurchase Agreements is at least 102% of the Book Value. The portfolio is managed by Federated Investment Counseling and the assets are safe kept in a separate custodial account at State Street Bank in the name of TexPool Prime. The assets of TexPool Prime are the only source of payments to the Participants. There is no secondary source of payment for the pool such as insurance or State guarantee. Should you require a copy of the portfolio, please contact TexPool Participant Services

### Participant Summary

	Number of Participants	Balance
School District	132	\$3,396,661,960.96
Higher Education	19	\$662,949,922.77
County	49	\$837,131,552.29
Healthcare	18	\$409,916,767.42
Utility District	50	\$533,937,377.61
City	90	\$2,406,848,755.91
Emergency Districts	21	\$47,759,042.81
Economic Development Districts	16	\$25,063,138.72
Other	66	\$2,238,474,197.91



## TEXPOOL Prime

### Daily Summary

Date	Money Mkt. Fund Equiv. (SEC Std.)	Dividend Factor	TexPool Prime Invested Balance	NAV	WAM Days	WAL Days
6/1	0.9343%	0.000025597	\$10,615,525,237.78	0.99978	24	63
6/2	0.9541%	0.000026141	\$10,639,432,603.69	0.99978	25	63
6/3	0.9652%	0.000026443	\$10,597,963,590.41	0.99973	26	65
6/4	0.9652%	0.000026443	\$10,597,963,590.41	0.99973	26	65
6/5	0.9652%	0.000026443	\$10,597,963,590.41	0.99973	26	65
6/6	0.9723%	0.000026638	\$10,840,566,676.29	0.99978	24	62
6/7	0.9668%	0.000026488	\$10,782,799,614.56	0.99978	24	62
6/8	0.9707%	0.000026594	\$10,763,580,402.15	0.99978	23	60
6/9	0.9657%	0.000026458	\$10,754,344,682.56	0.99976	24	63
6/10	0.9786%	0.000026812	\$10,777,023,663.92	0.99971	24	64
6/11	0.9786%	0.000026812	\$10,777,023,663.92	0.99971	24	64
6/12	0.9786%	0.000026812	\$10,777,023,663.92	0.99971	24	64
6/13	0.9879%	0.000027065	\$10,795,501,463.48	0.99972	22	61
6/14	1.0010%	0.000027426	\$10,746,305,385.53	0.99964	22	61
6/15	1.0093%	0.000027653	\$10,757,558,685.30	0.99952	23	61
6/16	1.2027%	0.000032950	\$10,768,669,675.82	0.99950	23	61
6/17	1.3727%	0.000037609	\$10,680,966,387.60	0.99943	24	62
6/18	1.3727%	0.000037609	\$10,680,966,387.60	0.99943	24	62
6/19	1.3727%	0.000037609	\$10,680,966,387.60	0.99943	24	62
6/20	1.3727%	0.000037609	\$10,680,966,387.60	0.99943	24	62
6/21	1.5312%	0.000041951	\$10,672,215,063.24	0.99954	21	59
6/22	1.4764%	0.000040450	\$10,626,562,433.45	0.99954	21	59
6/23	1.4739%	0.000040382	\$10,577,545,276.29	0.99953	21	59
6/24	1.4659%	0.000040161	\$10,564,582,884.99	0.99947	22	58
6/25	1.4659%	0.000040161	\$10,564,582,884.99	0.99947	22	58
6/26	1.4659%	0.000040161	\$10,564,582,884.99	0.99947	22	58
6/27	1.4718%	0.000040323	\$10,523,546,779.90	0.99955	20	57
6/28	1.4864%	0.000040724	\$10,549,754,314.42	0.99952	19	56
6/29	1.4822%	0.000040608	\$10,532,888,943.20	0.99953	19	55
6/30	1.4853%	0.000040693	\$10,558,837,563.97	0.99952	18	54
<b>Average:</b>	<b>1.2031%</b>	<b>0.000032961</b>	<b>\$10,668,273,692.33</b>	<b>0.99961</b>	<b>23</b>	<b>61</b>

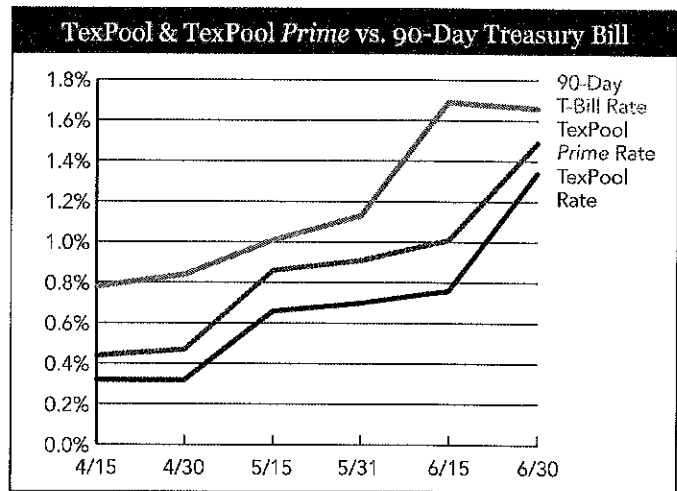


Participant Services  
 1001 Texas Ave. Suite 1150  
 Houston, TX 77002

This is borne out in expectations of how the tightening cycle might progress. The Fed just released the dates of next year's FOMC meetings, allowing the first futures trading. The market is pricing in a peak at around 3.5% in 2023, with no action in the third quarter and a rate cut in the fourth of that year. You read that right. The Fed's own projections are similar. Its median "dot" hits 3.8% before slipping to 3.4% in early 2024. We think the robust labor market, as well as strong state and local government balance sheets, means the economy is resilient enough that we might see a quarter of negative growth followed by one of positive growth in the second half of next year—not a full-blown recession. But things are dynamic and volatile.

As the Fed's quantitative tightening just began in June, the impact is negligible. We are disappointed that Treasury bills are not part of the strategy. They are being allowed to roll off the balance sheet only if the release of notes, bonds and MBS doesn't hit the target of \$47.5 billion exactly. That's unfortunate not just for investors but in general.

At the end of June, yields on 1-, 3-, 6- and 12-month U.S. Treasuries were 1.03%, 1.67%, 2.49% and 2.80%, respectively; the 1-, 3-, 6- and 12-month Bloomberg Short-Term Bank Yield Index rates (BSBY) were 1.62%, 2.24%, 2.87% and 3.54%, respectively; and the 1-, 3-, 6- and 12-month London interbank offered rates were 1.80%, 2.29%, 2.90% and 3.56%, respectively.



*90-Day Treasury Bill is a short-term debt instrument backed by the national government. These are used to collect immediate cash to meet outstanding obligations.*

*Any private investor can invest in a Treasury bill. The 90-Day Treasury Bill is a weighted average rate of the weekly auctions of 90-Day Treasury Bills.*

*Past performance is no guarantee of future results.*



**First Public**  
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## Fund Performance Update

May 31, 2022

Comments by Mellon, Investment Manager

*Custodian Bank: State Street Bank*

*Investment Managers:*

*American Beacon Advisors and  
Mellon Investments Corp (Dreyfus)*

*The Lone Star Investment Pool is endorsed by:*



The Lone Star Investment Pool Information Statement should be read carefully before investing. Investors should consider the investment objectives, risks, changes, and expenses associated with this or any security prior to investing. Investment in Lone Star Investment Pool is not insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC) or any other government agency, and although Lone Star seeks to preserve the value of the investment at a fixed share price, it is possible to lose money by investing in Lone Star. For further information or for an Information Statement contact First Public at 800.558.8875. The return information is net of all current operating expenses. The return represents past performance and is no indication of future results.

U.S. Treasury yields fell on bonds maturing between one and ten years in May. It was the first monthly decline in the yield of the two-year note since last July. The S&P was slightly positive in May but has lost over 13% so far in 2022. As expected, the Fed hiked by 50bps at the May 4th FOMC meeting to take the target rate to a range of 0.75-1.00%. The Fed stated that quantitative tightening is expected to start at a monthly pace of \$17.5B for MBS and \$30B for U.S. Treasuries. Chair Powell said that in his opinion neutral rates are imprecise, but somewhere between 2% and 3%. He also said that a 75-basis point hike was not on the table for the June FOMC meeting. The labor market remains solid with payrolls increasing by 428,000 in April and the unemployment rate remaining at 3.6%. Headline inflation declined in April to 8.3% from 8.5%. The decline was largely mechanical due to higher base effects from last year.

### Active Participants This Month

Schools and Colleges	573
Other Governmental Entities	79
<b>Total</b>	<b>652</b>

## Government Overnight Fund

### Return Information

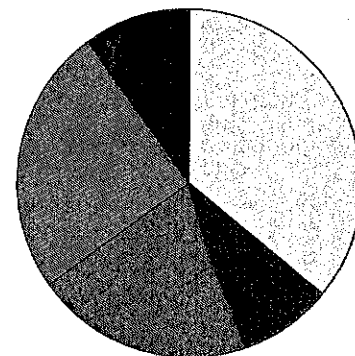
May 31, 2022

Average Monthly Return (a)	0.58%
SEC 7-day Fund Yield (b)	0.65%
Weighted Average Maturity One (c)	12 days
Weighted Average Maturity Two (c)	83 days
Portfolio Maturing beyond One Year	7%
Net Asset Value (NAV)	\$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

### Inventory Position

	Book Value	Market Value
Cash/Repo	1,786,833,096.16	1,786,833,096.16
US Treasuries	1,437,925,552.08	1,436,825,334.82
Agencies	1,280,973,004.49	1,280,981,842.42
Money Market Funds	479,565,150.75	479,565,150.75
<b>Total Assets</b>	<b>4,985,296,803.48</b>	<b>4,984,205,424.15</b>

### Investment Distribution



Cash Repo	36%
Treasuries	29%
Agencies	25%
Money Market	10%

(a) The return information represents the average annualized rate of return on investments for the time period referenced. Return rates reflect a partial waiver of the Lone Star Investment Pool operating expense. Past performance is no guarantee of future results.

## Corporate Overnight Fund

### Return Information

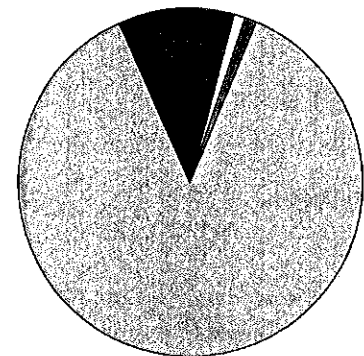
May 31, 2022

Average Monthly Return (a)	0.82%
SEC 7-day Fund Yield (b)	0.90%
Weighted Average Maturity One (c)	15 days
Weighted Average Maturity Two (c)	62 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	\$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

### Inventory Position

	Book Value	Market Value
Cash/Repo	35,582,281.32	35,582,281.32
US Treasuries	-	-
Agencies	10,000,000.00	10,000,242.10
Commercial Paper	3,085,887,231.84	3,085,619,048.28
Money Market Funds	430,456,609.80	430,454,105.06
<b>Total Assets</b>	<b>3,561,926,122.96</b>	<b>3,561,655,676.76</b>

### Investment Distribution



Commercial Paper	86%
Money Market	12%
Cash Repo	1%
Agencies	1%

(b)

SEC 7-Day Yield Calculation

$$\text{Yield} = 2 \left[ \left[ \frac{a-b}{cd} + 1 \right]^{\frac{360}{d}} - 1 \right]$$

a - Dividend and interest income  
 b - Expenses accrued for the period  
 c - Average daily number of shares outstanding during the period that was entitled to dividends  
 d - Maximum offering price per share on the last day of the period

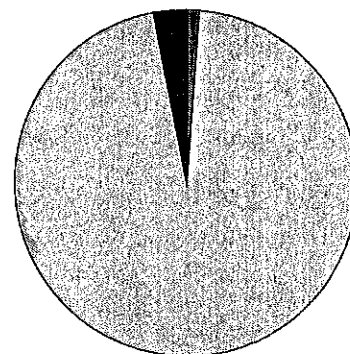
## Corporate Overnight Plus Fund

### Return Information

May 31, 2022

Average Monthly Return (a)	0.82%
SEC 7-day Fund Yield (b)	0.92%
Weighted Average Maturity One (c)	22 days
Weighted Average Maturity Two (c)	69 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	\$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAf/S1+

### Investment Distribution



Commercial Paper	96%
Money Market	3% *
Agencies	1%

### Inventory Position

	Book Value	Market Value
Cash/Repo	-	-
US Treasuries	-	-
Agencies	30,000,000.00	30,000,726.30
Commercial Paper	8,510,212,814.17	8,509,044,211.82
Money Market Funds	318,465,978.18	318,464,654.06
<b>Total Assets</b>	<b>8,858,678,792.35 *</b>	<b>8,857,509,592.18*</b>

(c) The Weighted Average Maturity One calculation uses the industry standard definition of state maturity for floating rate instruments, the number of days until the next reset date. The Weighted Average Maturity Two calculation uses the final maturity of any floating rate instruments, as opined in Texas Attorney General Opinion No. JC0359.

\* Total Assets reflects unsettled securities transaction that has a net effect of (58,696,129.63)

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
097665	06-03-2022	RYAN MEADOWS	001386	07/22-24/21	199-13-6411.29-001-299000	VOID DID NOT ATTEND CONF	-100.00	N
097823	06-03-2022	THADIS PEGUES	001439	07/18-20	169-36-6411.00-001-291000	VOID AND REISSUE LOST CK	-84.00	N
098356	06-03-2022	MONTGOMERY COUNTY	001627	DLT DEPOSIT	199-41-6411.00-701-299000	VOID - WAS A DEPOSIT CK	-100.00	N
098633	06-03-2022	TOTAL GRAPHIC	001718	116	199-34-6399.00-999-299000	VOID REISSUE CK NEVER RECEI	-260.00	N
098730	06-06-2022	XAVIER NERO	001770	10222021	169-36-6294.00-001-291000	REISSUE CHECK NEVER RECEIV	-70.00	N
099495	06-03-2022	RACHEL RICE	002105	01/13-15	263-13-6411.00-999-225000	VOID AND REISSUE LOST CK	-84.00	N
099770	06-07-2022	JPMORGAN CHASE BAN	221348	309521	287-11-6299.00-999-224000	VOID AND REISSUE LOST CK	-19,000.00	N
099837	06-03-2022	JEANETTE NAVARRETE	002383	CN ACCT	240-00-5751.00-000-200000	VOID	-28.80	N
100391	06-14-2022	STENHOUSE PUBLISHE	221846	01265977	199-11-6399.55-102-211000	REISSUE CHECK NEVER RECEIV	-104.00	N
			221846	01265977	263-11-6399.00-102-225000	REISSUE CHECK NEVER RECEIV	-88.00	N
						<b>Totals for Check 100391</b>	<b>-192.00</b>	
100980	06-02-2022	A FINER EVENT	002836	58326	199-11-6268.89-001-211000	CHAIR RENTAL	1,579.36	N
100981	06-02-2022	A TO Z SPECIALTIES	221994	28713	199-11-6399.93-041-211000	AWARD CEREMONY SUPPLIES	362.00	N
			222070	28546	199-11-6399.93-104-211000	CAMPUS AMBASSADOR SHIRTS	41.00	N
			222086	28702	199-23-6399.00-105-299000	Ribbons	342.00	N
						<b>Totals for Check 100981</b>	<b>745.00</b>	
100982	06-02-2022	ACME ARCHITECTURAL	222116	4033099	199-51-6319.00-999-299000	DOOR SUPPLIES	536.74	N
100983	06-02-2022	ADAM GARCIA	002844	1	199-52-6299.00-999-299000	TRAFFIC CONTROL FOR GRADUA	225.00	N
100984	06-02-2022	ALEX SCRIBNER	002847	REIMB	199-34-6399.00-999-299000	REIMB FOR PROPRANE	19.99	N
100985	06-02-2022	ALLHEART	221754	5301268	199-51-6395.00-999-299078	CUSTODIAL UNIFORMS	350.47	N
			221754	5284593	199-51-6395.00-999-299078	CUSTODIAL UNIFORMS	2,282.75	N
				8283356	199-51-6395.00-999-299078	REFUND FOR SAMPLES	-77.32	N
						<b>Totals for Check 100985</b>	<b>2,555.90</b>	
100986	06-02-2022	ARC MECHANICAL LLC	002833	17029	240-35-6249.00-102-299000	PEX FITTING	114.26	N
			002828	16936	240-35-6399.00-001-299000	REPURPOSED HEATER AND ELE	135.00	N
			002828	16990	240-35-6399.00-102-299000	TUBE OVERFLOW KIT REPLACED	703.33	N
						<b>Totals for Check 100986</b>	<b>952.59</b>	
100987	06-02-2022	BALFOUR	002837	1449452	199-11-6399.89-001-211000	121.82	121.82	N
100988	06-02-2022	BRITTANY ELLIS	002832	06/19-25	199-11-6412.00-001-222000	SKILLS USA COMP MEALS 06/19-2	360.00	N
100989	06-02-2022	CASCO AUTO PARTS #2	221871	9151-263064	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	42.27	N
			221871	9151-263092	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	9.49	N
						<b>Totals for Check 100989</b>	<b>51.76</b>	
100990	06-02-2022	CENTERPOINT ENERGY	220117	2624185-1	199-51-6259.73-999-299000	DISTRICT GAS	45.60	N
100991	06-02-2022	CERAMICS STORE OF H	222178	261726	199-11-6399.00-699-230000	STEAM CAMP SUPPLIES	825.00	N
100992	06-02-2022	CHERYL DICKERSON	002834	07	199-13-6291.00-041-299000	CLASSROOM OBERVATION	1,200.00	N
			221425	07	282-13-6291.00-999-299043	MATH CONSULTANT	1,600.00	N
						<b>Totals for Check 100992</b>	<b>2,800.00</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
100993	06-02-2022	CHRISTOPHER BUSH	002845	2	199-52-6299.00-999-299000	TRAFFIC CONTROL FOR GRADUA	225.00	N
100994	06-02-2022	CINTAS CORPORATION	222125	5109783482	199-34-6299.00-999-299000	Dry Cleaning	101.40	N
			221853	5109783437	199-51-6299.00-999-299000	FIRST AID SUPPLY SERVICE	86.54	N
<b>Totals for Check 100994</b>							<b>187.94</b>	
100995	06-02-2022	COOL BREEZE OF TEXA	222220	2245	199-11-6399.00-001-222000	AG BARN FANS (16)	5,360.00	N
100996	06-02-2022	CURTNIE HALEY	002839	ITEACH REIMB	279-13-6399.00-999-299000	ITEACH TEXAS REIMBURSEMENT	250.00	N
100997	06-02-2022	DE LAGE LANDEN FINAN	220361	76391990	169-36-6269.00-001-291000	DISTRICT COPIERS	138.52	N
			220361	76391990	199-11-6269.00-001-211000	DISTRICT COPIERS	855.34	N
			220361	76391990	199-11-6269.00-001-211039	DISTRICT COPIERS	135.37	N
			220361	76391990	199-11-6269.00-001-222000	DISTRICT COPIERS	34.63	N
			220361	76391990	199-11-6269.00-041-211000	DISTRICT COPIERS	371.29	N
			220361	76391990	199-11-6269.00-101-211000	DISTRICT COPIERS	220.16	N
			220361	76391990	199-11-6269.00-102-211000	DISTRICT COPIERS	220.16	N
			220361	76391990	199-11-6269.00-104-211000	DISTRICT COPIERS	220.16	N
			220361	76391990	199-11-6269.00-105-211000	DISTRICT COPIERS	233.40	N
			220361	76391990	199-11-6269.00-999-211000	DISTRICT COPIERS	82.80	N
			220361	76391990	199-21-6269.00-999-223023	DISTRICT COPIERS	114.85	N
			220361	76391990	199-23-6269.00-001-299000	DISTRICT COPIERS	194.61	N
			220361	76391990	199-23-6269.00-041-299000	DISTRICT COPIERS	114.85	N
			220361	76391990	199-23-6269.00-101-299000	DISTRICT COPIERS	114.85	N
			220361	76391990	199-23-6269.00-102-299000	DISTRICT COPIERS	114.85	N
			220361	76391990	199-23-6269.00-104-299000	DISTRICT COPIERS	114.85	N
			220361	76391990	199-23-6269.00-105-299000	DISTRICT COPIERS	118.45	N
			220361	76391990	199-31-6269.00-001-299000	DISTRICT COPIERS	79.76	N
			220361	76391990	199-34-6269.00-999-299000	DISTRICT COPIERS	114.85	N
			220361	76391990	199-41-6269.00-750-299000	DISTRICT COPIERS	197.65	N
			220361	76391990	199-51-6269.00-999-299000	DISTRICT COPIERS	52.74	N
			220361	76391990	199-51-6269.00-999-299025	DISTRICT COPIERS	34.53	N
			220361	76391990	199-52-6269.00-999-299000	DISTRICT COPIERS	34.53	N
			220361	76391990	199-53-6269.00-999-299000	DISTRICT COPIERS	34.53	N
			220361	76391990	240-35-6269.00-999-299000	DISTRICT COPIERS	52.74	N
<b>Totals for Check 100997</b>							<b>4,000.47</b>	
100998	06-02-2022	ENTERGY	220123	2024806027	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	33,991.60	N
			220123	330003652975	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	14,794.35	N
			220123	2024810334	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	18,240.29	N
			220123	15007547590	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	1,561.14	N
			220123	130005599673	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	461.23	N
			220123	270005262095	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	485.61	N
			220123	225006199715	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	187.40	N
			220123	225006199714	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	244.14	N
			220123	45007204183	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	84.83	N
			220123	365004820403	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	275.82	N
			220123	175006582991	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	603.77	N
<b>Totals for Check 100998</b>							<b>70,930.18</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
100999	06-02-2022	EWING	220048	16832424	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	350.76	N
101000	06-02-2022	FOLLETT CONTENT SOL	221855	469651F	199-12-6669.00-001-299000	books for circulation	547.19	N
			221997	482985F	199-12-6669.00-102-299000	books for circulation	657.44	N
<b>Totals for Check 101000</b>							<b>1,204.63</b>	
101001	06-02-2022	GOLD STAR FOODS, INC	002835	3104016	240-35-6341.00-999-299000	PROGRAM FOOD DELIVERY	503.82	N
			002835	3104091	240-35-6341.00-999-299000	PROGRAM FOOD DELIVERY	189.85	N
<b>Totals for Check 101001</b>							<b>693.67</b>	
101002	06-02-2022	GREEN SHOOT MEDIA L	221864	13415	199-41-6299.00-750-299042	SISD MARKETING VIDEO	2,100.00	N
101003	06-02-2022	HARDIE'S FRUIT & VEGE	002825	05169266	240-35-6341.00-001-299000	PROGRAM FOOD FRUITS/VEGET	342.05	N
			002825	05165056	240-35-6341.00-102-299000	PROGRAM FOOD FRUITS/VEGET	324.15	N
			002825	05165057	240-35-6341.00-104-299000	PROGRAM FOOD FRUITS/VEGET	384.35	N
			002825	05165057	240-35-6341.00-104-299000	PROGRAM FOOD FRUITS/VEGET	146.93	N
<b>Totals for Check 101003</b>							<b>1,197.48</b>	
101004	06-02-2022	HEINEMANN	221977	7437102	199-11-6399.00-104-230000	COMPLETE COMPREHENSION C	1,796.00	N
			221977	7437102	199-11-6399.93-104-211000	COMPLETE COMPREHENSION C	179.60	N
<b>Totals for Check 101004</b>							<b>1,975.60</b>	
101005	06-02-2022	HIGH POINT	222174	189800	199-51-6399.01-999-299078	CUSTODIAL SUMMER SUPPLIES	758.62	N
			222232	189280-1	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	1,231.39	N
			222232	189280-2	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	493.00	N
			222232	189596	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	985.98	N
			222232	189800	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	6,031.63	N
			220131	189800	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	1,802.50	N
			221755	189800	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	410.37	N
			222173	189280-1	289-51-6399.78-999-299019	COVID CLEANING PPE	20.20	N
<b>Totals for Check 101005</b>							<b>11,733.69</b>	
101006	06-02-2022	HUNTON SERVICES	221512	JC83428	282-51-6248.77-999-299000	HVAC CONTROLS UPDATE @ JH/	63,846.00	N
101007	06-02-2022	IRON MOUNTAIN INC	220936	GPCT533	199-51-6399.00-999-299025	DISTRICT SHRED 21-22	164.06	N
101008	06-02-2022	STRATEGIC EQUIPMENT	220270	3966932	240-35-6639.00-102-299000	ELECTRIC COMBI OVEN	31,727.01	N
101009	06-02-2022	ITALIANO'S RESTAURAN	222095	69192	199-13-6497.00-999-223023	End Of Year	330.00	N
101010	06-02-2022	JDP PALATINE	221819	74966	199-61-6299.00-999-299000	Criminal History for Volunteer	99.75	N
101011	06-02-2022	JOHNSON SUPPLY	002826	04264498	199-51-6248.77-999-299000	HVAC SUPPLIES	232.19	N
			002826	04264568	199-51-6248.77-999-299000	HVAC SUPPLIES	29.73	N
<b>Totals for Check 101011</b>							<b>261.92</b>	
101012	06-02-2022	JW PEPPER & SON INC.	222055	364244911	199-11-6399.29-001-211000	MUSIC	180.00	N
			221787	364116771	199-11-6399.29-001-211000	MUSIC	199.84	N
<b>Totals for Check 101012</b>							<b>379.84</b>	
101013	06-02-2022	KENT BROUSSARD	002843	06/08-10/22	199-23-6411.00-041-299000	SUMMER LEADERSHIP RETREAT	60.00	N
101014	06-02-2022	KEV GROUP, INC.	222240	367170	199-11-6397.00-999-211000	SCHOOLCASH ACTIVITY SOFTWA	3,225.00	N
101015	06-02-2022	LABATT FOOD SERVICE	002827	05246884	240-35-6341.00-999-299000	PROGRAM FOOD DELIVERY	4,911.26	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101016	06-02-2022	LCD CONCEPTS, INC	221721	22463	282-11-6398.00-999-211053	IFP INSTALL AT ADMIN BOARDRO	375.00	N
101017	06-02-2022	LEAD4WARD, LLC	222131	22LLS15871190	199-13-6291.00-102-299000	JUNE PROFESSIONAL DEV.	1,222.00	N
101018	06-02-2022	MAGNATAG	222093	632793	199-11-6399.93-104-211000	4 MONTH CALENDAR	925.03	N
			222093	632793	199-23-6399.00-104-299000	4 MONTH CALENDAR	470.93	N
<b>Totals for Check 101018</b>							<b>1,395.96</b>	
101019	06-02-2022	MARTIN CHEVROLET BU	221769	73817	199-51-6631.00-999-299000	MAINT VEHICLE PURCHASE	45,048.93	N
101020	06-02-2022	MEDCO SUPPLY	221762	IN95172800	169-36-6399.08-001-291000	TRAINER SUPPLIES	36.25	N
101021	06-02-2022	NASCO EDUCATION	221925	271284	199-11-6399.00-102-211000	SCIENCE SUPPLIES FOR TEKS	238.30	N
			221925	271284	199-11-6399.00-102-230000	SCIENCE SUPPLIES FOR TEKS	28.93	N
<b>Totals for Check 101021</b>							<b>267.23</b>	
101022	06-02-2022	NATIONAL PEN	222191	112665175	199-34-6399.00-999-299000	Pens & Cups for Job Fair	201.94	N
			222191	112677592	199-34-6399.00-999-299000	Pens & Cups for Job Fair	270.95	N
<b>Totals for Check 101022</b>							<b>472.89</b>	
101023	06-02-2022	NEW DAIRY OPCO, LLC	002830	488792445	240-35-6341.00-001-299000	PROGRAM FOOD MILK	153.00	N
			002830	489110194	240-35-6341.00-001-299000	PROGRAM FOOD MILK	220.00	N
			002830	488792445	240-35-6341.00-001-299021	PROGRAM FOOD MILK	122.40	N
			002830	489110194	240-35-6341.00-001-299021	PROGRAM FOOD MILK	70.70	N
			002830	488792444	240-35-6341.00-041-299000	PROGRAM FOOD MILK	107.10	N
			002830	488792444	240-35-6341.00-041-299021	PROGRAM FOOD MILK	107.10	N
			002830	489110195	240-35-6341.00-101-299000	PROGRAM FOOD MILK	132.26	N
			002830	488792442	240-35-6341.00-101-299000	PROGRAM FOOD MILK	298.35	N
			002830	489110195	240-35-6341.00-101-299021	PROGRAM FOOD MILK	97.24	N
			002830	488792442	240-35-6341.00-101-299021	PROGRAM FOOD MILK	298.35	N
			002830	488792448	240-35-6341.00-102-299000	PROGRAM FOOD MILK	306.00	N
			002830	488792448	240-35-6341.00-102-299021	PROGRAM FOOD MILK	306.00	N
			002830	488792443	240-35-6341.00-104-299000	PROGRAM FOOD MILK	114.75	N
			002830	488792443	240-35-6341.00-104-299021	PROGRAM FOOD MILK	114.75	N
			002830	488792441	240-35-6341.00-105-299000	PROGRAM FOOD MILK	291.00	N
			002830	489110193	240-35-6341.00-105-299000	PROGRAM FOOD MILK	145.50	N
			002830	488792441	240-35-6341.00-105-299021	PROGRAM FOOD MILK	145.50	N
			002830	489110193	240-35-6341.00-105-299021	PROGRAM FOOD MILK	29.10	N
<b>Totals for Check 101023</b>							<b>3,059.10</b>	
101024	06-02-2022	PATRICIA G. FRANKLIN	002842	05/10-25	199-11-6411.00-001-211000	HOUBOUND MILEAGE 05/10-25	284.31	N
101025	06-02-2022	NCS PEARSON, INC.	222094	18090800	284-11-6399.00-999-223000	Protocols Speech	1,257.00	N
			222094	17988818	284-11-6399.00-999-223000	Protocols Speech	4,392.85	N
			222049	17977140	284-11-6399.00-999-223000	Protocols	422.62	N
<b>Totals for Check 101025</b>							<b>6,072.47</b>	
101026	06-02-2022	FOUR PZ PIZZA, INC.	220740	05/21 0041	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	45.00	N
			220740	05/18 00004	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	75.00	N
			220740	05/20 00006	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	100.00	N
			220740	05/22 00002	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	124.00	N
			221778	05/20 00021	199-11-6399.98-104-211000	ATTENDANCE PARTIES	45.00	N
<b>Totals for Check 101026</b>							<b>389.00</b>	

For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101027	06-02-2022	PURIFY	221490	141295733485	199-51-6259.74-999-299000	WWTP CHEMICALS	99.00	N
101028	06-02-2022	QUILL CORP.	222229	25296628	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	192.90	N
			222229	25288435	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	630.60	N
			222190	25169474	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	1,289.91	N
			222190	25200899	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	2,715.60	N
			222190	25138283	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	2,851.38	N
			222190	25112874	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	322.19	N
			222190	25094928	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	32.29	N
			222190	25102147	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	571.80	N
			222190	25140857	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	956.00	N
<b>Totals for Check 101028</b>							<b>9,562.67</b>	
101029	06-02-2022	RAPTOR	221978	INV33026	199-23-6399.00-104-299000	FRONT OFFICE RAPTOR PRINTE	160.00	N
101030	06-02-2022	REGION VI - ED. SERV.	220105	057019	199-34-6239.00-999-299000	School Bus Driver Certificatio	60.00	N
101031	06-02-2022	ROGERS, MORRIS, & GR	002841	51300	199-41-6211.00-702-299000	LEGAL FEES	1,050.00	N
101032	06-02-2022	SAM'S CLUB DIRECT	221553	DSTRIC	199-00-1312.00-000-200000	DISTRICT STOCK 21-22	4,127.88	N
101033	06-02-2022	SISD ACTIVITY FUND	002838	CONST CLUB	199-11-6399.89-001-211000	REIMB CONST CLUB FOR GRAD	76.00	N
101034	06-02-2022	SISD ACTIVITY FUND	002840	ROTC PAYMENT	199-11-6499.99-999-211000	ROTC DEPOSIT	872.90	N
101035	06-02-2022	SKELTON BUSINESS EQ	220340	111867	169-36-6269.00-001-291000	DISTRICT COPIERS	264.20	N
			220340	111867	199-11-6269.00-001-211000	DISTRICT COPIERS	1,163.14	N
			220340	111867	199-11-6269.00-001-211039	DISTRICT COPIERS	258.19	N
			220340	111867	199-11-6269.00-001-222000	DISTRICT COPIERS	66.05	N
			220340	111867	199-11-6269.00-041-211000	DISTRICT COPIERS	708.17	N
			220340	111867	199-11-6269.00-101-211000	DISTRICT COPIERS	419.92	N
			220340	111867	199-11-6269.00-102-211000	DISTRICT COPIERS	419.92	N
			220340	111867	199-11-6269.00-104-211000	DISTRICT COPIERS	419.92	N
			220340	111867	199-11-6269.00-105-211000	DISTRICT COPIERS	445.17	N
			220340	111867	199-11-6269.00-999-211000	DISTRICT COPIERS	157.93	N
			220340	111867	199-21-6269.00-999-223023	DISTRICT COPIERS	219.06	N
			220340	111867	199-23-6269.00-001-299000	DISTRICT COPIERS	371.18	N
			220340	111867	199-23-6269.00-041-299000	DISTRICT COPIERS	219.06	N
			220340	111867	199-23-6269.00-101-299000	DISTRICT COPIERS	219.06	N
			220340	111867	199-23-6269.00-102-299000	DISTRICT COPIERS	219.06	N
			220340	111867	199-23-6269.00-104-299000	DISTRICT COPIERS	219.06	N
			220340	111867	199-23-6269.00-105-299000	DISTRICT COPIERS	225.92	N
			220340	111867	199-31-6269.00-001-299000	DISTRICT COPIERS	152.13	N
			220340	111867	199-34-6269.00-999-299000	DISTRICT COPIERS	219.06	N
			220340	111867	199-41-6269.00-750-299000	DISTRICT COPIERS	376.98	N
			220340	111867	199-51-6269.00-999-299000	DISTRICT COPIERS	100.59	N
			220340	111867	199-51-6269.00-999-299025	DISTRICT COPIERS	66.05	N
			220340	111867	199-52-6269.00-999-299000	DISTRICT COPIERS	66.05	N
			220340	111867	199-53-6269.00-999-299000	DISTRICT COPIERS	66.05	N
			220340	111867	240-35-6269.00-999-299000	DISTRICT COPIERS	100.58	N
<b>Totals for Check 101035</b>							<b>7,162.50</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101036	06-02-2022	T & R MECHANICAL, INC.	002829	B22-0550	199-51-6248.77-999-299000	HVAC REPAIR	210.00	N
101037	06-02-2022	TASB	222113	626030	282-51-6299.00-999-299000	AIR QUALITY TESTING @ GLE GY	2,960.00	N
101038	06-02-2022	TASCO AUTO COLOR C	221867	118696/4	199-11-6399.00-001-222000	PAINT AND BODY SUPPLIES	777.43	N
101039	06-02-2022	TED FERRETTI	002846	06/08-10/22	199-23-6411.00-041-299000	SUMMER LEADERSHIP RETREAT	60.00	N
101040	06-02-2022	THE CERTIFIED WELDIN	220791	652-52622	199-11-6299.00-001-222000	D1.1 & d9.1 CERTIFICATIONS	1,680.00	N
101041	06-02-2022	THE LINCOLN ELECTRIC	221922	911068886	199-11-6399.00-001-222000	CNC PLASMA PARTS	189.68	N
101042	06-02-2022	THOMAS BUS GULF	222192	SIP-02556853	199-34-6319.00-999-299000	Parts	2,050.00	N
101043	06-02-2022	TOP HAT CATERING	222248	2022.08	199-41-6497.00-701-299000	DLT LUNCH	620.00	N
101044	06-02-2022	VERIZON	221931	9906730996	199-52-6399.00-999-299000	Access Fees Wireless Card	38.13	N
					199-52-6399.00-999-299000		-10.38	N
						<b>Totals for Check 101044</b>	<b>27.75</b>	
101045	06-02-2022	CAPITAL ONE	221554	1642026098	199-00-1312.00-000-200000	DISTRICT STOCK 21-22	2,908.32	N
			222124	1642026098	199-11-6399.98-041-211000	ATTENDANCE PRIZES	696.00	N
			222158	1642026098	199-11-6499.99-999-211000	ATTENDANCE PRIZES	354.55	N
			002831	1642026098	199-11-6499.99-999-211000	GT REIMB WALMART	303.94	N
			002831	1642026098	199-11-6499.99-999-211000	HS STUCO REIMB WALMART	276.66	N
			222118	1642026098	199-13-6399.93-999-299000	TEACHER APPRECIATION	85.00	N
			221265	1642026098	199-34-6399.00-999-299000	Cakes For Safety Meetings	78.54	N
			221793	1642026098	199-36-6399.34-999-299000	ROBOTICS SUPPLIES	23.82	N
			221995	1642026098	199-61-6399.00-999-299000	Volunteer of the Year	14.74	N
						<b>Totals for Check 101045</b>	<b>4,741.57</b>	
101046	06-09-2022	A TO Z SPECIALTIES	222138	28683	199-11-6399.05-101-211000	SPIRIT ITEMS FOR STAFF	120.00	N
			222262	28679	199-41-6399.00-701-299000	MAGNETIC NAME BADGES	40.00	N
						<b>Totals for Check 101046</b>	<b>160.00</b>	
101047	06-09-2022	ACME ARCHITECTURAL	002853	4033366	199-51-6319.00-999-299000	DOOR/LOCK SUPPLIES	79.32	N
101048	06-09-2022	ADA BARRON	002892	BOOK REIMB	429-13-6399.00-999-299038	BOOK REIMBURSEMENT	43.49	N
101049	06-09-2022	ADVANCED GRAPHICS	222184	SISD6722	199-52-6399.00-999-299000	ID BADGE MAKERS	6,639.50	N
			222184	SISD6722	287-11-6299.00-999-224000	ID BADGE MAKERS	4,776.00	N
			222184	SISD6722	287-13-6299.00-999-224000	ID BADGE MAKERS	12,112.00	N
			222184	SISD6722	287-52-6399.00-999-224000	ID BADGE MAKERS	11,325.00	N
						<b>Totals for Check 101049</b>	<b>34,852.50</b>	
101050	06-09-2022	AMAZON CAPITAL	222076	03/1-05/31	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	8,989.08	N
			221979	05/19	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	8,205.42	N
						<b>Totals for Check 101050</b>	<b>17,194.50</b>	
101051	06-09-2022	AMERICAN INDUSTRIAL	220153	35150	199-11-6269.61-001-222000	WELDING OPEN BOTTLE RENTAL	203.00	N
101052	06-09-2022	ANNA POINDEXTER	002870	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101053	06-09-2022	HOUSTON PASADENA A	222187	G91991-IN	199-34-6311.00-999-299000	Fuel	23,012.98	N
101054	06-09-2022	ARMKO INDUSTRIES, IN	221780	F864342	282-51-6299.00-999-299000	GLE ROOF REPAIR CONSULTING	1,600.00	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101055	06-09-2022	ASHLEY CRANNEY	002881	06/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N
101056	06-09-2022	AT&T	220114	8310001362996	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	1,325.35	N
101057	06-09-2022	AT&T	220730	28168993920142	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	60.44	N
			220730	28168936936080	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	46.63	N
			220730	28168951983892	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	74.42	N
			220730	28168963113892	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	74.42	N
			220730	28168920980227	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	118.64	N
			220730	28168932136818	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	40.05	N
			220730	28139951804958	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	104.51	N
			220730	28168979759266	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	111.63	N
			220730	28168936436818	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	39.99	N
			220730	28168971282960	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	46.63	N
			220730	28168974305560	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	74.42	N
			220730	28168978266081	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	46.63	N
			220730	28168959656359	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	63.28	N
			220730	28168993305872	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	531.55	N
						<b>Totals for Check 101057</b>	<b>1,433.24</b>	
101058	06-09-2022	BARNES & NOBLE EDUC	222170	970960	199-11-6399.93-001-211039	LONE STAR GRADUATION	216.00	N
101059	06-09-2022	BAY HILL	002878	06/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N
101060	06-09-2022	BRADFORD WELLER	002897	REG/TUITION	429-13-6399.00-999-299038	SHSU REG AND TUITION REIMB	3,473.30	N
101061	06-09-2022	BSN SPORTS, LLC	222126	917043537	169-36-6399.00-001-291000	WEIGHT ROOM BARBALLS	995.00	N
			221928	917251514	169-36-6399.09-001-291000	GIRLS BBALL UNIFORMS	1,490.00	N
						<b>Totals for Check 101061</b>	<b>2,485.00</b>	
101062	06-09-2022	CASCO AUTO PARTS #2	002866	9151-260342	199-11-6399.64-001-222000	AUTO REFRIGERANT	380.00	N
101063	06-09-2022	CDW GOVERNMENT	222213	X491266	199-11-6398.93-001-222000	STAFF LAPTOPS	8,275.00	N
101064	06-09-2022	CHALK'S TRUCK PARTS	222146	K63162-1	199-34-6319.00-999-299000	Safety vest	1,203.93	N
101065	06-09-2022	CINTAS CORPORATION	222125	4121005461	199-34-6299.00-999-299000	Dry Cleaning	75.27	N
			222125	4116216418	199-34-6299.00-999-299000	Dry Cleaning	100.59	N
			222125	4116B48839	199-34-6299.00-999-299000	Dry Cleaning	86.85	N
			222125	4121699769	199-34-6299.00-999-299000	Dry Cleaning	75.27	N
				9179672116	199-34-6299.00-999-299000	Wrong Part	-25.32	N
			220224	4120365654	199-51-6249.00-999-299000	UNIFORM SERVICE	64.51	N
			220224	4121005594	199-51-6249.00-999-299000	UNIFORM SERVICE	64.51	N
						<b>Totals for Check 101065</b>	<b>441.68</b>	
101066	06-09-2022	CLARLYN COVERT	002873	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101067	06-09-2022	COLLIER EDUCATIONAL	222267	06072022	211-11-6299.00-999-230000	COACHING SERVICES-EXECUTIV	10,500.00	N
			222267	06072022	282-13-6291.00-999-299043	COACHING SERVICES-EXECUTIV	9,300.00	N
						<b>Totals for Check 101067</b>	<b>19,800.00</b>	
101068	06-09-2022	CONROE WELDING SUP	221807	R05222524	168-61-6399.00-999-299000	HELIUM FOR PARTIES	7.20	N
			002855	R 05222523	199-51-6319.00-999-299000	CO2 CYLINDER RENTAL	17.70	N
					49	<b>Totals for Check 101068</b>	<b>24.90</b>	

For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101069	06-09-2022	CROWN PAPER AND CH	220667	149261	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	660.00	N
101070	06-09-2022	CTAT	222261	CON5003-22	199-11-6399.00-001-222000	CTE AUDIT	4,500.00	N
101071	06-09-2022	DIANNA ARCHER	002884	06/13-15	199-31-6411.00-999-299000	2022 LAW CONF TRAVEL	72.00	N
			002884	06/18-23	282-13-6411.50-999-299000	TX SCHOOL SAFETY CONF TRAV	144.00	N
<b>Totals for Check 101071</b>							<b>216.00</b>	
101072	06-09-2022	DONALD ROONEY	002898	06/21-24	199-13-6411.00-001-299039	PRE AP SUMMER INST TRAVEL	160.00	N
101073	06-09-2022	DOUGLAS KEEN	002891	CN ACCT	240-00-5751.00-000-200000	CN ACCOUNT REFUND	1.00	N
101074	06-09-2022	DUANA BRASHEAR	002885	06/18-23	282-13-6411.50-999-299000	TX SCHOOL SAFETY CONF TRAV	144.00	N
101075	06-09-2022	EAST MONGOMERY CO.	220119	30550092003510	199-51-6259.70-999-299000	TLE - SEWER & WATER	823.53	N
			220119	30550092003520	199-51-6259.70-999-299000	TLE - SEWER & WATER	31.85	N
<b>Totals for Check 101075</b>							<b>855.38</b>	
101076	06-09-2022	EASY STREET FLORIST	002886	100029056	199-41-6399.00-702-299000	FLOWERS	175.00	N
			002886	OUTSTANDING	199-41-6399.00-702-299000	FLOWERS	10.00	N
			002886	100028591	199-41-6399.00-702-299000		110.00	N
<b>Totals for Check 101076</b>							<b>295.00</b>	
101077	06-09-2022	EDUCATOR'S DEPOT	222152	14524	199-00-1312.00-000-200000	DISTRICT/HS/DESK/CHAIR	12,875.50	N
			222227	14523	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	4,014.72	N
			222162	14525	199-00-1312.00-000-200000	DISTRICT/BOARD RM	4,482.90	N
<b>Totals for Check 101077</b>							<b>21,373.12</b>	
101078	06-09-2022	ERNEST NELSON AND M	002874	3/1/22-6/1/22	199-41-6211.00-750-299062	LEGAL SETTLEMENT	8,500.00	N
101079	06-09-2022	CLAY EWELL	222244	754-14374	199-11-6411.61-001-222000	TORCHMATE CONFERENCE	800.00	N
101080	06-09-2022	EXPRESS BOOKSELLER	222228	14693	199-00-1312.00-000-200000	DISTRICT/CURRI/21-22	1,696.94	N
101081	06-09-2022	FASTENAL	220094	TXCLV92380	199-34-6319.00-999-299000	PO Created by Req: 000125	34.30	N
			002852	TXCLV92518	199-34-6319.00-999-299000	PARTS	165.46	N
<b>Totals for Check 101081</b>							<b>199.76</b>	
101082	06-09-2022	FLIPSIDE PRODUCTS IN	222045	284963	199-11-6399.00-104-211000	KINDERGARTEN DIPLOMAS	73.15	N
101083	06-09-2022	FRANCIS EUGEN RUTLA	002887	05/13 05/27	199-41-6212.00-750-299000	DISTRICT COUNSELOR CONSULT	750.00	N
101084	06-09-2022	FRONTLINE TECHNOLO	220384	INVESP14982	199-11-6299.00-999-223000	Medicaid Filing	1,568.48	N
101085	06-09-2022	GOLD STAR FOODS, INC	002850	3110244	240-35-6341.00-999-299000	PROGRAM FOOD DELIVERY	505.16	N
101086	06-09-2022	GOOD PROMOTIONS	002851	01002197	199-34-6249.00-999-299000	Signs and Banners	220.00	N
			220038	O1001945	199-51-6299.00-999-299000	PRINTING SERVICES	486.00	N
<b>Totals for Check 101086</b>							<b>706.00</b>	
101087	06-09-2022	GOPHER SPORT	222151	QT73779	199-00-1312.00-000-200000	DISTRICT/PWE/2022	679.00	N
101088	06-09-2022	GRADIENT GROUP, LLC	220871	GG-753	199-81-6619.00-999-299000	TRAFFIC ENGINEERING SERVICE	2,500.00	N
101089	06-09-2022	HEATH LUCAS	002875	CHECK	199-41-6499.00-750-299000	REISSUE LOST CHECK	44.05	N
101090	06-09-2022	HIGH POINT	221755	189368-1	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	374.68	N
			002861	189800-1	199-51-6399.02-999-299078	department supplies	3,896.00	N
			222216	189710	199-51-6399.02-999-299078	CUSTODIAL EQUIPMENT	802.52	N
			002872	189799	199-51-6399.02-999-299078	Department Supplies	193.28	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			222215	189710	289-51-6399.78-999-299019	COVID SCHOOL HEALTH CLEANI	12,910.28	N
						<b>Totals for Check 101090</b>	<b>18,176.76</b>	
101091	06-09-2022	IT OUTLET INC	222111	69026	211-11-6399.00-101-230020	CB CHARGING CART FOR PCE	1,077.36	N
101092	06-09-2022	JASON'S DELI	222265	22060206906006	199-13-6497.50-999-299000	DISTRICT LEADERSHIP TEAM	164.49	N
			222265	22060206906006	199-13-6497.50-999-299000	DISTRICT LEADERSHIP TEAM	466.65	N
						<b>Totals for Check 101092</b>	<b>631.14</b>	
101093	06-09-2022	JERROD JACOBS	002876	CHECK	199-41-6499.00-750-299000	REISSUE LOST CHECK	24.00	N
101094	06-09-2022	JOHNSON SUPPLY	002860	04265048	199-51-6248.77-999-299000	HVAC SUPPLIES	124.21	N
101095	06-09-2022	JONES SCHOOL SUPPL	221976	1882249	199-11-6399.98-104-211000	ATTENDANCE AWARDS	441.00	N
101096	06-09-2022	KRISTI SEIDEL	002882	06/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N
101097	06-09-2022	KRYSTAL SPAUGH	002871	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101098	06-09-2022	LAKESHORE LEARNING	222022	829373042222	199-11-6399.59-101-211000	SCIENCE LAB SUPPLIES	694.25	N
			221962	740054032422	211-11-6399.00-101-230020	FLEX SEATING	1,823.01	N
						<b>Totals for Check 101098</b>	<b>2,517.26</b>	
101099	06-09-2022	LONE STAR A/C	002856	JBA1388	199-51-6248.77-999-299000	HVAC REPAIR @ IT SERVER ROO	735.00	N
101100	06-09-2022	LORI BAUER	002867	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101101	06-09-2022	LOYDETTTE	002883	06/13-15	199-31-6411.00-999-299000	2022 LAW CONF TRAVEL	272.48	N
			002883	06/18-23	282-13-6411.50-999-299000	TX SCHOOL SAFETY CONF TRAV	406.00	N
						<b>Totals for Check 101101</b>	<b>678.48</b>	
101102	06-09-2022	MARISSA GONZALES	222041	2001206	199-11-6299.00-999-223023	Bi lingual Assessment	700.00	N
101103	06-09-2022	MCCOY CORPORATION	220049	9821508	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	25.88	N
			220049	9820637	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	57.33	N
						<b>Totals for Check 101103</b>	<b>83.21</b>	
101104	06-09-2022	MOAK, CASEY & ASSOCI	222263	01-8880	199-41-6299.00-701-299000	CONSORTIUM IMPROVEMENT DU	800.00	N
			222263	02-8949	199-41-6299.00-701-299000	CONSORTIUM IMPROVEMENT DU	800.00	N
			222263	05-9065	199-41-6299.00-701-299000	CONSORTIUM IMPROVEMENT DU	800.00	N
						<b>Totals for Check 101104</b>	<b>2,400.00</b>	
101105	06-09-2022	MORRISON SUPPLY CO	220063	S113025956.001	199-51-6319.00-999-299000	PLUMBING SUPPLIES	315.14	N
101106	06-09-2022	NANCY MONTALBO	002868	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101107	06-09-2022	NEIL LAMINACK	002879	06/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N
101108	06-09-2022	NEW DAIRY OPCO, LLC	002848	480478895	240-35-6341.00-104-299000	PROGRAM FOOD DELIVERY	209.31	N
			002848	480478895	240-35-6341.00-104-299021	PROGRAM FOOD DELIVERY	66.09	N
						<b>Totals for Check 101108</b>	<b>275.40</b>	
101109	06-09-2022	O'REILLY AUTOMOTIVE	221131	MAY 2022	199-34-6319.00-999-299000	Parts	1,568.10	N
101110	06-09-2022	PARSONS COMMERCIAL	222256	18257	199-51-6249.00-999-299000	ROOF REPAIR @ JH	3,195.00	N
101111	06-09-2022	PIONEER MANUFACTUR	222166	INV840601	199-51-6399.79-999-299091	ATHLETIC FIELD SUPPLIES	4,280.00	N
101112	06-09-2022	POTETZ HOME CENTER	220058	I200901596	199-51-6319.00-999-299000	MISC REPAIR SUPPLIES	7.08	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101113	06-09-2022	PPG ARCHITECTURAL FI	222253	961303082572	199-51-6319.00-999-299000	PAINT SUPPLIES	288.98	N
101114	06-09-2022	PURIFY	221490	141295733898	199-51-6259.74-999-299000	WWTP CHEMICALS	285.00	N
			221490	141295733919	199-51-6259.74-999-299000	WWTP CHEMICALS	650.00	N
<b>Totals for Check 101114</b>							<b>935.00</b>	
101115	06-09-2022	QUALTRICS, LLC	002854	309521	287-11-6299.00-999-224000	DISTRICT SURVEYS	19,000.00	N
101116	06-09-2022	RACHEL RICE	002864	01/13-15	263-13-6411.00-999-225000	RGV TABE ONCF	84.00	N
101117	06-09-2022	RED'S DIESEL REPAIR	222120	2039	199-34-6249.00-999-299000	Repairs bus # 211	1,927.95	N
101118	06-09-2022	RESULTANT	222203	62936	199-11-6397.00-999-211053	GOOGLE VOICE ACCOUNT	10,272.00	N
101119	06-09-2022	RICE UNIVERSITY	002896	CV67720487051	199-13-6411.00-001-299039	SUMMER APSI	600.00	N
			002896	CV67720500053	199-13-6411.00-001-299039	SUMMER APSI	600.00	N
<b>Totals for Check 101119</b>							<b>1,200.00</b>	
101120	06-09-2022	RIVER OAKS ACADEMY	221862	4605	284-11-6299.00-999-223000	Out of district behavior place	7,000.00	N
			221862	4607	284-11-6299.00-999-223000	Out of district behavior place	5,500.00	N
<b>Totals for Check 101120</b>							<b>12,500.00</b>	
101121	06-09-2022	RIVERSIDE INSIGHTS	221891	INV126081	199-31-6339.00-999-221000	COGAT ONLINE LICENSES	1,952.00	N
101122	06-09-2022	SCHOOLMART	222242	443612	199-11-6398.00-001-230000	CALCULATORS	4,995.00	N
101123	06-09-2022	SHARON JONES	002869	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101124	06-09-2022	SHEREE WALKER	002877	6/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N
101125	06-09-2022	SKILLS USA	222209	S88721	199-11-6412.00-001-222000	STUDENT/ADVISOR HOTEL/REGI	2,295.00	N
			222209	S88721	244-13-6411.00-001-222000	STUDENT/ADVISOR HOTEL/REGI	1,785.00	N
	06-14-2022	SKILLS USA	222209	S88721	199-11-6412.00-001-222000	VOID REISSUE WRONG VENDOR	-2,295.00	N
			222209	S88721	244-13-6411.00-001-222000	VOID REISSUE WRONG VENDOR	-1,785.00	N
<b>Totals for Check 101125</b>							<b>.00</b>	
101126	06-09-2022	SOLUTION TREE INC	222194	S259575	199-13-6411.00-105-299000	Instructional	679.00	N
101127	06-09-2022	STACY PAGAN	002889	CN ACCT	240-00-5751.00-000-200000	CN ACCOUNT REFUND	22.55	N
101128	06-09-2022	SUNSET FIRE & SECURI	002857	019221	199-51-6249.77-999-299000	SERVICE CALL-HS	125.00	N
			002858	019223	199-51-6249.77-999-299000	SERVICE CALL-HS	410.00	N
			002859	019222	199-51-6249.77-999-299000	SERVICE CALL-JH	125.00	N
<b>Totals for Check 101128</b>							<b>660.00</b>	
101129	06-09-2022	SUZETTE LAGARDE	002888	CN ACCT	240-00-5751.00-000-200000	CN ACCOUNT REFUND	30.25	N
101130	06-09-2022	SWICEGOOD MUSIC CO	221215	S425549	199-11-6249.29-001-211000	OPEN PO FOR REPAIRS	224.56	N
			221215	S428809	199-11-6249.29-001-211000	OPEN PO FOR REPAIRS	56.00	N
			221215	S431462	199-11-6249.29-001-211000	OPEN PO FOR REPAIRS	14.00	N
			221243	S434442	199-11-6249.29-041-211000	BAND REPAIRS	1,189.00	N
<b>Totals for Check 101130</b>							<b>1,483.56</b>	
101131	06-09-2022	T-MOBILE USA INC.	221223	202203150958	199-11-6398.00-999-211053	EMERG CONNECTIVITY FND HOT	53,400.00	N
101132	06-09-2022	TAHPERD	222071	182	199-13-6411.00-105-299000	PE Conference	130.00	N
101133	06-09-2022	TAMEKA MARTIN	002880	06/14-17	199-23-6411.00-001-299000	TASSP TRAVEL	124.00	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101134	06-09-2022	TASA	222246	147190	199-21-6411.00-999-299043	ONLINE SUMMER SERIES	150.00	N
101135	06-09-2022	THADIS PEGUES	002865	07/18-20/21	169-36-6411.00-001-291000	COACHING SCHOOL	84.00	N
101136	06-09-2022	THE COLLEGE BOARD	222072	EA00123746	199-11-6321.00-001-211039	AP MATERIALS	21,996.00	N
101137	06-09-2022	THE COLLEGE BOARD	002894	CV69730052005	199-13-6411.00-001-299039	PRE AP SUMMER INST	175.00	N
			002895	CV69510175016	199-13-6411.00-001-299039	PRE AP SUMMER INST	745.00	N
			002895	CV69530007000	199-13-6411.00-001-299039	PRE AP SUMMER INST	645.00	N
<b>Totals for Check 101137</b>							<b>1,565.00</b>	
101138	06-09-2022	THE MASTER TEACHER,	222108	116791337	199-23-6399.00-104-299000	MONTHLY AWARDS	1,003.10	N
101139	06-09-2022	THOMAS BUS GULF	222192	SIP-02557961	199-34-6319.00-999-299000	Parts	145.13	N
			222192	SIP-02557968	199-34-6319.00-999-299000	Parts	87.08	N
			222192	SIP-02558228	199-34-6319.00-999-299000	Parts	141.99	N
			222192	SIP-02558269	199-34-6319.00-999-299000	Parts	206.14	N
			222192	SIP-02558366	199-34-6319.00-999-299000	Parts	6,478.66	N
			222192	SIP-02558300	199-34-6319.00-999-299000	Parts	1,000.06	N
<b>Totals for Check 101139</b>							<b>8,059.06</b>	
101140	06-09-2022	TOTAL GRAPHIC	002863	116	199-34-6399.00-999-299000	SHIRTS	260.00	N
101141	06-09-2022	WAYNE FREE	002890	CN ACCT	240-00-5751.00-000-200000	CN ACCOUNT REFUND	16.80	N
101142	06-09-2022	WEISINGER WATER WE	222182	32151	199-51-6259.74-999-299000	WELL PUMP REPAIR	12,534.40	N
101143	06-09-2022	WETZELS STATE INSPE	220100	M-59-2023	199-34-6249.00-999-299000	Vehicle Inspections	25.50	N
			220100	T-15-2023	199-34-6249.00-999-299000	Vehicle Inspections	25.50	N
			220100	PD-18-2023	199-34-6249.00-999-299000	Vehicle Inspections	25.50	N
			220100	TN-90-2023	199-34-6249.00-999-299000	Vehicle Inspections	25.50	N
<b>Totals for Check 101143</b>							<b>102.00</b>	
101144	06-09-2022	WORTH HYDROCHEM O	220006	120357	199-51-6248.77-999-299000	HVAC SERVICES	775.00	N
101145	06-09-2022	XAVIER NERO	002862	10222021	169-36-6294.00-001-291000	FOOTBALL OFFICIAL	70.00	N
101146	06-09-2022	YELLOWSTONE LANDSC	220046	NH 381935	199-51-6299.79-999-299000	LANDSCAPING SERVICES	11,318.70	N
101147	06-16-2022	ACME ARCHITECTURAL	002902	4034316	199-51-6319.00-999-299000	DOOR REPAIR SUPPLIES	73.81	N
101148	06-16-2022	AMAZON CAPITAL	222076	06/06	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	127.00	N
101149	06-16-2022	HOUSTON PASADENA A	222279	G92874-IN	199-34-6311.00-999-299000	Fuel	14,285.30	N
101150	06-16-2022	ARC MECHANICAL LLC	002905	I7200	240-35-6249.00-101-299000	FREE JAMMED LOCK ON FREEZE	90.00	N
			002905	I7205	240-35-6249.00-104-299000	BOSTER HEATER TRIPPING BRE	90.00	N
			002905	I7244	240-35-6249.00-104-299000	JH/ REPLACED WIRE HARNESS	90.00	N
<b>Totals for Check 101150</b>							<b>270.00</b>	
101151	06-16-2022	BSN SPORTS, LLC	222137	917274325	169-36-6399.00-001-291000	JH VOLLEYBALL UNIFORMS	1,970.75	N
			222137	917274326	169-36-6399.00-001-291000	JH VOLLEYBALL UNIFORMS	230.00	N
<b>Totals for Check 101151</b>							<b>2,200.75</b>	
101152	06-16-2022	CASCO AUTO PARTS #2	221871	9151-263267	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	10.29	N
			221871	9151-263276	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	3.45	N
			221871	9151-263277	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	17.78	N
			221871	9151--263282	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	10.29	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			221871	9151-263309	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	6.76	N
			221871	9151-263320	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	16.98	N
			221871	9151-263519	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	14.99	N
			221871	9151-263393	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	40.14	N
			221871	9151-263536	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	29.88	N
			221871	9151-263827	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	86.18	N
			002908	9151-263856	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	61.08	N
			002908	9151-263874	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	87.92	N
						<b>Totals for Check 101152</b>	<b>385.74</b>	
101153	06-16-2022	CDW GOVERNMENT	220702	K526337	168-61-6398.00-999-299000	OFFICE EQUIP FOR SKATING RIN	30.99	N
			220702	K392886	168-61-6398.00-999-299000	OFFICE EQUIP FOR SKATING RIN	1,450.65	N
			222068	Z246133	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	588.26	N
			222068	X285299	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	565.66	N
			222068	X288999	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	1,131.32	N
			222255	Z159742	199-11-6398.00-001-230000	CHROMEBOOKS FOR SHS	340.89	N
			222255	Z146994	199-11-6398.00-001-230000	CHROMEBOOKS FOR SHS	3,542.33	N
			222239	X889798	199-11-6399.00-001-225000	ESL CLASS CHROMEBOOK - HAR	322.03	N
			222239	X906907	199-11-6399.00-001-225000	ESL CLASS CHROMEBOOK - HAR	30.99	N
			222252	Z146998	199-11-6399.00-999-225000	ESL CHROMEBOOKS	1,610.15	N
			222252	Z159810	199-11-6399.00-999-225000	ESL CHROMEBOOKS	154.95	N
			222098	X753889	199-52-6399.00-999-299000	PD Equipment	270.00	N
						<b>Totals for Check 101153</b>	<b>10,038.22</b>	
101154	06-16-2022	CINTAS CORPORATION	222125	4122312383	199-34-6299.00-999-299000	Dry Cleaning	75.27	N
			220224	4121699894	199-51-6249.00-999-299000	UNIFORM SERVICE	62.31	N
						<b>Totals for Check 101154</b>	<b>137.58</b>	
101155	06-16-2022	CITIBANK	220862		168-61-6499.00-999-299000	POS SYSTEM FOR SKATING RINK	184.00	N
			002917		169-36-6411.00-001-291000	ATH COACHES RETREAT	2,729.90	N
			222082		169-36-6411.00-001-291000	HOTEL ROOM	197.73	N
			221719		199-11-6299.00-001-222000	PSI COSMO WRITTEN EXAM VOU	144.00	N
			221719		199-11-6299.00-001-222000	PSI COSMO WRITTEN EXAM VOU	72.00	N
			221719		199-11-6299.00-001-222000	PSI COSMO WRITTEN EXAM VOU	150.00	N
			222164		199-11-6399.00-001-222000	LEVEL 1 EDUCATION AID CERT	229.00	N
			222179		199-11-6399.00-699-230000	STEAM CAMP	11.50	N
			222208		199-11-6411.00-001-222000	AIRFARE NATIONALS SKILLS USA	534.55	N
			221415		199-11-6411.61-001-222000	SPRING SHEEP SHOW HOTEL	220.53	N
			222208		199-11-6412.00-001-222000	AIRFARE NATIONALS SKILLS USA	534.55	N
			002917		199-11-6499.99-999-211000	C/O 22 REIMB CITIBANK	615.67	N
			002917		199-11-6499.99-999-211000	C/O 22 REIMB CITIBANK	339.84	N
			002917		199-11-6499.99-999-211000	C/O 22 REIMB CITIBANK	2,826.10	N
			002917		199-11-6499.99-999-211000	C/O 22 REIMB CITIBANK	1,796.25	N
			002917		199-11-6499.99-999-211000	HS NAT'L HONOR SOCIETY	1,188.00	N
			002917		199-11-6499.99-999-211000	GT ACTIVITY REIMB CITIBANK	3,430.88	N
			222100		199-13-6411.00-105-299000	PD & Planning Retreat	350.74	N
			222038		199-13-5497.00-999-223023	Speech Week	150.00	N
			222038		199-21-6399.00-999-223023	Speech Week	97.98	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			222161		199-21-6411.00-999-299040	STATE TRACK MEET 3-12-22	321.37	N
			220111		199-34-6299.00-999-299000	Vehicle Registrations	109.05	N
			220111		199-34-6299.00-999-299000	Vehicle Registrations	22.47	N
			220111		199-34-6299.00-999-299000	Vehicle Registrations	167.53	N
			221878		199-34-6299.00-999-299000	Scales	25.00	N
			221895		199-34-6299.00-999-299000	Tolls & Tags	1,050.00	N
			002916		199-34-6411.00-999-299000	CONF HOTEL	338.80	N
			222230		199-36-6412.00-001-291000	PARKING STATE TRACK MEET	64.96	N
			222230		199-36-6412.00-001-291000	STATE TRACK MEET HOTEL	930.03	N
			222214		199-41-6399.00-701-299000	DLT SUPPLIES	87.95	N
			222161		199-41-6411.00-701-299000	STATE TRACK MEET 3-12-22	321.37	N
					199-41-6411.00-701-299000		-209.00	N
			222249		199-41-6497.00-701-299000	DLT BREAKFAST	47.98	N
			222243		199-41-6497.00-701-299000	MEETING FOOD 5-26-22	55.98	N
			222143		199-41-6497.00-702-299000	BOARD MEETING FOOD	139.98	N
			220486		199-41-6499.00-701-299000	ZOOM VIRTUAL MEETINGS	356.79	N
			221920		199-51-6248.77-999-299000	HVAC SUPPLIES	1,898.72	N
			222238		199-51-6497.00-999-299078	MEETING FOOD	272.95	N
			220237		199-53-6398.00-999-299000	TECHNOLOGY SUPPLIES	5,943.53	N
			002917		199-53-6398.00-999-299000	TECH GO DADDY.COM RENEWAL	899.98	N
			221982		240-35-6411.00-999-299000	CONFRENCE DIRECTOR MEGAC	1,468.24	N
			222205		244-13-6411.00-001-222000	VET SCIENCE TEACHER ACADE	350.00	N
						<b>Totals for Check 101155</b>	<b>30,466.90</b>	
101156	06-16-2022	CITY OF SPLENDORA	220120	08017201262000	199-51-6259.73-999-299000	DISTRICT GAS	7.50	N
101157	06-16-2022	CITY OF SPLENDORA-W	220121	08016104451500	168-51-6259.70-999-299000	DISTRICT WATER	392.72	N
			220121	08016104452000	199-51-6259.70-999-299000	DISTRICT WATER	236.92	N
			220121	08016104451550	199-51-6259.70-999-299000	DISTRICT WATER	217.25	N
			220121	08016104451000	199-51-6259.70-999-299000	DISTRICT WATER	229.66	N
			220121	08016104460500	199-51-6259.70-999-299000	DISTRICT WATER	2,529.02	N
						<b>Totals for Check 101157</b>	<b>3,605.57</b>	
101158	06-16-2022	CMTA, INC	221600	60517	282-51-6299.00-999-299000	JH VENTILATION STUDY	9,250.00	N
101159	06-16-2022	CODY BUNTION	002927	06/20-23	199-11-6411.00-001-222000	CTAT CONF TRAVEL	120.00	N
101160	06-16-2022	COLLIN LISTEN	002910	06/27-30	199-11-6411.00-001-222000	PD TRAVEL	120.00	N
101161	06-16-2022	CONROE WELDING SUP	220099	R05222525	199-34-6249.00-999-299000	lease of tank	7.20	N
101162	06-16-2022	CTAT	222275	200010303	199-11-6411.00-001-222000	LAW ENFORCEMENT CONFER.	450.00	N
101163	06-16-2022	CUSTOM BUILT AWARD	222260	35276	199-53-6398.00-999-299000	EOY AWARD	185.35	N
101164	06-16-2022	DEANA EUBANKS	002915	06/13-15	169-36-6411.00-001-291000	CONFERNCE TRAVEL	72.00	N
101165	06-16-2022	DUKE COMMUNICATION	221889	8688	199-11-6299.00-001-211000	AIRPHONE AT BACKDOOR	2,776.97	N
			221883	8689	199-11-6299.00-001-211000	FISHEYE CAMERA	5,000.00	N
			221883	8689	199-11-6398.00-001-211000	FISHEYE CAMERA	4,253.00	N
						<b>Totals for Check 101165</b>	<b>12,029.97</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101166	06-16-2022	EDIE KENDRICK	002928	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N
101167	06-16-2022	EDUCATIONAL THERAP	221870	OTMAY22SISD	199-11-6299.00-999-223023	OT Services	3,000.00	N
101168	06-16-2022	ELEVATION LAND SOLU	221110	62048	199-81-6619.00-999-299000	LAND CONSULTATION	2,730.00	N
			221111	62047	199-81-6619.00-999-299084	LAND SURVEY	9,500.00	N
<b>Totals for Check 101168</b>							<b>12,230.00</b>	
101169	06-16-2022	EMMANUEL F SANCHEZ	222040	20212212	199-11-6299.00-999-223023	Bi lingual Assessment	700.00	N
101170	06-16-2022	FISH WINDOW CLEANIN	222197	3009-122024	199-51-6299.00-999-299078	CONTRACTED SERVICES	325.00	N
			222197	3009-122026	199-51-6299.00-999-299078	CONTRACTED SERVICES	325.00	N
			222197	3009-122025	199-51-6299.00-999-299078	CONTRACTED SERVICES	1,295.00	N
<b>Totals for Check 101170</b>							<b>1,945.00</b>	
101171	06-16-2022	GREATER EMC CHAMBE	222284	94756	199-41-6411.00-701-299000	CHAMBER BREAKFAST 6-15-22	15.00	N
101172	06-16-2022	HEATH LUCAS	002922	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N
101173	06-16-2022	HIGH POINT	221468	188838-1	168-61-6399.00-999-299000	CLEANING SUPPLIES	44.94	N
			002907	189668-2	199-51-6399.02-999-299078	Department Supplies	1,442.30	N
			222216	189710-1	199-51-6399.02-999-299078	CUSTODIAL EQUIPMENT	962.35	N
<b>Totals for Check 101173</b>							<b>2,449.59</b>	
101174	06-16-2022	HOME DEPOT CREDIT S	220140	8823969	199-00-1312.00-000-200000	WHSE/DISTRICT	299.00	N
			221444	9091777	199-11-6399.61-001-222000	AG BARN SUPPLIES	726.32	N
			002901	9012542	199-11-6499.99-999-211000	CONSTRUCTION CLUB	249.00	N
			222172	6111125	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	161.65	N
			222172	5510464	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	144.95	N
			222172	520700	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	110.25	N
			222172	4532042	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	29.92	N
				3900866	199-51-6319.00-999-299000	HOTEL CREDIT	-226.80	N
			221681	9904276	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	19.98	N
			221681	2901420	199-51-6399.02-999-299078	DEPARTMENT SUPPLIES	417.26	N
			220005	9900234	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	39.97	N
			220005	9350687	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	26.66	N
			220005	1905093	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	44.28	N
			220005	1722948	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	9.28	N
			220005	1288111	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	27.34	N
			220005	1115491	199-53-6398.00-999-299000	TOOLS AND SUPPLIES	137.48	N
			220282	7545009	240-35-6249.00-999-299000	SUPPLIES/MAINTAINING ITEMS	173.29	N
<b>Totals for Check 101174</b>							<b>2,389.83</b>	
101175	06-16-2022	HOUSTON CHRONICLE	002906	700057585	199-51-6299.00-999-299000	GLE ROOF BID AD	138.16	N
101176	06-16-2022	JASON'S DELI	222282	22061306905005	199-41-6497.00-750-299042	REALTOR/DEVELOPER LUNCH	68.20	N
101177	06-16-2022	JONATHON MCNAMARA	002909	06/27-30	199-11-6411.00-001-222000	PD TRAVEL	120.00	N
101178	06-16-2022	KENNEDY FABRICATING	222283	22-20304-F	199-51-6319.00-999-299000	SOCCER LOCKER REPAIR SUPPL	89.00	N
101179	06-16-2022	KRISTY STEPP	002925	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N

For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101180	06-16-2022	LABATT FOOD SERVICE	002899	06070677	242-35-6341.00-699-299000	PROGRAM FOOD DELIVERY/SUM	2,799.23	N
101181	06-16-2022	LAKE COUNTRY CHEVR	222235	F02040	199-52-6631.00-999-299000	2022 Police Tahoe	49,129.84	N
101182	06-16-2022	MACGILL & CO.	222102	IN0794406	199-33-6399.00-999-299000	CLINIC SUPPLIES	1,266.92	N
101183	06-16-2022	MACY HERNANDEZ	002924	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N
101184	06-16-2022	MAGNA FLOW ENVIRON	002903	74557	199-51-6259.74-999-299000	WWTP/WTP REPAIR	1,586.39	N
101185	06-16-2022	MCCOY CORPORATION	220049	9821685	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	95.88	N
			220049	9821879	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	23.37	N
			220049	9822042	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	46.94	N
			220049	9822475	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	337.14	N
			220049	9822476	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	82.42	N
<b>Totals for Check 101185</b>							<b>585.75</b>	
101186	06-16-2022	NEW DAIRY OPCO, LLC	002900	490551373	242-35-6341.00-699-299000	PROGRAM FOOD DELIVERY/SUM	183.60	N
			002900	490759063	242-35-6341.00-699-299000	PROGRAM FOOD DELIVERY/SUM	474.30	N
			002900	491258077	242-35-6341.00-699-299000	PROGRAM FOOD DELIVERY/SUM	153.00	N
<b>Totals for Check 101186</b>							<b>810.90</b>	
101187	06-16-2022	NICOLE PORTERPAN	002926	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N
101188	06-16-2022	FOUR PZ PIZZA, INC.	222212	06/04 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	22.81	N
			222212	06/05 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	85.00	N
			222212	05/24 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	75.00	N
			222212	05/27 0061	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	55.00	N
			222212	05/29 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	145.00	N
			002930	05/26 00018	199-11-6399.98-104-211000	ATTENDANCE PARTIES	26.31	N
<b>Totals for Check 101188</b>							<b>409.12</b>	
101189	06-16-2022	POTETZ HOME CENTER	220058	I200903838	199-51-6319.00-999-299000	MISC REPAIR SUPPLIES	774.00	N
101190	06-16-2022	PPG ARCHITECTURAL FI	221926	804403097497	199-51-6319.00-999-299000	PAINT SPRAYER PARTS	86.39	N
101191	06-16-2022	PITNEY BOWES BANK IN	002914	80009000114110	199-00-1311.00-000-200000	POSTAGE MACHINE REFILL	3,876.99	N
101192	06-16-2022	PURIFY	002904	141295734491	199-51-6259.74-999-299000	WWTP/WTP REPAIR	99.00	N
101193	06-16-2022	QUILL CORP.	222159	24963308	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	254.90	N
			222159	24961139	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	2,461.49	N
			222159	24971547	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	21.78	N
			222159	25726783	199-00-1312.00-000-200000	DISTRICT STOCK 2021-22	133.20	N
<b>Totals for Check 101193</b>							<b>2,871.37</b>	
101194	06-16-2022	READING HORIZONS	222217	50839	199-13-6299.00-999-225000	ESL & BILINGUAL	3,549.38	N
101195	06-16-2022	RED'S DIESEL REPAIR	222119	1817	199-34-6249.00-999-299000	Repairs	1,573.99	N
101196	06-16-2022	REGION VI - ED. SERV.	222247	057322	199-21-6411.00-999-299043	EXPLORING RLA STARR REDESI	390.00	N
			222247	057329	199-21-6411.00-999-299043	EXPLORING RLA STARR REDESI	390.00	N
			220105	170907	199-34-6239.00-999-299000	School Bus Driver Certificatio	540.00	N
			002931	057373	199-34-6239.00-999-299000	BUS DRIVER RECERTIFICATION	60.00	N
			222241	SESSION	199-53-6398.00-999-299000	GOOGLE TRAINING REG. 6	125.00	N
<b>Totals for Check 101196</b>							<b>1,505.00</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101197	06-16-2022	ALLIED WASTE SERVICE	220206	0853006818449	199-51-6259.75-999-299000	DISTRICT DUMPSTER 21-22	7,286.77	N
101198	06-16-2022	ROBERT DAVIS	002920	06/8-10	199-13-6411.00-102-211000	TEPSA CONF TRAVEL	84.00	N
101199	06-16-2022	SHERWIN WILLIAMS	222254	3910-4	199-51-6319.00-999-299000	PAINT SUPPLIES	1,457.17	N
			222254	3908-8	199-51-6319.00-999-299000	PAINT SUPPLIES	2,109.95	N
<b>Totals for Check 101199</b>							<b>3,567.12</b>	
101200	06-16-2022	SKILLS USA TEXAS	002912	S88721	199-11-6412.00-001-222000	SKILLS USA NATIONALS CONF R	2,295.00	N
			002912	S88721	244-13-6411.00-001-222000	SKILLS USA NATIONALS CONF R	1,785.00	N
<b>Totals for Check 101200</b>							<b>4,080.00</b>	
101201	06-16-2022	SONYA SIMPSON	002923	06/20-22	199-23-6411.00-104-299000	PWE RETREAT TRAVEL	84.00	N
101202	06-16-2022	STENHOUSE PUBLISHE	002911	01265977	199-11-6399.55-102-211000	BIL READERS & WRITERS 1-5	104.00	N
			002911	01265977	263-11-6399.00-102-225000	BIL READERS & WRITERS 1-5	88.00	N
<b>Totals for Check 101202</b>							<b>192.00</b>	
101203	06-16-2022	STERICYCLE INC.	222122	4011017484	199-33-6299.00-999-299000	BIOHAZARD PICK UP	364.17	N
101204	06-16-2022	SUDDENLINK B2B DEPT	220488	100794532	199-11-6299.00-999-211053	TLE FIBER - MONTHLY	410.17	N
101205	06-16-2022	TABE BILINGUAL EDUCA	221349	12994745	263-13-6411.00-999-225000	TABE CONFERENCE JAN 22,2022	150.00	N
			221349	13443092	263-13-6411.00-999-225000	TABE CONFERENCE JAN 22,2022	150.00	N
<b>Totals for Check 101205</b>							<b>300.00</b>	
101206	06-16-2022	TAMMY PARKER	002921	06/8-10	199-13-6411.00-102-211000	TEPSA CONF TRAVEL	84.00	N
101207	06-16-2022	TASB	222268	626623	199-41-6419.00-702-299000	NEW BOARD MEMBER TRAINING	25.00	N
101208	06-16-2022	TEXAS LETTER JACKET	222199	5160	169-36-6399.00-001-291000	SPRING SPORT JACKETS	375.00	N
			222199	5160	169-36-6399.06-001-291000	SPRING SPORT JACKETS	613.00	N
<b>Totals for Check 101208</b>							<b>988.00</b>	
101209	06-16-2022	TEXAS LETTER JACKET	221677	5159	169-36-6399.06-001-291000	WINTER SPORTS JACKETS	836.00	N
101210	06-16-2022	TEXAS OPERATIONS &	220041	110628	199-51-6259.74-999-299000	WWTP OPERATIONS/MAINT	4,037.50	N
			221555	110936	199-51-6259.74-999-299000	WWTP MAINT/REPAIRS	588.00	N
			221555	111351	199-51-6259.74-999-299000	WWTP MAINT/REPAIRS	6,273.52	N
			221124	110364	199-51-6259.74-999-299000	WWTP LAB RESULTS	2,475.95	N
			220041	111704	199-51-6259.74-999-299000	WWTP OPERATIONS/MAINT	4,037.50	N
<b>Totals for Check 101210</b>							<b>17,412.47</b>	
101211	06-16-2022	THE COLLEGE BOARD	002913	EA00149501	199-11-6321.00-001-211039	AP MATERIALS - JH	6,110.00	N
101212	06-16-2022	THE WHOLE KID AND KA	002932	SUMMER 2022	199-41-6299.00-750-299042	QUARTER PAGE AD	275.00	N
101213	06-16-2022	THOMAS BUS GULF	222274	S0605002558218	199-34-6319.00-999-299000	Fans	11,168.60	N
			222280	S0605002557964	199-34-6319.00-999-299000	Parts	921.00	N
			222280	S0605002558497	199-34-6319.00-999-299000	Parts	311.68	N
			002929	0605002558589	199-34-6319.00-999-299000	Coolant, Actuator	12,993.16	N
			002929	0605002558567	199-34-6319.00-999-299000	Parts	2,376.32	N
<b>Totals for Check 101213</b>							<b>27,770.76</b>	
101214	06-16-2022	TNT PRINTING CO.	002918	67351	199-11-6399.00-999-230043	FOLDERS	495.00	N
101215	06-16-2022	UNIVERSAL NATURAL G	220118	400650	199-51-6259.73-999-299000	TLE- GAS	334.15	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101216	06-16-2022	VOSS LIGHTING	222251	44143035-00	199-51-6319.00-999-299000	LIGHTING SUPPLIES @JH BANDH	522.60	N
101217	06-16-2022	WEAVER	002919	10711988	199-41-6212.00-750-299000	PROGRESS BILL AUDIT	10,000.00	N
101218	06-16-2022	WRIGHT EXPRESS FINA	221435	81467706	199-34-6311.00-999-299000	Fuel	205.32	N
101219	06-23-2022	AMERICAN INDUSTRIAL	002935	35205	199-11-6399.00-001-222000	BOTTLE REFILLS	435.00	N
101220	06-23-2022	AMS OF HOUSTON, LLC	222259	1281987	199-51-6248.77-999-299000	CHILLER REPAIR @GLE	5,139.49	N
			222271	1281988	199-51-6248.77-999-299000	HVAC REPAIR @ GLE	1,328.29	N
			222226	1281990	199-51-6248.77-999-299000	CHILLER 1 REPAIR @ HS	3,407.09	N
			222181	1281991	199-51-6248.77-999-299000	CHILLER REPAIR @ HS	8,997.48	N
			222258	1281994	199-51-6248.77-999-299000	CHILLER REPAIR @ HS	953.03	N
			222225	1282042	199-51-6248.77-999-299000	CHILLER REPAIR @ HS	9,151.20	N
			220069	1282230	199-51-6248.77-999-299000	HVAC SERVICES	735.56	N
			220069	1282231	199-51-6248.77-999-299000	HVAC SERVICES	478.75	N
			220069	1282232	199-51-6248.77-999-299000	HVAC SERVICES	478.75	N
			220069	1282233	199-51-6248.77-999-299000	HVAC SERVICES	569.80	N
			220069	1282234	199-51-6248.77-999-299000	HVAC SERVICES	631.28	N
						<b>Totals for Check 101220</b>	<b>31,870.72</b>	
101221	06-23-2022	ARC MECHANICAL LLC	002942	16533	240-35-6249.00-102-299000	COMPRESSOR/INJECTION VALVE	90.00	N
			002942	17225	240-35-6249.00-102-299000	COMPRESSOR/INJECTION VALVE	553.68	N
						<b>Totals for Check 101221</b>	<b>643.68</b>	
101222	06-23-2022	BSN SPORTS, LLC	222136	305317835	169-36-6399.00-001-291000	JH TRACK UNIFORMS	659.00	N
			222136	305317835	169-36-6399.09-001-291000	JH TRACK UNIFORMS	3,681.00	N
						<b>Totals for Check 101222</b>	<b>4,340.00</b>	
101223	06-23-2022	BSN SPORTS, LLC	222135	305311972A	169-36-6399.00-001-291000	ATH SHIRTS	1,543.00	N
101224	06-23-2022	CINTAS CORPORATION	002940	4123046262	199-34-6299.00-999-299000	Dry Cleaning	75.27	N
101225	06-23-2022	CURRICULUM ASSOCIA	222150	90177808	199-11-6399.03-104-211000	THINKUP MATERIALS - STAAR	681.80	N
			222150	90173575	199-11-6399.03-104-211000	THINKUP MATERIALS - STAAR	873.40	N
						<b>Totals for Check 101225</b>	<b>1,555.20</b>	
101226	06-23-2022	DAN MUIRHEAD	002948	06/16-28	199-41-6419.00-702-299000	SLI CONF TRAVEL	382.95	N
101227	06-23-2022	DEMCO	222133	7141678	199-12-6399.00-999-299000	Library supplies	1,134.86	N
101228	06-23-2022	DEPT. OF INFORMATION	220116	22051381N	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	403.22	N
101229	06-23-2022	EMMANUEL F SANCHEZ	222040	20212211	199-11-6299.00-999-223023	Bi lingual Assessment	1,400.00	N
101230	06-23-2022	ENTERGY	220124	55007179398	168-51-6259.72-999-299000	ELECTRICITY - SKATING RINK	1,639.25	N
			220123	330003676480	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	1,471.54	N
			220123	105006836372	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	46.87	N
			220123	180005659490	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	550.52	N
			220123	105006836371	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	659.89	N
			220123	70007211651	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	1,075.40	N
						<b>Totals for Check 101230</b>	<b>5,443.47</b>	
101231	06-23-2022	CLAY EWELL	222185	754-14510	244-13-6411.00-001-222000	FLORAL DESIGN PROFESSIONAL	325.00	N

For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101232	06-23-2022	FLYLEAF PUBLISHING, L	222043	23932	199-11-6399.55-105-230000	Instructional Reading	787.32	N
101233	06-23-2022	GOOD PROMOTIONS	220038	O1002259	199-51-6299.00-999-299000	PRINTING SERVICES	540.00	N
101234	06-23-2022	HOLLY DAVIS	002938	06/25-29	240-35-6411.00-999-299000	TASN CONF TRAVEL	136.00	N
101235	06-23-2022	HOUSTON CHRONICLE	002943	34202169	199-51-6299.00-999-299000	GLE ROOF BID AD	83.16	N
101236	06-23-2022	HOUSTON COMMUNICA	222163	INV834316	199-11-6399.00-104-211000	RADIO ANTENNAS & BATTERIES	40.67	N
			222163	INV834102	199-11-6399.00-104-211000	RADIO ANTENNAS & BATTERIES	579.20	N
			222163	INV834316	199-23-6399.00-104-299000	RADIO ANTENNAS & BATTERIES	223.35	N
<b>Totals for Check 101236</b>							<b>843.22</b>	
101237	06-23-2022	IMPACT PROMOTIONAL	221915	INV28394	199-52-6399.00-999-299000	Training Guns	65.00	N
			221915	INV31596	199-52-6399.00-999-299000	Training Guns	130.00	N
<b>Totals for Check 101237</b>							<b>195.00</b>	
101238	06-23-2022	J5 TRACTORS INC.	002933	3C124564	199-51-6399.79-999-299000	TRACTOR REPAIR PARTS	127.20	N
101239	06-23-2022	JACKIE KNOTT	002949	06/16-18	199-41-6419.00-702-299000	SLI CONF TRAVEL	858.68	N
101240	06-23-2022	JEFFREY BURKE	002950	06/16-28	199-41-6411.00-701-299000	SLI CONF TRAVEL	108.00	N
101241	06-23-2022	KIM KLEPCYK	002951	06/15-17	199-41-6419.00-702-299000	SLI CONF TRAVEL	374.95	N
101242	06-23-2022	LANSDOWNE-MOODY	002934	ID66085	199-51-6399.79-999-299000	TRACTOR REPAIR PARTS	217.70	N
101243	06-23-2022	MORRISON SUPPLY CO	222278	S113161242.001	199-51-6319.00-999-299000	PLUMBING SUPPLIES	1,505.60	N
101244	06-23-2022	NEW DAIRY OPCO, LLC	002941	491561182	242-35-6341.00-699-299000	PROGRAM FOOD MILK	214.20	N
			002941	492299312	242-35-6341.00-699-299000	PROGRAM FOOD MILK	306.00	N
			002941	492299313	242-35-6341.00-699-299000	PROGRAM FOOD MILK	30.60	N
<b>Totals for Check 101244</b>							<b>550.80</b>	
101245	06-23-2022	NCS PEARSON, INC.	222049	17979703	284-11-6399.00-999-223000	Protocols	1,318.74	N
			222049	17982006	284-11-6399.00-999-223000	Protocols	1,252.40	N
<b>Totals for Check 101245</b>							<b>2,571.14</b>	
101246	06-23-2022	REGION 20 SERVICE CE	222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
			222057	82675 SESSION	199-13-6411.00-999-225000	TITLE III SYMPOSIUM	300.00	N
<b>Totals for Check 101246</b>							<b>2,400.00</b>	
101247	06-23-2022	REGION VI - ED. SERV.	222285	057390	255-13-6299.00-999-224000	SUPPORTING TCLAS DECISION 1	6,750.00	N
101248	06-23-2022	ROGERS, MORRIS, & GR	002944	51383	199-41-6211.00-702-299000	LEGAL FEES	100.00	N
101249	06-23-2022	SHERWIN WILLIAMS	222254	9582-2	199-51-6319.00-999-299000	PAINT SUPPLIES	822.00	N
			222254	4149-8	199-51-6319.00-999-299000	PAINT SUPPLIES	85.75	N
			222254	9581-4	199-51-6319.00-999-299000	PAINT SUPPLIES	610.17	N
<b>Totals for Check 101249</b>							<b>1,517.92</b>	

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
101250	06-23-2022	SPLENDORA ISD EDUCA	002953	21/22 PR	863-00-2159.00-712-200000	2021-22 PAYROLL DEDUCTIONS	870.00	N
101251	06-23-2022	SYMMETRY ENERGY SO	002937	13850364	199-51-6259.73-999-299000	DISTRICT GAS	5,387.11	N
101252	06-23-2022	T & R MECHANICAL, INC.	002954	B22-679	199-51-6248.77-999-299000	HVAC REPAIRS	1,323.00	N
101253	06-23-2022	TASB	222084	625093	199-41-6411.00-701-299000	SLI SUMMER 2022 REGISTRATIO	460.00	N
			222084	625093	199-41-6419.00-702-299000	SLI SUMMER 2022 REGISTRATIO	1,020.00	N
						<b>Totals for Check 101253</b>	<b>1,480.00</b>	
101254	06-23-2022	TEXAS EDUCATION AGE	222200	198	199-51-6399.00-999-299025	2022 LAW BULLETIN BOOK	75.00	N
101255	06-23-2022	THOMPSON & HORTON	002936	50948	199-41-6211.00-702-299000	LEGAL FEES	16,805.25	N
101256	06-23-2022	THSCA	002947	JAMIE HENK	169-36-6411.00-001-291000	MEMBERSHIP & COACHING SCH	145.00	N
101257	06-23-2022	UPS	002952	0000702019242	199-21-6499.00-999-223023	RETURING ITEMS	111.90	N
101258	06-23-2022	WETZELS STATE INSPE	002939	T-222023	199-34-6249.00-999-299000	Vehicle Inspection	25.50	N
101259	06-23-2022	WILLIAM ROGERS	002945	06/28-07/02	199-11-6412.40-001-211000	LEADERSHIP WORKSHOP HS ST	400.00	N
101260	06-23-2022	WPS	222051	SO79541	284-11-6399.00-999-223000	Protocols	3,657.70	N
101261	06-29-2022	A & H ELECTRIC SERVIC	002974	9272	199-51-6299.00-999-299000	ELECTRICAL SERVICE	350.00	N
101262	06-29-2022	AMS OF HOUSTON, LLC	002969	1283530	199-51-6248.77-999-299000	HVAC CHILLER 1 @ TLE	400.00	N
101263	06-29-2022	ARC MECHANICAL LLC	002958	17333	240-35-6249.00-101-299000	FILL LEAK REPAIR PAN	382.50	N
			002958	17371	240-35-6249.00-999-299000	FILL PIPING OUTSIDE C44A/C54A	999.76	N
						<b>Totals for Check 101263</b>	<b>1,382.26</b>	
101264	06-29-2022	AT&T	220112	2816899330	199-51-6259.71-999-299000	DISTRICT PHONE SERVICE	48.84	N
101265	06-29-2022	CASCO AUTO PARTS #2	002966	9151-264404	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	1.80	N
101266	06-29-2022	CIARRA HAMNER	002964	CN ACCT	240-00-5751.00-000-200000	CN ACCOUNT REFUNDS	11.25	N
101267	06-29-2022	CINTAS CORPORATION	002957	4123742477	199-34-6299.00-999-299000	UNIFORM SERVICE	75.27	N
			002972	4123742467	199-51-6299.00-999-299000	UNIFORM SERVICE	62.31	N
			002972	4122312365	199-51-6299.00-999-299000	UNIFORM SERVICE	62.31	N
						<b>Totals for Check 101267</b>	<b>199.89</b>	
101268	06-29-2022	COCA-COLA	221025	25944200375	168-61-6399.00-999-299000	SYRUP FOR CONCESSION	551.94	N
101269	06-29-2022	CURTNIE HALEY	002961	TUITION REIMB	279-13-6399.00-999-299000	TUITION REIMB	117.99	N
101270	06-29-2022	ENTERGY	220123	2024963834	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	32,102.05	N
			220123	240005218458	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	2,668.65	N
			220123	2024958856	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	11,432.10	N
			220123	145006701920	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	242.24	N
			220123	460003009806	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	9,245.22	N
			220123	2024958880	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	11,650.35	N
			220123	120005662777	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	664.77	N
			220123	105006844310	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	233.80	N
			220123	105006844309	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	241.37	N
			220123	450003016470	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	270.22	N
			220123	390003623240	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	548.86	N
			220123	285005684403	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	538.31	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			220123	40007897631	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	1,824.24	N
			220123	50007787924	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	46.65	N
			220123	160005588020	199-51-6259.72-999-299000	DISTRICT ELECTRICITY	16,535.29	N
						<b>Totals for Check 101270</b>	<b>88,244.12</b>	
101271	06-29-2022	EWING	002971	17143472	199-51-6299.00-999-299000	SPRINKLER REPAIR	17.17	N
			002971	17143814	199-51-6299.00-999-299000	SPRINKLER REPAIR	307.27	N
			002971	17143363	199-51-6299.00-999-299000	SPRINKLER REPAIR	147.13	N
						<b>Totals for Check 101271</b>	<b>471.57</b>	
101272	06-29-2022	FRONTLINE TECHNOLO	002956	INVESP15099	199-11-6299.00-999-223000	MEDICAID YEARLY COST REPOR	32,513.59	N
101273	06-29-2022	JOHNSON SUPPLY	002970	04265810	199-51-6248.77-999-299000	HVAC SUPPLIES	421.65	N
101274	06-29-2022	LANSDOWNE-MOODY	002968	ID66423	199-51-6399.79-999-299000	GROUNDS SUPPLIES	24.80	N
101275	06-29-2022	MARISSA MAYES	002962	STEAM CAMP	199-00-5739.95-000-200000	STEAM CAMP REFUND	75.00	N
101276	06-29-2022	MCGRIFF SEIBELS & WI	002960	359966	199-34-6429.00-999-299000	STORAGE TANK RENEWAL	2,494.00	N
101277	06-29-2022	FOUR PZ PIZZA, INC.	222212	06/08 00022	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	55.00	N
			222212	06/07 00017	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	55.00	N
			222212	06/17 00096	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	35.00	N
			222212	06/18 00003	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	115.00	N
			222212	06/18 00002	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	45.00	N
			222212	06/18 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	25.00	N
			222212	06/15 0022	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	50.00	N
			222212	06/22 00008	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	35.00	N
			222212	06/24 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	45.00	N
			222212	06/25 00001	168-61-6399.00-999-299000	PIZZAS FOR CONC/PARTIES	85.00	N
						<b>Totals for Check 101277</b>	<b>545.00</b>	
101278	06-29-2022	REGION 4 ESC	002959	16437436	199-13-6411.00-001-299000	RESILINCEY LEADERSHIP SHOW	35.00	N
101279	06-29-2022	REGION VI - ED. SERV.	221319	057440	199-41-6239.00-750-299000	ASCENDER BUSINESS SERVICES	500.00	N
101280	06-29-2022	SAM'S CLUB DIRECT	221553	DSTRIC	199-00-1312.00-000-200000	DISTRICT STOCK 21-22	7,353.59	N
101281	06-29-2022	SHERRY KAPPEL	002963	STEAM CAMP	199-00-5739.95-000-200000	STEAM CAMP REFUND	75.00	N
101282	06-29-2022	SHERWIN WILLIAMS	002967	9968-3	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	20.69	N
			002967	4517-6	199-51-6319.00-999-299000	MAINTENANCE SUPPLIES	286.19	N
						<b>Totals for Check 101282</b>	<b>306.88</b>	
101283	06-29-2022	SUNSET FIRE & SECURI	002973	019234	199-51-6299.00-999-299000	SECURITY MONITORING SERVIC	1,090.70	N
101284	06-29-2022	TASB	222273	626965	199-41-6419.00-702-299000	SLI CONFERENCE REGISTRATIO	460.00	N
101285	06-29-2022	THE COLLEGE BOARD	002965	ES00118212	199-11-6399.00-001-211039	SAT S 11TH GRADE 3/2/22	7,992.00	N
101286	06-29-2022	THE LINCOLN ELECTRIC	222221	911181978	199-11-6639.00-001-222000	4800 WATERBATH CNC	424.56	N
101287	06-29-2022	VERIZON	221931	9909054495	199-52-6399.00-999-299000	Access Fees Wireless Card	48.51	N
101288	06-29-2022	CAPITAL ONE	221554	1642570994	199-00-1312.00-000-200000	DISTRICT STOCK 21-22	704.95	N
			222180	1642570994	199-11-6399.00-699-230000	STEAM CAMP SUPPLIES	87.38	N
			002955	1642570994	199-11-6399.99-999-211000	HS ACTIVITY	534.14	N
			222096		199-34-6399.00-999-299000	End of the year lunch	245.48	N

## For the Month of June

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			222096		199-34-6399.00-999-299000	End of the year lunch	328.83	N
			221793	1642570994	199-36-6399.34-999-299000	ROBOTICS SUPPLIES	147.66	N
			221793	1642570994	199-36-6399.34-999-299000	ROBOTICS SUPPLIES	239.42	N
<b>Totals for Check 101288</b>							<b>2,287.86</b>	
135731	06-27-2022	TEXAS CLASSROOM TE	DEDCH		863-00-2159.00-802-200000	JUN DED MISCELLANEOUS DEDU	118.00	N
135732	06-27-2022	TIVA MEMBERSHIP	DEDCH		863-00-2159.00-709-200000	JUN DED MISCELLANEOUS DEDU	29.50	N
135733	06-27-2022	TEXAS AFT/PROF EDUC	DEDCH		863-00-2159.00-804-200000	JUN DED MISCELLANEOUS DEDU	140.00	N
135734	06-27-2022	WILLIAM E. HEITKAMP, T	DEDCH		863-00-2159.00-108-200000	JUN DED MISCELLANEOUS DEDU	1,460.00	N
135735	06-27-2022	TCG ADMINISTRATORS	DEDCH		863-00-2159.00-100-200000	JUN DED 457 DEFERRED COMP.	5,070.37	N
			DEDCH		863-00-2159.00-415-200000	JUN DED TAX SHEL. ANNUITY	16,672.00	N
			DEDCH		863-00-2159.00-416-200000	JUN DED ROTH ANNUITY	1,487.00	N
			DEDCH		863-00-2159.00-418-200000	JUN DED PAYROLL DEDUCTION	5,670.00	N
			DEDCH		863-00-2159.00-419-200000	JUN DED 457 DEFERRED COMP.	8,980.00	N
<b>Totals for Check 135735</b>							<b>37,879.37</b>	
135736	06-27-2022	FINANCIAL BENEFIT SE	DEDCH		863-00-2153.00-310-200000	JUN DED LIFE INSURANCE	554.80	N
			DEDCH		863-00-2153.00-311-200000	JUN DED LIFE INSURANCE	8,238.30	N
			DEDCH		863-00-2159.00-312-200000	JUN DED MISCELLANEOUS DEDU	1,861.92	N
			DEDCH		863-00-2159.00-313-200000	JUN DED MISCELLANEOUS DEDU	181.00	N
			DEDCH		863-00-2159.00-504-200000	JUN DED MISCELLANEOUS DEDU	12,259.50	N
			DEDCH		863-00-2159.00-508-200000	JUN DED MISCELLANEOUS DEDU	5,886.48	N
			DEDCH		863-00-2159.00-512-200000	JUN DED MISCELLANEOUS DEDU	5,155.78	N
			DEDCH		863-00-2159.00-514-200000	JUN DED MISCELLANEOUS DEDU	589.50	N
			DEDCH		863-00-2159.00-520-200000	JUN DED MISCELLANEOUS DEDU	1,708.00	N
			DEDCH		863-00-2159.00-521-200000	JUN DED MISCELLANEOUS DEDU	4,569.56	N
			DEDCH		863-00-2159.00-522-200000	JUN DED MISCELLANEOUS DEDU	2,940.18	N
			DEDCH		863-00-2159.00-523-200000	JUN DED MISCELLANEOUS DEDU	835.20	N
			DEDCH		863-00-2159.00-600-200000	JUN DED MISCELLANEOUS DEDU	475.50	N
			DEDCH		863-00-2159.00-601-200000	JUN DED MISCELLANEOUS DEDU	1,668.80	N
			DEDCH		863-00-2159.00-607-200000	JUN DED MISCELLANEOUS DEDU	3,328.82	N
			DEDCH		863-00-2159.00-613-200000	JUN DED MISCELLANEOUS DEDU	4,000.40	N
			DEDCH		863-00-2159.00-614-200000	JUN DED MISCELLANEOUS DEDU	13,321.94	N
			DEDCH		863-00-2159.00-619-200000	JUN DED MISCELLANEOUS DEDU	3,400.00	N
			DEDCH		863-00-2159.00-620-200000	JUN DED MISCELLANEOUS DEDU	3,758.74	N
<b>Totals for Check 135736</b>							<b>74,734.42</b>	
135737	06-27-2022	NATIONAL BENEFIT SER	DEDCH		863-00-2159.00-611-200000	JUN DED DEPENDENT CHILD CA	833.32	N
			DEDCH		863-00-2159.00-612-200000	JUN DED MISCELLANEOUS DEDU	10,265.60	N
<b>Totals for Check 135737</b>							<b>11,098.92</b>	
135738	06-27-2022	EECU	DEDCH		863-00-2159.00-616-200000	JUN DED HSA	6,270.36	N

**Total Checks 1,299,345.82**

End of Report

**BOARD CHECK PAYMENT RECAP**  
**For the month ending Jun 30, 2022**

**ACCOUNTS PAYABLE**

Skating Rink	5,573.50
Athletics	15,976.35
General Fund	1,092,616.96
Food Service	52,578.44
Bond Fund	-
Payroll Clearing	132,600.57
<b>TOTAL ACCOUNTS PAYABLE*</b>	<b>\$ 1,299,345.82</b>

**PAYROLL**

Skating Rink	8,865.12
General Fund	2,847,418.82
Food Service	76,528.30
Grants	168,049.16
<b>TOTAL PAYROLL</b>	<b>\$ 3,100,861.40</b>

**WIRE TRANSFERS**

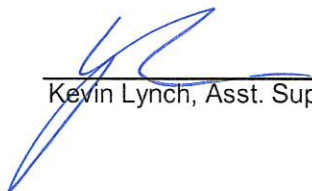
Bond Payments to Wells Fargo Bank	-
Bond Payments to Bank of NY Mellon	-
Other Wires	-
<b>TOTAL OUTGOING WIRES</b>	<b>\$ -</b>

**TOTAL DISBURSEMENTS** \$ 4,400,207.22

\*See attached Check Register

Signed:

  
\_\_\_\_\_  
Stacey Swanson, Accountant

  
\_\_\_\_\_  
Kevin Lynch, Asst. Superint of Business

For the Month of June

Check Nbr	Check Date	Payee	Organization	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount
					Totals for Fund 168 / 2	5,573.50
					Totals for Fund 169 / 2	15,976.35
					Totals for Fund 199 / 2	910,252.02
					Totals for Fund 211 / 2	13,400.37
					Totals for Fund 240 / 2	48,417.51
					Totals for Fund 242 / 2	4,160.93
					Totals for Fund 244 / 2	2,460.00
					Totals for Fund 255 / 2	6,750.00
					Totals for Fund 263 / 2	300.00
					Totals for Fund 279 / 2	367.99
					Totals for Fund 282 / 2	89,625.00
					Totals for Fund 284 / 2	24,801.31
					Totals for Fund 287 / 2	28,213.00
					Totals for Fund 289 / 2	12,930.48
					Totals for Fund 429 / 2	3,516.79
					Totals for Fund 863 / 2	132,600.57
					Totals For Checks	1,299,345.82

Estimated Number Of Unpaid Checks To Print:

End of Report

**SPLENDORA INDEPENDENT SCHOOL DISTRICT**

**FINANCIAL STATEMENT**

**July 18, 2022**

THIS IS TO CERTIFY THAT THE BOARD OF EDUCATION OF THE SPLENDORA  
INDEPENDENT SCHOOL DISTRICT IN A MEETING WITH A QUORUM PRESENT ON THIS  
DATE APPROVED THE FINANCIAL STATEMENT FOR THE PERIOD ENDING June 30, 2022.

\_\_\_\_\_

PRESIDENT

\_\_\_\_\_

SECRETARY



**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: July 12, 2022**

**Submitted Date: July 18, 2022**

**Agenda Business Items:**

- ~~Consent Agenda Item~~  
(Board has acted on items such as this previously)
- New Action  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation
- Recognition
- Information

---

**Name of Person Responsible: Suzanne Soto**

**Department or Campus: Board President**

**Topic: Policy 118 Update**

**Background Information:** The update will include revisions to approximately 50 legal policies and the following local policies.

CPC—records management  
DMA—required staff development ([SB 1267](#))  
EHAA—required instruction ([SB 9](#))  
EHBB—gifted and talent students ([HB 1525](#))  
EIF—graduation  
FFBA—trauma-informed care ([SB 1267](#))  
FFH—freedom from discrimination, harassment, and retaliation ([SB 9](#))

**Attachments: Policy Update**

**Superintendent's Resolutions: Reviewed and Recommended**

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **ATTN(NOTE)**

#### **GENERAL INFORMATION ABOUT THIS UPDATE**

**Please note:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Legislature Regular and Special Sessions.

#### **AIB(LLEGAL)**

#### **ACCOUNTABILITY: PERFORMANCE REPORTING**

Quality of learning indicators for remote instruction performance reporting have been added from SB 15 (Second Called Session). (See page 6.)

#### **BBB(LLEGAL)**

#### **BOARD MEMBERS: ELECTIONS**

Provisions have been added to this legally referenced policy on elections for a more complete presentation of applicable legal content.

#### **BBBA(LLEGAL)**

#### **ELECTIONS: CONDUCTING ELECTIONS**

Upon the board's receipt of certification that a candidate is unopposed in an election, SB 1 (Second Called Session) requires the board to cancel the election and declare each unopposed candidate elected to office.

SB 1 also changed the definition for *eligible county polling place*. Other revisions are to better match legal sources.

#### **BBE(LLEGAL)**

#### **BOARD MEMBERS: AUTHORITY**

Provisions on board authority that are addressed at other codes have been removed to eliminate duplication.

#### **BBG(LLEGAL)**

#### **BOARD MEMBERS: COMPENSATION AND EXPENSES**

A revision clarifies that an officer *or employee* may participate in the comptroller's contract for travel services when traveling for official business. The comptroller can no longer charge fees for these services.

#### **BBI(LLEGAL)**

#### **BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

Revisions are to update citations and better reflect legal sources.

#### **BDAA(LLEGAL)**

#### **OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS**

Revisions are to better reflect legal sources.

#### **BDB(LLEGAL)**

#### **BOARD INTERNAL ORGANIZATION: INTERNAL COMMITTEES**

Provisions on board committees have been revised based on current legal authority.

#### **BE(LLEGAL)**

#### **BOARD MEETINGS**

This legally referenced policy on board meetings has been revised to reorder and add some existing legal provisions, delete nonessential provisions, and better reflect legal sources.

#### **BQ(LLEGAL)**

#### **PLANNING AND DECISION-MAKING PROCESS**

Revised Administrative Code rules resulted in changes to shared services arrangements for DAEP services.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### CCGA(LLEGAL)

#### AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

As provided by SB 611 (Regular Session) and Senate Joint Resolution 35 and approved by voters in November 2021, the surviving spouse of a member of the U.S. armed forces who is fatally injured in the line of duty is entitled to the residence homestead property tax exemption as long as the surviving spouse remains unmarried. (See page 5.)

#### CDB(LLEGAL)

#### OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

Revisions are to better reflect statutory sources.

#### CDC(LLEGAL)

#### OTHER REVENUES: GIFTS AND SOLICITATIONS

SB 3 (Second Called Session) revised the provisions on prohibited use of private funding for certain curriculum and professional development purposes.

#### CH(LLEGAL)

#### PURCHASING AND ACQUISITION

We have added a reference on page 12 to amended rules from the Texas Department of Information Resources on purchasing information technology commodity items.

#### CI(LLEGAL)

#### SCHOOL PROPERTIES DISPOSAL

Revisions are to better reflect statutory sources.

#### CPC(LLEGAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Revisions to this legally referenced policy are based on revised Administrative Code rules from the Texas State Library and Archives Commission (TSLAC) published in [Bulletin B: Electronic Records Standards and Procedures](#). An [overview of Bulletin B](#) is available on the TSLAC website.

#### CPC(LOCAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Recent updates by the Texas State Library and Archives Commission (TSLAC) to [Bulletin B: Electronic Records Standards and Procedures](#) prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

To meet these requirements, new policy provisions delegate to the records management officer the responsibility to develop procedures for the management of electronic records that comply with the district's records control schedules and meet minimum components required by law.

The [Regulations Resource Manual](#) includes updated sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### CQA(LLEGAL)

#### TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Based on HB 1525 (Regular Session) and SB 9 (Second Called Session), we have added the requirement to post curriculum materials on human sexuality instruction and instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking to the extent the materials are in the public domain. (See item 42.)

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### **Splendora ISD**

#### **CRD(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE**

Revisions to TRS-ActiveCare provisions are based on amended Administrative Code rules. New text addresses prohibitions on offering alternative group health coverage (see page 2) and highlights the information that must be submitted with written elections to participate in TRS-ActiveCare (see page 3).

#### **CS(LLEGAL) FACILITY STANDARDS**

Changes throughout this legally referenced policy on facility standards are from new Administrative Code rules that add extensive standards for capital improvement projects on or after November 1, 2021, and revised Administrative Code rules on the standards applicable to these projects before November 1, 2021.

#### **CV(LLEGAL) FACILITIES CONSTRUCTION**

Changes to this legally referenced policy on facilities construction are from new Administrative Code rules that add extensive facility standards for construction of capital improvement projects on or after November 1, 2021.

An existing provision has been added on page 3 regarding the board's notice of delegation.

#### **DC(LLEGAL) EMPLOYMENT PRACTICES**

We have added on page 4 new Administrative Code rules addressing the monthly certified statement of employment the district must submit to TRS for retirees employed by the district.

#### **DEAA(LLEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS**

Changes reflect revised Administrative Code rules on the local optional teacher designation system and mentor teacher programs.

#### **DECB(LLEGAL) LEAVES AND ABSENCES: MILITARY LEAVE**

This legally referenced policy on military leave has been updated based on revisions to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

#### **DFE(LLEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION**

Provisions on contract abandonment are revised based on amended rules from the State Board for Educator Certification. The reasons an educator may abandon a contract for good cause now include the educator's reasonable belief that the educator had written permission from the district to resign. Several new mitigating factors have also been added.

#### **DG(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES**

SB 3 (Second Called Session) broadened a provision from HB 3979 (Regular Session) so that a teacher may not be compelled to discuss a widely debated and controversial issue of public policy or social affairs for any course or subject. The provision is no longer limited to social studies courses in the required curriculum. (See page 5.)

#### **DHC(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY**

Amended Administrative Code rules revise terminology from *solicitation of sexual conduct* to *solicitation of sexual contact* to better align with statute.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **DMA(LLEGAL)                      PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

Revisions are to update citations and better reflect statutory wording.

#### **DMA(LOCAL)                      PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.

To meet the policy requirements, the recommended local policy text reflects that the board shall annually approve the district's professional development plan, which must be guided by the clearinghouse; note any differences from the clearinghouse recommendations; and include a schedule of required professional development.

We recommend deletion of the previous text allowing time off for attending staff development activities on nonduty time. Such practices may be more appropriately addressed in the employee handbook and administrative regulations.

**Please note:** SB 1267 requires SBEC to publish the clearinghouse by June 1, 2022, and districts to adopt a professional development policy by August 1, 2022. TASB Policy and Legal Services recommend that the board adopt DMA(LOCAL) and approve the district professional development plan by August 1, or as soon as possible thereafter, to ensure compliance with the bill.

#### **DP(LLEGAL)                      PERSONNEL POSITIONS**

Provisions on school psychological services have been updated based on revised Administrative Code rules.

#### **E(LLEGAL)                      INSTRUCTION**

The E section table of contents has been updated to add the new code EHDF, which includes provisions on local remote learning programs, and to update the subtitle for EFB, Library Materials.

#### **EF(LLEGAL)                      INSTRUCTIONAL RESOURCES**

SB 3 (Second Called Session) requires a district to provide login credentials to parents to access learning management or online learning portals used for student instructional materials.

#### **EHAA(LLEGAL)                      BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

Effective with the 2022–23 school year, SB 9 (Second Called Session) provides that the SHAC must recommend the appropriate grade levels and curriculum for instruction on child abuse, family violence, dating violence, and sex trafficking.

The bill also imposes several requirements regarding curriculum materials on those topics, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **EHAA(LOCAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

New provisions are recommended based on SB 9 (Second Called Session), which imposes several requirements for instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, including a board policy on adopting curriculum materials. The policy follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

#### **EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

This policy requiring the district to provide regular training opportunities for teachers of students with dyslexia is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

#### **EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

Amended Administrative Code rules now refer to a student with an *auditory impairment* as a student who is *deaf or hard of hearing* to match statute. (See page 5.)

#### **EHBAA(LOCAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

This policy requiring the district to ensure that a student who is transitioning from early childhood intervention (ECI) has an individualized education program (IEP) developed and implemented by the child's third birthday is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

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

Amended Administrative Code rules revise the list of individuals who must be included in ARD committee meetings for students with deaf-blindness and revise terminology addressing students who are deaf or hard of hearing. Participating special education teachers or providers must be appropriately certified or licensed as required by federal law. The rules also address, as reflected on page 5, IEP implementation for students who enroll in a new district during the summer.

A new Administrative Code rule prohibits consideration of eligibility for supplemental special education services when developing or revising a student's IEP, determining the appropriate educational setting, or in the provision of a free appropriate public education. (See page 8.)

#### **EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT**

We have removed a repealed Administrative Code provision on out-of-state placement.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

HB 1525 (Regular Session) removed the statutory requirement for a district to annually certify to the commissioner of education that the district's gifted and talented program is consistent with the Texas State Plan for the Education of Gifted/Talented Students. We recommend deletion of the corresponding local policy provision.

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

Reporting provisions on expenditure of the state compensatory education allotment have been added from the Administrative Code.

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

A new provision from SB 15 (Second Called Session) explains how off-campus electronic courses or programs are counted for purposes of average daily attendance. (See page 12.)

#### **EHDF(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM**

Provisions on local remote learning programs from SB 15 (Second Called Session) are reflected in this new legally referenced policy. All provisions in the bill expire on September 1, 2023.

#### **EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION**

Revised Administrative Code rules provide additional detail on the requirement for a student to complete a financial aid application to meet graduation requirements. The rules, beginning on page 3 of this policy, require the board to adopt the TEA-provided form a student may submit to opt out of the financial aid application requirement and require adoption of a board policy to address the methods by which a student can confirm submission of a financial aid application. See EIF(LOCAL), below.

#### **EIF(LOCAL) ACADEMIC ACHIEVEMENT: GRADUATION**

Revised Administrative Code rules require a board policy to address the methods by which a student can confirm completion and submission of a financial aid application to meet graduation requirements. The recommended text aligns with TEA guidance and addresses methods for both the free application for federal financial aid (FAFSA) and the Texas application for state financial aid (TASFA). Please contact your policy consultant if you have questions or need additional edits to this policy.

Additional [TEA guidance](#) on this topic is available.

The [Regulations Resource Manual](#) includes sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### **EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT**

HB 3261 (Regular Session) allows a district to administer a state assessment instrument on the first instructional day of the week upon authorization by the commissioner of education.

#### **EMB(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES**

SB 3 (Second Called Session) revised provisions on instructional requirements and prohibitions, including prohibited concepts and activities.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### **Splendor ISD**

#### **FEC(LEGAL) ATTENDANCE: ATTENDANCE FOR CREDIT**

From SB 15 (Second Called Session) we have added a provision permitting a district to exempt students from the 90 percent attendance requirement for courses that are offered under a local remote learning program.

#### **FFBA(LOCAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

SB 1267 (Regular Session) requires training in trauma-informed care to be provided in accordance with the board's professional development policy. Therefore, at Training, a reference has been added to the district's professional development plan. See DMA(LOCAL), above, for more information.

SB 1267 also repealed the requirement for a district to annually report to TEA the number of employees who participated in trauma-informed care training. We recommend deleting the local policy provision.

#### **FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

Revisions are to update citations and better reflect legal sources.

#### **FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

From SB 9 (Second Called Session) we have added the following on page 2:

- New policy requirements on dating violence, including parental notification upon a report of dating violence [see FFH(LOCAL), below]; and
- A provision requiring districts to make available to students age-appropriate materials on the dangers of dating violence and resources for students seeking help.

Other revisions are to better reflect legal sources.

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

To meet new board policy requirements from SB 9 (Second Called Session), we recommend text at Notice to Parents, which requires the district, upon receipt of a report of dating violence, to immediately notify the parent of the student identified as the alleged victim or perpetrator.

District policy must also include reporting procedures and guidelines for students who are victims of dating violence and include a clear statement that dating violence is not tolerated at school. No changes to your district's policy are recommended regarding these elements based on the district's existing policy provisions, which include reporting procedures and a statement of nondiscrimination that specifically prohibits dating violence.

Additional revisions are recommended to clarify the definition of prohibited conduct and the district's response to such conduct.

#### **FM(LEGAL) STUDENT ACTIVITIES**

Provisions from HB 25 (Third Called Session) address transgender students in athletic activities sponsored or authorized by a district and prohibit a student from participating in an athletic competition that is designated for a biological sex that differs from the biological sex stated on the student's official birth certificate. (See page 8.)

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **FNA(LLEGAL)                      STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION**

We have added the recent U.S. Supreme Court case on student speech, *Mahanoy Area School District v B.L.* The case holds that public schools may have a special interest in regulating some off-campus student speech where the district's interest is sufficient to overcome the student's interest in free expression, such as in situations of serious or severe bullying or harassment, threats, or breaches of school security devices.

#### **FOC(LLEGAL)                      STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING**

Revisions are to better reflect legal sources.

#### **FOCA(LLEGAL)                      PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS**

Amended Administrative Code rules resulted in revisions to shared services arrangements for DAEP services and to provisions regarding transitions for students in DAEP.

#### **FOF(LLEGAL)                      STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES**

From HB 785 (Regular Session) we have added a provision requiring the commissioner of education to adopt rules regarding the use of restraint and time-out with a student who is receiving special education services. (See page 8.)

#### **GKA(LLEGAL)                      COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

An existing statutory provision has been added to clarify the effect of failing to post signs at each entrance to the premises or other property indicating that firearms and other weapons are prohibited. (See page 8.)

#### **GKD(LLEGAL)                      COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES**

We have added existing statutory provisions regarding the use of district facilities by places of worship.

#### **GKG(LLEGAL)                      COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM**

We have updated for clarification the provisions on obtaining criminal history record information.



# Localized Policy Manual Update 119

## 170907 Splendora ISD

Update 119 contains (LOCAL) policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy Online™ manual.

### What should I do to prepare for board adoption?

1. In [Local Manual Updates](#)<sup>1</sup> (*myTASB login required*), download and save the numbered update resource material.
2. Present the (LOCAL) policies to your board for adoption.
3. Following board action, notify Policy Service of adoption so we can incorporate the adopted policies into your district's Policy Online manual.
4. If there are additional changes, submit the annotated changes with your Adoption Notification Form.

### How do I notify Policy Service that the board has adopted the update?

1. Go to [Local Manual Updates](#) and click the “notify TASB” link.
2. Fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.

### Questions?

- If you have questions regarding Policy Online, contact [pol-support@tasb.org](mailto:pol-support@tasb.org).
- If you have questions regarding policy text, contact your [district's assigned policy consultant](#).<sup>2</sup>

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<sup>1</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>2</sup> Contact a Policy Service Consultant: <https://www.tasb.org/services/policy-service/consultant-contact-information.aspx>



# Localized Policy Manual Update 119

Splendora ISD

You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under [Local Manual Updates](#)<sup>1</sup> in the myTASB Policy Service Resource Library.

Other materials, including an overview video of the (LOCAL) policy changes, are available under [Policy Manual Update Resources](#).<sup>2</sup>

**Need help?** Please call your policy consultant at 800-580-7529 or email [policy.service@tasb.org](mailto:policy.service@tasb.org).

## Contents

Overview.....	1
Local Policy Overview for Update 119.....	2
Legal Services Update Memo .....	2
(LEGAL) vs. (LOCAL) Policies: Remember the Difference .....	2
How to Place Policy Changes on the Agenda for Board Action .....	3
How to Notify Policy Service of Board Action .....	3
How to Keep Minutes .....	4
How to Maintain Your Historical Record .....	4
How to Keep Your Administrative Regulations Current.....	4
Disclaimer and Copyright .....	4

## Overview

Update 119 includes policy recommendations to address the remainder of the legislative changes from the 87th Legislature, Regular Session; other revisions resulting from legislation enacted during the special sessions; and revisions based on updates to the Texas Administrative Code. Recommended changes to local policies address the following topics:

- Records management
- Required staff development
- Required instruction
- Gifted and talent students
- Graduation
- Trauma-informed care
- Freedom from discrimination, harassment, and retaliation

Your Localized Update 119 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

## Local Policy Overview for Update 119

The *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. Presented in both video and written document formats, the *Local Policy Overview* is available on myTASB in [Policy Manual Update Resources](#).<sup>3</sup> From there, you may forward it electronically or print the written document for distribution to staff and board members.

## Legal Services Update Memo

TASB Legal Services' [Legal Issues in Update 119 memo](#)<sup>4</sup> (available in the myTASB Policy Service Resource Library under Policy Manual Update Resources) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

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

(LEGAL) policies:

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

(LOCAL) policies:

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

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

## How to Place Policy Changes on the Agenda for Board Action

TASB recommends that the district address this update on the agenda as follows:

*“Policy Update 119:*

- *(LEGAL) policies*
- *(LOCAL) policies (see attached list of codes)”*

**(LEGAL) policies:** Although the board should not adopt (LEGAL) policies, TASB recommends that the board review them. Since review of the (LEGAL) policies may result in discussion, the agenda should, at a minimum, reference “(LEGAL) policies.” If board members plan on discussing specific (LEGAL) policy changes, the relevant policy codes, titles, and subtitles should be listed on the agenda.

**(LOCAL) policies:** Board action on the (LOCAL) policies included in the update must occur within a properly posted, open meeting of the board.

- Include the “Agenda Posting” list, provided online in Local Manual Updates, on the agenda.
- A suggested motion for board action on the (LOCAL) policies included in the update:

*“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 119 [with the following changes:]”*

## How to Notify Policy Service of Board Action

Notify Policy Service of the board’s action on Update 119 so our records remain accurate. Go to [Local Manual Updates](#)<sup>5</sup> in myTASB and click the “notify TASB” link. Then fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.

## How to Keep Minutes

The board's action on Localized Update 119 must be reflected in board minutes. Your minutes should include:

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

## How to Maintain Your Historical Record

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

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

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

For more guidance on maintaining this record, please refer to [The Administrator's Guide to Policy Management](#),<sup>6</sup> available in the myTASB Policy Service Resource Library.

## How to Keep Your Administrative Regulations Current

[Regulations Resource Manual](#)<sup>7</sup> Update 65, which includes revisions to model regulations and forms corresponding with Update 119, is now available on myTASB.

Inspect your district's administrative procedures and documents—including (EXHIBIT)s, (REGULATION)s, handbooks, and guides—that may be affected by Update 119 policy changes.

If you must make changes to the (REGULATION)s or (EXHIBIT)s contained in your board policy manual, please notify your policy consultant.

## Disclaimer and Copyright

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

other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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<sup>1</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>2</sup> Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

<sup>3</sup> Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

<sup>4</sup> Legal Issues memo: [https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u119\\_legal\\_issues.pdf](https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u119_legal_issues.pdf)

<sup>5</sup> Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

<sup>6</sup> Administrator's Guide to Policy Management: <https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx>

<sup>7</sup> *TASB Regulations Resource Manual*: <https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx>



# Instruction Sheet

## TASB Localized Policy Manual Update 119

### Splendora ISD

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIB	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBE	(LEGAL)	Replace policy	Revised policy
BBG	(LEGAL)	Replace policy	Revised policy
BBI	(LEGAL)	Replace policy	Revised policy
BDAA	(LEGAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CDB	(LEGAL)	Replace policy	Revised policy
CDC	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CI	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CPC	(LOCAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
DMA	(LOCAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy

# Instruction Sheet

## TASB Localized Policy Manual Update 119

### Splendora ISD

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
EHAA	(LOCAL)	Replace policy	Revised policy
EHB	(LOCAL)	ADD policy	See explanatory note
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LOCAL)	ADD policy	See explanatory note
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHDE	(LEGAL)	Replace policy	Revised policy
EHDF	(LEGAL)	ADD policy	See explanatory note
EIF	(LEGAL)	Replace policy	Revised policy
EIF	(LOCAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EMB	(LEGAL)	Replace policy	Revised policy
FEC	(LEGAL)	Replace policy	Revised policy
FFBA	(LOCAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FFH	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNA	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOCA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GKG	(LEGAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **ATTN(NOTE)                      GENERAL INFORMATION ABOUT THIS UPDATE**

**Please note:** Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Legislature Regular and Special Sessions.

#### **AIB(LLEGAL)                      ACCOUNTABILITY: PERFORMANCE REPORTING**

Quality of learning indicators for remote instruction performance reporting have been added from SB 15 (Second Called Session). (See page 6.)

#### **BBB(LLEGAL)                      BOARD MEMBERS: ELECTIONS**

Provisions have been added to this legally referenced policy on elections for a more complete presentation of applicable legal content.

#### **BBBA(LLEGAL)                      ELECTIONS: CONDUCTING ELECTIONS**

Upon the board's receipt of certification that a candidate is unopposed in an election, SB 1 (Second Called Session) requires the board to cancel the election and declare each unopposed candidate elected to office.

SB 1 also changed the definition for *eligible county polling place*. Other revisions are to better match legal sources.

#### **BBE(LLEGAL)                      BOARD MEMBERS: AUTHORITY**

Provisions on board authority that are addressed at other codes have been removed to eliminate duplication.

#### **BBG(LLEGAL)                      BOARD MEMBERS: COMPENSATION AND EXPENSES**

A revision clarifies that an officer *or employee* may participate in the comptroller's contract for travel services when traveling for official business. The comptroller can no longer charge fees for these services.

#### **BBI(LLEGAL)                      BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

Revisions are to update citations and better reflect legal sources.

#### **BDAA(LLEGAL)                      OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS**

Revisions are to better reflect legal sources.

#### **BDB(LLEGAL)                      BOARD INTERNAL ORGANIZATION: INTERNAL COMMITTEES**

Provisions on board committees have been revised based on current legal authority.

#### **BE(LLEGAL)                      BOARD MEETINGS**

This legally referenced policy on board meetings has been revised to reorder and add some existing legal provisions, delete nonessential provisions, and better reflect legal sources.

#### **BQ(LLEGAL)                      PLANNING AND DECISION-MAKING PROCESS**

Revised Administrative Code rules resulted in changes to shared services arrangements for DAEP services.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### CCGA(LLEGAL)

#### AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

As provided by SB 611 (Regular Session) and Senate Joint Resolution 35 and approved by voters in November 2021, the surviving spouse of a member of the U.S. armed forces who is fatally injured in the line of duty is entitled to the residence homestead property tax exemption as long as the surviving spouse remains unmarried. (See page 5.)

#### CDB(LLEGAL)

#### OTHER REVENUES: SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

Revisions are to better reflect statutory sources.

#### CDC(LLEGAL)

#### OTHER REVENUES: GIFTS AND SOLICITATIONS

SB 3 (Second Called Session) revised the provisions on prohibited use of private funding for certain curriculum and professional development purposes.

#### CH(LLEGAL)

#### PURCHASING AND ACQUISITION

We have added a reference on page 12 to amended rules from the Texas Department of Information Resources on purchasing information technology commodity items.

#### CI(LLEGAL)

#### SCHOOL PROPERTIES DISPOSAL

Revisions are to better reflect statutory sources.

#### CPC(LLEGAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Revisions to this legally referenced policy are based on revised Administrative Code rules from the Texas State Library and Archives Commission (TSLAC) published in [Bulletin B: Electronic Records Standards and Procedures](#). An [overview of Bulletin B](#) is available on the TSLAC website.

#### CPC(LOCAL)

#### OFFICE MANAGEMENT: RECORDS MANAGEMENT

Recent updates by the Texas State Library and Archives Commission (TSLAC) to [Bulletin B: Electronic Records Standards and Procedures](#) prompted recommended revisions to this local policy on records management. The new rules add local policy requirements for district management of electronic records.

To meet these requirements, new policy provisions delegate to the records management officer the responsibility to develop procedures for the management of electronic records that comply with the district's records control schedules and meet minimum components required by law.

The [Regulations Resource Manual](#) includes updated sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### CQA(LLEGAL)

#### TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Based on HB 1525 (Regular Session) and SB 9 (Second Called Session), we have added the requirement to post curriculum materials on human sexuality instruction and instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking to the extent the materials are in the public domain. (See item 42.)

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### **Splendora ISD**

#### **CRD(LLEGAL) INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE**

Revisions to TRS-ActiveCare provisions are based on amended Administrative Code rules. New text addresses prohibitions on offering alternative group health coverage (see page 2) and highlights the information that must be submitted with written elections to participate in TRS-ActiveCare (see page 3).

#### **CS(LLEGAL) FACILITY STANDARDS**

Changes throughout this legally referenced policy on facility standards are from new Administrative Code rules that add extensive standards for capital improvement projects on or after November 1, 2021, and revised Administrative Code rules on the standards applicable to these projects before November 1, 2021.

#### **CV(LLEGAL) FACILITIES CONSTRUCTION**

Changes to this legally referenced policy on facilities construction are from new Administrative Code rules that add extensive facility standards for construction of capital improvement projects on or after November 1, 2021.

An existing provision has been added on page 3 regarding the board's notice of delegation.

#### **DC(LLEGAL) EMPLOYMENT PRACTICES**

We have added on page 4 new Administrative Code rules addressing the monthly certified statement of employment the district must submit to TRS for retirees employed by the district.

#### **DEAA(LLEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS**

Changes reflect revised Administrative Code rules on the local optional teacher designation system and mentor teacher programs.

#### **DECB(LLEGAL) LEAVES AND ABSENCES: MILITARY LEAVE**

This legally referenced policy on military leave has been updated based on revisions to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

#### **DFE(LLEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION**

Provisions on contract abandonment are revised based on amended rules from the State Board for Educator Certification. The reasons an educator may abandon a contract for good cause now include the educator's reasonable belief that the educator had written permission from the district to resign. Several new mitigating factors have also been added.

#### **DG(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES**

SB 3 (Second Called Session) broadened a provision from HB 3979 (Regular Session) so that a teacher may not be compelled to discuss a widely debated and controversial issue of public policy or social affairs for any course or subject. The provision is no longer limited to social studies courses in the required curriculum. (See page 5.)

#### **DHC(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY**

Amended Administrative Code rules revise terminology from *solicitation of sexual conduct* to *solicitation of sexual contact* to better align with statute.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendor ISD

#### **DMA(LLEGAL)                      PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

Revisions are to update citations and better reflect statutory wording.

#### **DMA(LOCAL)                      PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT**

SB 1267 (Regular Session) requires the board to annually review the State Board for Educator Certification (SBEC) clearinghouse regarding best practices and industry recommendations for professional development and adopt a professional development policy based on the training recommendations in the clearinghouse.

To meet the policy requirements, the recommended local policy text reflects that the board shall annually approve the district's professional development plan, which must be guided by the clearinghouse; note any differences from the clearinghouse recommendations; and include a schedule of required professional development.

We recommend deletion of the previous text allowing time off for attending staff development activities on nonduty time. Such practices may be more appropriately addressed in the employee handbook and administrative regulations.

**Please note:** SB 1267 requires SBEC to publish the clearinghouse by June 1, 2022, and districts to adopt a professional development policy by August 1, 2022. TASB Policy and Legal Services recommend that the board adopt DMA(LOCAL) and approve the district professional development plan by August 1, or as soon as possible thereafter, to ensure compliance with the bill.

#### **DP(LLEGAL)                      PERSONNEL POSITIONS**

Provisions on school psychological services have been updated based on revised Administrative Code rules.

#### **E(LLEGAL)                      INSTRUCTION**

The E section table of contents has been updated to add the new code EHDF, which includes provisions on local remote learning programs, and to update the subtitle for EFB, Library Materials.

#### **EF(LLEGAL)                      INSTRUCTIONAL RESOURCES**

SB 3 (Second Called Session) requires a district to provide login credentials to parents to access learning management or online learning portals used for student instructional materials.

#### **EHAA(LLEGAL)                      BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

Effective with the 2022–23 school year, SB 9 (Second Called Session) provides that the SHAC must recommend the appropriate grade levels and curriculum for instruction on child abuse, family violence, dating violence, and sex trafficking.

The bill also imposes several requirements regarding curriculum materials on those topics, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **EHAA(LOCAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)**

New provisions are recommended based on SB 9 (Second Called Session), which imposes several requirements for instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking, including a board policy on adopting curriculum materials. The policy follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

#### **EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS**

This policy requiring the district to provide regular training opportunities for teachers of students with dyslexia is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

#### **EHBA(A) LEGAL SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

Amended Administrative Code rules now refer to a student with an *auditory impairment* as a student who is *deaf or hard of hearing* to match statute. (See page 5.)

#### **EHBA(A) LOCAL SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY**

This policy requiring the district to ensure that a student who is transitioning from early childhood intervention (ECI) has an individualized education program (IEP) developed and implemented by the child's third birthday is recommended to meet TEA policy requirements for the ongoing TEA special education [cyclical monitoring reviews](#).

**Please note:** This policy will need to be adopted by the board and linked to the [Legal Framework](#) by the August 31, 2022, deadline. See TEA's FAQ on [Special Education Operating Procedures](#).

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

Amended Administrative Code rules revise the list of individuals who must be included in ARD committee meetings for students with deaf-blindness and revise terminology addressing students who are deaf or hard of hearing. Participating special education teachers or providers must be appropriately certified or licensed as required by federal law. The rules also address, as reflected on page 5, IEP implementation for students who enroll in a new district during the summer.

A new Administrative Code rule prohibits consideration of eligibility for supplemental special education services when developing or revising a student's IEP, determining the appropriate educational setting, or in the provision of a free appropriate public education. (See page 8.)

#### **EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT**

We have removed a repealed Administrative Code provision on out-of-state placement.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### Splendora ISD

#### **EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS**

HB 1525 (Regular Session) removed the statutory requirement for a district to annually certify to the commissioner of education that the district's gifted and talented program is consistent with the Texas State Plan for the Education of Gifted/Talented Students. We recommend deletion of the corresponding local policy provision.

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

Reporting provisions on expenditure of the state compensatory education allotment have been added from the Administrative Code.

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

A new provision from SB 15 (Second Called Session) explains how off-campus electronic courses or programs are counted for purposes of average daily attendance. (See page 12.)

#### **EHDF(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: LOCAL REMOTE LEARNING PROGRAM**

Provisions on local remote learning programs from SB 15 (Second Called Session) are reflected in this new legally referenced policy. All provisions in the bill expire on September 1, 2023.

#### **EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION**

Revised Administrative Code rules provide additional detail on the requirement for a student to complete a financial aid application to meet graduation requirements. The rules, beginning on page 3 of this policy, require the board to adopt the TEA-provided form a student may submit to opt out of the financial aid application requirement and require adoption of a board policy to address the methods by which a student can confirm submission of a financial aid application. See EIF(LOCAL), below.

#### **EIF(LOCAL) ACADEMIC ACHIEVEMENT: GRADUATION**

Revised Administrative Code rules require a board policy to address the methods by which a student can confirm completion and submission of a financial aid application to meet graduation requirements. The recommended text aligns with TEA guidance and addresses methods for both the free application for federal financial aid (FAFSA) and the Texas application for state financial aid (TASFA). Please contact your policy consultant if you have questions or need additional edits to this policy.

Additional [TEA guidance](#) on this topic is available.

The [Regulations Resource Manual](#) includes sample procedures on this topic, and the *Legal Issues in Update 119* memo describes common legal concerns and best practices specific to [this policy topic](#).

#### **EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT**

HB 3261 (Regular Session) allows a district to administer a state assessment instrument on the first instructional day of the week upon authorization by the commissioner of education.

#### **EMB(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES**

SB 3 (Second Called Session) revised provisions on instructional requirements and prohibitions, including prohibited concepts and activities.

# Explanatory Notes

## TASB Localized Policy Manual Update 119

### **Splendora ISD**

#### **FEC(LEGAL) ATTENDANCE: ATTENDANCE FOR CREDIT**

From SB 15 (Second Called Session) we have added a provision permitting a district to exempt students from the 90 percent attendance requirement for courses that are offered under a local remote learning program.

#### **FFBA(LOCAL) CRISIS INTERVENTION: TRAUMA-INFORMED CARE**

SB 1267 (Regular Session) requires training in trauma-informed care to be provided in accordance with the board's professional development policy. Therefore, at Training, a reference has been added to the district's professional development plan. See DMA(LOCAL), above, for more information.

SB 1267 also repealed the requirement for a district to annually report to TEA the number of employees who participated in trauma-informed care training. We recommend deleting the local policy provision.

#### **FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT**

Revisions are to update citations and better reflect legal sources.

#### **FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

From SB 9 (Second Called Session) we have added the following on page 2:

- New policy requirements on dating violence, including parental notification upon a report of dating violence [see FFH(LOCAL), below]; and
- A provision requiring districts to make available to students age-appropriate materials on the dangers of dating violence and resources for students seeking help.

Other revisions are to better reflect legal sources.

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

To meet new board policy requirements from SB 9 (Second Called Session), we recommend text at Notice to Parents, which requires the district, upon receipt of a report of dating violence, to immediately notify the parent of the student identified as the alleged victim or perpetrator.

District policy must also include reporting procedures and guidelines for students who are victims of dating violence and include a clear statement that dating violence is not tolerated at school. No changes to your district's policy are recommended regarding these elements based on the district's existing policy provisions, which include reporting procedures and a statement of nondiscrimination that specifically prohibits dating violence.

Additional revisions are recommended to clarify the definition of prohibited conduct and the district's response to such conduct.

#### **FM(LEGAL) STUDENT ACTIVITIES**

Provisions from HB 25 (Third Called Session) address transgender students in athletic activities sponsored or authorized by a district and prohibit a student from participating in an athletic competition that is designated for a biological sex that differs from the biological sex stated on the student's official birth certificate. (See page 8.)

Explanatory Notes  
TASB Localized Policy Manual Update 119

**Splendora ISD**

**FNA(LLEGAL)                      STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION**

We have added the recent U.S. Supreme Court case on student speech, *Mahanoy Area School District v B.L.* The case holds that public schools may have a special interest in regulating some off-campus student speech where the district's interest is sufficient to overcome the student's interest in free expression, such as in situations of serious or severe bullying or harassment, threats, or breaches of school security devices.

**FOC(LLEGAL)                      STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY  
ALTERNATIVE EDUCATION SETTING**

Revisions are to better reflect legal sources.

**FOCA(LLEGAL)                      PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION  
SETTING: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM  
OPERATIONS**

Amended Administrative Code rules resulted in revisions to shared services arrangements for DAEP services and to provisions regarding transitions for students in DAEP.

**FOF(LLEGAL)                      STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES**

From HB 785 (Regular Session) we have added a provision requiring the commissioner of education to adopt rules regarding the use of restraint and time-out with a student who is receiving special education services. (See page 8.)

**GKA(LLEGAL)                      COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES**

An existing statutory provision has been added to clarify the effect of failing to post signs at each entrance to the premises or other property indicating that firearms and other weapons are prohibited. (See page 8.)

**GKD(LLEGAL)                      COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES**

We have added existing statutory provisions regarding the use of district facilities by places of worship.

**GKG(LLEGAL)                      COMMUNITY RELATIONS: SCHOOL VOLUNTEER PROGRAM**

We have updated for clarification the provisions on obtaining criminal history record information.

**District Annual Report**

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

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

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

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of 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 of 1974 (20 U.S.C. 1232g);
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. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and
8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

*Education Code 39.306(a)*

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. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

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

*Education Code 39.306(e)*

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the 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. *Education Code 39.306(c)*

	<p>A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. <i>19 TAC 61.1022(c)</i></p>
Publication	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. <i>19 TAC 61.1022(d)</i></p> <p>The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(f)</i></p>
Report Uses	<p>The information in the annual 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. <i>Education Code 39.307</i></p>
<b>Campus Performance Report</b>	<p>Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.</p>
Distribution	<p>The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.</p> <p>The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.</p> <p>The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>

**Website Notices**

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

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

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 in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

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

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

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

*Education Code 39.304*

**Quality of Learning  
Indicators**

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, 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 take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent 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(a)–(c)*

Remote Instruction

In addition to the indicators described above, the indicators for reporting purposes must include, for each district and campus, the performance of students who spend at least half of the students' instructional time:

1. In virtual courses offered under a local remote learning program under Education Code 29.9091 [see EHDF]; or
2. Receiving remote instruction, regardless of whether the student is enrolled in a remote learning program offered under Education Code 29.9091, and including students receiving remote instruction who are:
  - a. Medically fragile;
  - b. Placed in a virtual setting by an admission, review, and dismissal (ARD) committee; or
  - c. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

*Education Code 39.301(c-1)*

**Results Driven  
Accountability (RDA)**

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of districts for certain populations of students included in selected program areas. The performance of a district is included on the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

**Federal Report Card**

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a

language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum  
Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;
2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and
3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

*20 U.S.C. 6311(h)(2)*

**District Data on  
Academic  
Achievement**

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
  - a. Student academic achievement and growth;
  - b. Teacher and student attendance; and
  - c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

*Education Code 11.1516*

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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Membership**

The board consists of the number of members that the district had on September 1, 1995. *Education Code 11.051(b)*

Increase in  
Membership

A board that has three or five members may by resolution increase the membership to seven. A board that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Education Code 11.052. [See Single-Member Districts, below.]

A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Education Code 11.059 (terms).

*Education Code 11.051(c)*

**Terms**

A trustee of a district serves a term of three or four years.

Elections for trustees with three-year terms shall be held annually. The terms of one-third of the trustees, or as near to one-third as possible, expire each year.

Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

Board policy must state the schedule on which specific terms expire.

*Education Code 11.059*

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**Note:** For website posting requirements regarding trustee information, see CQA.

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**Uniform Election  
Dates**

Each general or special election of board members shall be on one of the following dates:

1. The first Saturday in May.

2. The first Tuesday after the first Monday in November.

*Election Code 41.001(a)*

**Joint Elections**

Required

A district trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the district;
2. The general election for state and county officers, which is held on the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002;
3. The election for the members of the governing body of a hospital district, if the school district:
  - a. Is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and
  - b. Held its election for board members jointly with the election for the members of the governing body of the hospital district before May 2007; or
4. The election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

Elections held on the same date as provided above shall be held as a joint election under Election Code Chapter 271, and the voters shall be served by common polling places consistent with Election Code 271.003(b).

*Education Code 11.0581(a)–(c)*

A board may enter into an agreement with another political subdivision holding an election on the same day in all or part of the same county to hold the elections jointly. The terms of a joint election agreement must be stated in an order, resolution, or other official action adopted by the board. *Election Code 271.002*

**Methods of  
Election—Options**

At Large

In a district in which the positions of trustees are not designated by number or in which the trustees are not elected from single-member trustee districts, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring. *Education Code 11.057(b)*

Position or Place

The positions on the board shall be designated by number in any district in which the board by resolution orders that all candidates for trustee be voted on and elected separately for positions on the board and that all candidates be designated on the official ballot

according to the number of the positions for which they seek election.

Not later than the 60th day before the date of an election, the board must make the resolution and number the positions on the board in the order in which the terms of office expire. Once a board has ordered the election of trustees by numbered positions, neither the board nor their successors may rescind the action.

*Education Code 11.058(c)–(f)*

Single-Member  
Districts

*On Board's  
Motion*

Except as provided below, the board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 70 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

If a majority of the area of a district is located in a county with a population of less than 10,000, a board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 50 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

Before adopting an order, a board must:

1. Hold a public hearing at which registered voters of a district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and
2. Publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

An order adopted by the board must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member districts authorized by the order.

*Education Code 11.052(a)–(d)*

*By Voter Petition*

If at least 15 percent or 15,000 of the registered voters of the district, whichever is less, sign and present to the board a petition requesting submission to the voters of the proposition that trustees be elected in a specific manner, which must be generally described on the petition and which must be a manner of election the board could have ordered on its own motion, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the

petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees shall be elected in the manner prescribed by the approved proposition. *Education Code 11.052(e)*

*Board Member  
Districts*

If single-member districts are adopted or approved by either method described above, the board shall divide the district into the appropriate number of trustee districts, based on the number of members that are to be elected from single-member districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district shall not cross a county election precinct boundary except at a point at which the district boundary crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts. *Education Code 11.052(f)*

*Residency for  
First Election*

Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of members must be a resident of the district the trustee represents not later than the 90th day after the date election returns are canvassed, or the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. A trustee vacates the office if the trustee fails to move into the district the trustee represents within the time provided. [For more information on residency, see BBA and BBC.] *Education Code 11.052(g)*

*Number and  
Term*

At the first election at which some or all of the trustees are elected from single-member trustee districts and after each redistricting, all positions on a board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Education Code 11.059 (terms). *Education Code 11.052(h)*

*Redistricting*

Not later than the 90th day before the date of the first regular board election at which trustees may officially recognize and act on the last preceding federal census, a board shall redivide a district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of a district shall be in the manner provided above at Board Member Districts. *Education Code 11.052(i)*

*Phase-in Option*

The board of a district that adopts a redistricting plan may provide for the trustees in office when the plan is adopted or the district is

redistricted to serve for the remainder of their terms in accordance with this provision. The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each re-districting, a board shall determine the order in which the positions will be filled. *Education Code 11.053*

**Boundary Change  
Notice**

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*

**Methods of Voting—  
Options**

Plurality

Except as otherwise provided at Majority, below, to be elected to a public office, a candidate elected at large, at large by position, or by single-member districts must receive more votes than any other candidate for the office. *Education Code 11.057(a), (b); Election Code 2.001*

Cumulative

The board of a district that elects its trustees at large or at large by position may order that elections for trustees be held using the cumulative voting procedure.

If a board adopts an order requiring the use of cumulative voting, only the board member positions that were scheduled to be filled at the election are filled through the use of cumulative voting.

At an election at which more than one board member position is to be filled, all of the positions that are to be filled at the election shall be voted on as one race by all the voters of a district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election.

A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted. If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

A district that adopts an order requiring the use of cumulative voting may not elect its members by position as provided by Education Code 11.058.

*Education Code 11.054*

Majority

The board of a district in which the positions of trustees are designated by number or in which the trustees are elected from single-member districts may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position or in a trustee district, as applicable, to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

*Education Code 11.057(c)*

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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Notice of Polling Place**

Any written notice of a polling place location must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

**Election Order**

The board shall order an election. An election to be held on a uniform election date shall be ordered not later than the 78th day before election day. *Election Code 3.004, .005*

Each election order must state:

1. The date of the election;
2. The offices or measures to be voted on;
3. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
4. The location of the main early voting polling place;
5. The dates and hours for early voting; and
6. The dates and hours of any Saturday and Sunday early voting.

*Election Code 3.006, 83.010, 85.004, .007*

A board shall preserve the election order for the period for preserving the precinct election records. The date and nature of each election shall be entered in the official records of the board. For an election on a measure, the entry must include a description of the measure. *Election Code 3.008*

Failure to Order an Election

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

**Election Notice**

Contents

Notice of the election must state:

1. The nature and date of the election;
2. The location of each polling place;

3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
6. The location of the main early voting polling place; and
7. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting.

*Election Code 4.004(a), 83.010, 85.004, .007*

Notice of Special  
Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

Publication

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the district's boundaries or in a newspaper of general circulation in the district if none is published within the district's boundaries. The board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .005(a)*

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of election provided to the county [see Notice to County Clerk and Voter Registrar, below], which must include the location of each polling place, on the county's internet website, if the county maintains a website. A district may post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. If a county does not maintain a website, the district shall post a copy of the notice of the election on the bulletin board used for posting notice of meetings of the board. The notice must remain posted continuously through election day. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

A district that maintains a website must post the notice described above on the internet website of the district. *Election Code 85.007(d)*

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**Note:** For additional website posting requirements regarding the date and location of the next election, see CQA.

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Notice to County  
Clerk and Voter  
Registrar

The board shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's internet website, if the county maintains a website, as provided by Election Code 4.003(b). *Election Code 4.008(a)* [See Posting, above]

Notice to Election  
Judge

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

*Election Code 4.007*

Failure to Give  
Notice of Election

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

**Internet Posting**

Not later than the 21st day before election day, a district that holds an election and maintains an internet website shall post on the public internet website for the district:

1. The date of the next election;
2. The location of each polling place;
3. Each candidate for an elected office on the ballot; and
4. Each measure on the ballot.

*Election Code 4.009(b)*

**Filing Information**

Notice to  
Candidates

A district shall post notice of the dates of the filing period in a public place in a building in which the district has an office not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot. A district shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004, below.  
*Election Code 141.040*

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**Note:** For additional website posting requirements regarding the requirements and deadline for filing for candidacy of board member, see CQA.

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Application

To be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through email transmission of the completed application in a scanned format to the email address designated by the filing authority in the notice required under Election Code 141.040, above.  
*Election Code 143.004*

A candidate application for a place on the ballot must:

1. Be in writing;
2. Be signed and sworn to before a person authorized to administer an oath in this state by the candidate and indicate the date that the candidate swears to the application;
3. Be timely filed with the appropriate authority; and
4. Include all statutorily required information.

*Election Code 141.031, .039*

Deadline

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before the date of the election for an election to be held on a uniform election date.

*Education Code 11.055(a); Election Code 144.005(a), (d)*

*Death of  
Candidate*

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name under item 1, the filing deadline for an application for a place on the ballot for

the office sought by the candidate is extended until the fifth day after the filing deadline.

*Election Code 145.098(b)*

Write-in Candidate A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for an election to be held on a uniform election date. *Education Code 11.056(b); Election Code 146.054*

Special Election An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

*Exception*

For a special election to be held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the day of the filing deadline is 6:00 p.m. of the 75th day before election day.

*Write-in  
Candidate*

A declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

*Election Code 201.054*

**Delivery or  
Submission of  
Documents**

When the Election Code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under that code, a delivery, submission, or filing with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the district's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

*Election Code 1.007*

**Election of  
Unopposed  
Candidate**

Certification of  
Unopposed Status

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The certification shall be delivered to the board as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092 if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots have not been prepared; and
3. The other conditions for certification are met.

A certification under these circumstances shall be delivered to the board as soon as possible.

*Election Code 2.052*

*Special Election*

For purposes of these provisions, a special election of a district is considered to be a separate election with a separate ballot from a general election for board members or another special election of the district held at the same time. *Election Code 2.051(a)*

*Single-Member  
Districts*

In the case of an election in which any members of the board are elected from single-member districts, these provisions apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that single-member district is unopposed and no opposed at-large race is to appear on the ballot. These provisions apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. *Election Code 2.051(b)*

Action on  
Certification

On receipt of the certification, the board by order or ordinance shall declare each unopposed candidate elected to office. If a declaration is made, the election is not held.

If no election is to be held on election day by the district, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected shall include the offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under the heading

“Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

*Election Code 2.053*

[See BBBB regarding issuance of a certificate of election to an unopposed candidate declared elected and qualification for office.]

**Ballot**

The ballot shall be prepared in accordance with Election Code Chapter 52.

Drawing

The district shall conduct a drawing to determine the order of the candidates' names in an election at which the names of more than one candidate for the same office are to appear on the ballot. The district shall post in the district's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. The district shall provide notice of the date, hour, and place of the drawing to each candidate by:

1. Written notice:
  - a. Mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or
  - b. Provided at the time the candidate files an application with the district;
2. Telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or
3. Email, if an email address is provided on the candidate's application for a place on the ballot.

Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

*Election Code 52.093–.094* [See BBBB regarding ballot order in a runoff election or election to resolve a tie.]

Ballots for an election by position must clearly show the position for which each person is a candidate. A board shall arrange by lot the names of the candidates for each position. *Education Code 11.058(g)*

**Election Services  
Contract**

The county election officer, as defined by Election Code 31.091(1), may contract with the board of a district situated wholly or partly in the county served by the officer to perform election services, as

provided by Election Code Chapter 31, Subchapter D, in any one or more elections ordered by the board.

If requested to do so by a district, the county elections administrator, as defined under Election Code Chapter 31, Subchapter B, shall enter into a contract to furnish the election services requested in accordance with a cost schedule agreed on by the contracting parties. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year.

*Election Code 31.092, .093, 41.001(d)*

**Election Judges and Clerks**

By written order, a board shall appoint a presiding election judge and an alternate presiding judge for each election precinct in which an election is held. A board shall prescribe the maximum number of clerks that each presiding judge may appoint for each election. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code 32.001(a), .008, .033*

**Polling Places**

A board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034, Ch. 85 (early voting by personal appearance)*

In an election held on the November uniform election date, a district shall use the regular county election precincts. The district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), .0621, 43.004(b)*

**Electioneering**

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting period, as applicable, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

**Definitions**

"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” means the period prescribed by Election Code 85.001.

*Election Code 61.003, 85.036*

### **Early Voting**

In each election, early voting shall be conducted by personal appearance at an early voting polling place and by mail, in accordance with Election Code Title 7, Chapters 81–114. *Election Code 81.001*

#### **November Early Voting Polling Places**

In an election on the November uniform election date in which the district is not holding a joint election with a county and has not executed a contract with a county elections officer under which the district and the county share early voting polling places, the district:

1. Shall designate as an early voting polling place for the election an eligible county polling place located in the district; and
2. May not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the district is designated as an early voting polling place by the district.

“Eligible county polling place” means an early voting polling place established by a county.

*Election Code 85.010(a), (a-1), (b)*

#### **Temporary Branch Days and Hours** *County with 100,000 or More*

Election Code 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, that section applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

*Election Code 85.064*

*County with Less than 100,000*

Election Code 85.065 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

*Election Code 85.065*

Records

*Branch Daily Register*

The early voting clerk shall provide, in a downloadable database format, a current copy of the register for posting on the internet website of the district, if the district maintains a website, each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted. *Election Code 85.072*

*Early Voting Rosters*

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided below not later than 11 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided below not later than 11 a.m. on the day

following the day the early voting clerk receives any ballot voted by mail.

The information must be made available:

1. For an election in which the county clerk is the early voting clerk:
  - a. On the publicly accessible internet website of the county; or
  - b. If the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or
2. For an election not described by item 1:
  - a. On the publicly accessible internet website of the district; or
  - b. If the district does not maintain a website, on the bulletin board used for posting notice of board meetings.

*Election Code 87.121(a), (g)–(i)*

**Conducting Elections**

Elections shall be conducted in accordance with Election Code Title 6, Chapters 61–68.

**Bilingual Materials**

Spanish

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

*Election Code 272.002*

Other Languages

If the director of the census determines that a district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011; 52 U.S.C. 10503*

**Voting Systems**

A voting system shall be adopted and utilized in accordance with Election Code Title 8.

Accessible Voting Stations

Except as provided below, each polling place must provide at least one voting station that complies with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 52 U.S.C. Section

21081(a)(3) [formerly 42 U.S.C. Section 15481(a)(3)] and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.  
*Election Code 61.012*

*Electronic Voting  
System  
Exceptions*

For an election other than an election of a district that is held jointly with another election in which a federal office appears on the ballot, a district is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the district is located in a county that meets certain population and other requirements set forth in Election Code 61.013(a). A district that intends to use this provision to provide fewer voting stations that meet the requirements for accessibility than required must provide notice under Election Code 61.013(d). *Election Code 61.013*

Unless authorized by the board, a member of the board may not, individually, act on behalf of the board. *Education Code 11.051(a-1)* [See BE regarding action by a majority of the board]

**Access to  
Information**

When acting in the member's official capacity, a board member has an inherent right of access to information, documents, and records maintained by the district.

"Official capacity" means all duties of office and includes administrative decisions or actions.

The district shall provide the information, documents, and records to the board member without requiring the board member to submit a public information request under Government Code Chapter 552 (Public Information Act) and without regard to whether the requested items are the subject of or relate to an item listed on an agenda for an upcoming meeting.

A district shall provide a board member with information, documents, and records requested not later than the 20th business day after the date the district receives the request. The district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The district shall inform the board member of the reason for the delay and the date by which the information will be provided.

If a district does not provide requested information to a board member in the time required, the member may bring suit against the district for appropriate injunctive relief. A member who prevails in a suit is entitled to recover court costs and reasonable attorney's fees. The district shall pay the costs and fees from the budget of the superintendent's office.

**Confidential  
Information**

The district may withhold or redact information, a document, or a record requested by a board member to the extent that the item is excepted from disclosure or is confidential under the Public Information Act or other law [see GBA].

A board member shall maintain the confidentiality of information, documents, and records received from the district as required by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and any other applicable privacy laws. [See FL]

**Report of Requests**

A district shall post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member under Education Code 11.1512(c) if the requests are for 200 or more pages of material in a 90-day period.

A district shall report annually to the Texas Education Agency not later than September 1 of each year:

1. The number of requests submitted by a board member under Education Code 11.1512(c) during the preceding school year; and
2. The total cost to the district for that school year of responding to the requests.

*Education Code 11.1512(c)–(f)*

Access to Student  
Records

Personally identifiable information in education records may be released, without the written consent of the student’s parents, only to a school official who has a legitimate educational interest in the education records. *34 C.F.R. 99.31* [See FL]

Offenses Regarding  
Records and  
Information

A person commits an offense if the person:

1. Willfully destroys, mutilates, removes without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information; or
2. Distributes information considered confidential under the terms of Government Code Chapter 552.

*Gov’t Code 552.351, .352*

[For information regarding the offenses of destruction or alienation of record and tampering with governmental record, see CPC(LEGAL). For information regarding misuse of official information, see BBFB(LEGAL).]

**Visits to District  
Facility**

A district shall create a policy on visits to a district campus or facility by a member of the board. *Education Code 11.1512(g)*

**Protections for  
Legislative Activity**

A local officer, including a school board member, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer’s official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the board member’s practice of or employment in a licensed or regulated profession or

occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

*Gov't Code 572.059*

**Board Member Immunities**

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

State Law Immunities

A board member is not personally liable for any act that is incident to or within the scope of the duties of the board member's position and that involves the exercise of judgment or discretion. *Education Code 22.0511(a)*

Federal Law Immunities

Except as provided in 20 U.S.C. Section 7946(b), no board member shall be liable for harm caused by an act or omission of the board member on behalf of a district if the conditions of the Paul D. Coverdell Teacher Protection Act of 2001 are met. *20 U.S.C. 7943, 7946(a)* [See also DGC]



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

**Members' Expenses**

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

**Nonmembers' Expenses**

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

**Travel Services**

An officer or employee of a district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.406(b)(2)(F)*

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**Note:** For guidance regarding board member expense reimbursement and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.7.4.7 Employee or Board Member Travel and Business Expenses.

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**Note:** For employee and student use of district technology resources, see CQ.

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**Public Information  
on Private Device**

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Government Code 552.004(a).

*Gov't Code 552.004(b)* [See GB]

**Online Message  
Board**

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of Government Code Chapter 551 (Open Meetings Act) if:

1. The communication is in writing;
2. The writing is posted to an online message board or similar internet application that is viewable and searchable by the public; and
3. The communication is displayed in real time and displayed on the online message board or similar internet application for no less than 30 days after the communication is first posted.

A board may have no more than one online message board or similar internet application to be used for the purposes described above. The online message board or similar internet application must be owned or controlled by the board, prominently displayed on the district's primary internet web page, and no more than one click away from the district's primary internet web page.

The online message board or similar internet application may only be used by members of the board or district staff members who have received specific authorization from a member of the board. In the event that a staff member posts a communication to the online message board or similar internet application, the name and title of the staff member must be posted along with the communication.

If a board removes from the online message board or similar internet application a communication that has been posted for at least 30 days, the board shall maintain the posting for a period of six

years. This communication is public information and must be disclosed in accordance with Government Code Chapter 552 (Public Information Act).

The board may not vote or take any action that is required to be taken at a meeting under the Open Meetings Act by posting a communication to the online message board or similar internet application. In no event shall a communication or posting to the online message board or similar internet application be construed to be an action of the board.

*Gov't Code 551.006*

OFFICERS AND OFFICIALS  
DUTIES AND REQUIREMENTS OF BOARD OFFICERS

BDAA  
(LEGAL)

**Selection of Officers** At the first meeting after each election and qualification of trustees, the members shall organize by selecting:

1. A president, who must be a member of the board.
2. A secretary, who may or may not be a member of the board.
3. Other officers and committees the board considers necessary.

*Education Code 11.061(c)*

**Reorganization** In addition to the required post-election organization, a board may also organize at other times. *Atty. Gen. Op. MW-531 (1982)*

**Duties/Powers of Board President** The duties and powers of the president of a board include, but are not limited to, the following:

1. Call a meeting of the board for the purpose of adopting a budget and provide for the publication of notice of the budget and proposed tax rate meeting under Education Code 44.004. [See CE and CCG]
2. Submit the annual financial statement to a newspaper for publication under Local Government Code 140.006. [See CFA]
3. Execute a mineral deed or lease under Education Code 11.153. [See CDB]
4. Execute the deed for the sale of property, other than minerals, held in trust for public school purposes under Education Code 11.154(b). [See CDB]



Government Code Chapter 551 (Open Meetings Act) applies to board committee meetings if:

1. At least a quorum of the board is on the committee;
2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee; or
3. Less than a quorum of the board is on the committee, but the committee is authorized to make final decisions or control or supervise public business.

A committee that includes less than a quorum of board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business.

*Atty. Gen. Op. Nos. GA-0957 (2012), JC-0060 (1999), JH-0994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See BE]*



**Majority Vote**

The board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551 (Open Meetings Act), at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

No Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. JH-1163 (1978)*

**Definitions**

Deliberation

“Deliberation” means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov’t Code 551.001(2)*

Meeting

“Meeting” means:

1. A deliberation between a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action; or
2. Except as otherwise provided below, a gathering:
  - a. That is conducted by the board or for which the board is responsible;
  - b. At which a quorum of members of the board is present;
  - c. That has been called by the board; and
  - d. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the district, about the public business or public policy over which the board has supervision or control.

*Gov’t Code 551.001(4)*

*Exceptions to Meeting*

Social Function,  
Convention, or  
Candidate Event

The term does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of a board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov’t Code 551.001(4)*

Legislative Committee or Agency Meeting	The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. <i>Gov't Code 551.0035(b)</i>
Online Message Board	For information on communications posted to an online message board, see BBI.
Quorum	“Quorum” means a majority of the number of members fixed by statute. <i>Gov't Code 551.001(6); 311.013(b)</i>
<i>Disaster Exception</i>	Notwithstanding any other law, a quorum is not required for the board to act if: <ol style="list-style-type: none"><li>1. The district’s jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and</li><li>2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.</li></ol> <i>Gov't Code 418.1102</i>
Recording	“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. <i>Gov't Code 551.001(7)</i>
Videoconference Call	“Videoconference call” means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. <i>Gov't Code 551.001(8)</i>
<b>Prohibited Series of Communications</b>	A board member commits an offense if the member: <ol style="list-style-type: none"><li>1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by Government Code Chapter 551 and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and</li><li>2. Knew at the time the member engaged in the communication that the series of communications:<ol style="list-style-type: none"><li>a. Involved or would involve a quorum; and</li></ol></li></ol>

- b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

*Gov't Code 551.143*

**Superintendent Participation**

The board shall provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

**Access to Board Meetings**

Open to Public

Every regular, special, or called meeting of a board shall be open to the public, except as provided by Government Code Chapter 551. *Gov't Code 551.002* [See BEC for exceptions for closed meetings.]

Parental Access

A parent is entitled to complete access to any meeting of the board, other than a closed meeting held in compliance with Government Code Chapter 551, Subchapters D and E. *Education Code 26.007(a)*

Exclusion of Witnesses

A board that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation. *Gov't Code 551.084*

**Location**

A board must hold each public meeting within the boundaries of the district, except:

1. As required by law; or
2. To hold a joint meeting with another district or with another governmental entity, as defined by Government Code 2051.041, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

*Education Code 26.007(b)*

**Required Meeting Records**

Minutes or Recording

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes must state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member Attendance

The minutes, certified agenda, or recording, as applicable, of a regular or special meeting of the board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

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**Note:** For website posting requirements regarding the record of a board meeting, see CQA.

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**Notice Required**

A board shall give written notice of the date, hour, place, and subject of each meeting held by the board. *Gov't Code 551.041*

Continued Meeting

Government Code 551.041, above, does not require a board that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

**Inquiry During Meeting**

If, at a meeting of a board, a member of the public or of the board inquires about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. *Gov't Code 551.042*

**Time and Accessibility of Notice**

The notice of a meeting of a board must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided at Emergency Meeting or Emergency Addition to Agenda, below. A district shall post notice of each meeting on a bulletin board at a place convenient to the public in the central administrative office of the district. *Gov't Code 551.043(a), .051*

If a district is required to post notice of a meeting on the internet:

1. The district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period;
2. The district must still comply with any duty imposed by Government Code Chapter 551 to physically post the notice at a particular location; and
3. If the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted must be readily accessible to the general public during normal business hours.

*Gov't Code 551.043(b)*

Internet Posting—  
Notice

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also concurrently post the agenda for the board meeting on the district's internet website.

The validity of a posted notice of a meeting or an agenda by a board subject to these provisions that made a good-faith attempt to comply with these requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

*Gov't Code 551.056*

[See CQA for other website posting requirements.]

**Specificity of  
Agenda/Notice**

Agendas for all meetings must be sufficiently specific to inform the public of the subjects to be discussed at the meeting, setting out any special matters to be considered or any matter in which the public has a particular interest. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Op. JH-1045 (1977)*

**Emergency Meeting  
or Emergency  
Addition to Agenda**

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with Government Code Chapter 551, Subchapter C, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required of a board because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
  - a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
  - b. Power failure, transportation failure, or interruption of communication facilities;
  - c. Epidemic; or
  - d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

*Gov't Code 551.045*

**Catastrophe**

A board that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If the board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or

4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov't Code 551.0411(b), (c)*

**Special Notice to News Media**

A district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail.

*Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

**Meeting by Telephone Conference Call**

A board may hold a meeting by telephone conference call only if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Technical Requirements and Recording

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice of Location

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting the location where meetings of the board are usually held.

*Gov't Code 551.125*

**Meeting by Videoconference Call**

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the

provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.127(a-1)–(a-3)*

**Quorum in One Location** A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

*Multiple Counties* A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

**Additional Notice Requirements** A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

*Gov't Code 551.127(b)–(e)*

**Quality of Audio and Video Signals** Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and

the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

*Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11*

Recording

The board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote  
Participation by the  
Public

Without regard to whether a member of the board is participating in a meeting from a remote location by videoconference call, a board may allow a member of the public to testify at a meeting from a remote location by videoconference call.

*Gov't Code 551.127(g), (k)*

**Internet Broadcast**

Except as provided by Government Code 551.128(b-1), below, and subject to the requirements at Video and Audio Recording of Meeting, below, a board may broadcast an open meeting over the internet.

Except as provided by Government Code 551.128(b-2) [see Existing Website, below], a board that broadcasts a meeting over the internet shall establish an internet site and provide access to the broadcast from that site. The board shall provide on the internet site the same notice of the meeting that the board is required to post under Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Subchapter C.

*Gov't Code 551.128(b), (c)*

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**Note:** The provisions at Video and Audio Recording of Meeting apply to a board for a district that has a student enrollment of 10,000 or more.

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**Video and Audio  
Recording of  
Meeting**

*Required Recording*

A board shall:

1. Make a video and audio recording of reasonable quality of each:
  - a. Regularly scheduled open meeting that is not a work session or a special called meeting; and
  - b. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony [see BED for requirements regarding public testimony]; and
2. Make available an archived copy of the video and audio recording of each meeting described in item 1.

*Internet Posting—  
Recordings*

A board shall:

1. Make the archived recording of each meeting to which these provisions apply available on the internet not later than seven days after the date the recording was made; and
2. Maintain the archived recording on the internet for not less than two years after the date the recording was first made available.

*Existing Website*

A board may make available the required archived recording on an existing internet site, including a publicly accessible video-sharing or social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

*District Website*

A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

*Exemption*

A board is exempt from the internet posting requirements if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, a board must make all reasonable efforts to make the required recording available in a timely manner.

*Television  
Broadcast*

A board may broadcast a regularly scheduled open meeting on television.

*Gov't Code 551.128(b-1)–(b-6)*

**Recording by  
Attendee**

A person in attendance may record all or any part of an open meeting of a board by means of a recorder, video camera, or other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this provision may not prevent or unreasonably impair a person from exercising a right granted under this provision. *Gov't Code 551.023*

**Attorney  
Consultation**

A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

These provisions do not authorize the members of a board to conduct a meeting of the board by telephone conference call, video conference call, or communications over the internet; or create an exception to the application of Government Code Chapter 551, Subchapter F (meetings using telephone, videoconference, or internet).

Exception

These provisions do not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the district, is an employee of the district.

*Gov't Code 551.129*

**Persons with  
Hearing Impairments**

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

“Deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding, or communication with others.

*Gov't Code 558.001, .003*



**Planning and  
Decision-Making  
Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

*Education Code 11.251(g)*

**Evaluation**

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

**Administrative  
Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

*Education Code 11.251(d)*

**Federal  
Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

**Required Plans**

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

*Education Code 11.251(a)*

Shared Services  
Arrangement for  
DAEP Services

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

*19 TAC 103.1201(b)* [See FOCA]

District  
Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

*Availability to  
TEA*

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

*Required  
Provisions*

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
  - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
  - b. Evidence-based practices that address the needs of students for special programs, including:
    - (1) Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEB];
    - (2) Conflict resolution programs;
    - (3) Violence prevention programs; and
    - (4) Dyslexia treatment programs.
  - c. Dropout reduction.
  - d. Integration of technology in instructional and administrative programs.
  - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
  - f. Staff development for professional staff of a district.
  - g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

- h. Accelerated education.
  - i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]
4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
- a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
  - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
  - c. Sources of information on higher education admissions and financial aid.
5. Resources needed to implement identified strategies.
6. Staff responsible for ensuring the accomplishment of each strategy.
7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.
9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]
10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

*Education Code 11.252(a)*

Law  
Enforcement  
Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. *Education Code 37.081(d)(1)* [See CKE]

Discipline  
Management

A district shall adopt and implement a discipline management program to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan. *Education Code 37.0831* [See FFH]

Mental Health, Substance Abuse, and Suicide	The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. <i>Education Code 38.351(k)(2)</i> [See FFEB]
Campus-Level Plan	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i></p> <p>Each campus improvement plan must:</p> <ol style="list-style-type: none"><li>1. Assess the academic achievement for each student in the school using the achievement indicator system.</li><li>2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.</li><li>3. Identify how the campus goals will be met for each student.</li><li>4. Determine the resources needed to implement the plan.</li><li>5. Identify staff needed to implement the plan.</li><li>6. Set timelines for reaching the goals.</li><li>7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.</li><li>8. Include goals and methods for violence prevention and intervention on campus.</li><li>9. Provide for a program to encourage parental involvement at the campus.</li><li>10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:<ol style="list-style-type: none"><li>a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;</li></ol></li></ol>

PLANNING AND DECISION-MAKING PROCESS

BQ  
(LEGAL)

- b. Student academic performance data;
- c. Student attendance rates;
- d. The percentage of students who are educationally disadvantaged;
- e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
- f. Any other indicator recommended by the local school health advisory council.

*Education Code 11.253(d)*

<b>Table of Contents</b>	<b>Exemptions .....</b>	<b>2</b>
	Homestead.....	2
	Veteran Exemptions .....	4
	Exemption for Subsequent Residence.....	5
	Temporary Exemption for Property Damaged by Disaster .....	5
	Optional Exemptions .....	5
	Goods-in-Transit.....	6
	<b>Payment Options .....</b>	<b>7</b>
	Discounts .....	7
	Split Payments .....	8
	Installment Payments .....	8
	Services in Lieu of Paying Taxes .....	9
	<b>Delinquent Taxes.....</b>	<b>10</b>
	Delinquency Date .....	10
	Delinquent Tax Collection .....	10
	Additional Penalties .....	10

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**Note:** For more information on property tax exemptions, see the Texas Comptroller's [Property Tax Exemptions](#)<sup>1</sup> website.

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**Exemptions**

Homestead

*Mandatory*

An adult is entitled to exemption from taxation by a district of \$25,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only \$5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

*Persons 65 or  
Older or Disabled*

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of \$10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

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

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

*Exception*

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

CCGA  
(LEGAL)

Portability of Tax Limitation	If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i>
Surviving Spouse	If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i>
<i>Local Options</i> All Taxpayers	In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. <i>Tax Code 11.13(n)</i>
Disabled or 65 or Older	An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.
<i>Amount</i>	The amount of an exemption adopted as provided at Disabled or 65 or Older is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.  <i>Tax Code 11.13(d)–(f)</i>

<i>Continuation of Exemption during Construction</i>	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. <i>Tax Code 11.135(a), .26(n); 34 TAC 9.416</i>
<i>Surviving Spouse of First Responder</i>	The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. <i>Tax Code 11.134</i>
<i>Veteran Exemptions 100 Percent Disabled</i>	A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. <i>Tax Code 11.131(b)</i>
<i>Partially Disabled with Donated Residence</i>	A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. <i>Tax Code 11.132(b)</i>
<i>Surviving Spouse of Veteran</i>	The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if: <ol style="list-style-type: none"><li>1. The surviving spouse has not remarried since the death of the disabled veteran; and</li></ol>

2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

*Tax Code 11.131(c), .132(c)*

*Surviving Spouse  
of Individual  
Killed in Action*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

*Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)*

*Disabled Veteran*

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for  
Subsequent  
Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary  
Exemption for  
Property Damaged  
by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional  
Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*
3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*
4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit  
*Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

*Option to Tax*

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-

transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

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

*Tax Code 11.253(j)–(j-2)*

**Payment Options**

Discounts

*Option 1*

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

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

*Tax Code 31.05(b)*

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

*Option 2*

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

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

*Tax Code 31.05(c)*

*Both Options*

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

<i>Rescission</i>	<p>The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. <i>Tax Code 31.05(d)</i></p>
Split Payments	<p>The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.</p> <p>If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.</p> <p><i>Tax Code 31.03</i></p> <p>This payment option does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i></p>
<i>In Certain Counties</i>	<p>The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. <i>Tax Code 31.03(d)</i></p>
Installment Payments <i>Certain Homesteads</i>	<p>An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. <i>Tax Code 31.031</i></p>
<i>Disaster or Emergency Area</i> Property Damaged— Automatic	<p>A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.032</i></p>

Property Not Damaged— Board Option	<p>The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.033</i></p>
Definitions	<p>“Disaster” has the meaning assigned by Government Code 418.004.</p> <p>“Emergency” means a state of emergency proclaimed by the governor under Government Code 433.001.</p> <p><i>Tax Code 31.032(g), .033(a)</i></p>
Services in Lieu of Paying Taxes	<p>The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers’ compensation coverage, that the district provides to its employees. <i>Tax Code 31.035, .036, .037</i></p>
<i>Persons 65 and Over</i>	<p>Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual’s residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. <i>Tax Code 31.035(a), (g)</i></p>
<i>Teaching Services</i>	<p>An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:</p> <ol style="list-style-type: none"><li data-bbox="560 1789 1442 1852">1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or</li></ol>

2. Obtains a school district teaching permit under Education Code 21.055.

*Tax Code 31.036(h), .037(i)*

By Individual Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

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

### Delinquent Taxes

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

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**Note:** Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

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Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

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<sup>1</sup> Texas Comptroller Property Tax Exemptions website:  
<https://comptroller.texas.gov/taxes/property-tax/exemptions/>

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**Note:** For legal requirements applicable to the disposition of real property acquired with federal funds, see CBB.

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**Sale or Exchange of Real Property**

The board may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes. The board president shall execute a deed to the purchaser reciting the board resolution authorizing the sale. A district may employ, retain, contract with, or compensate a licensed real estate broker or salesperson for assistance in the acquisition or sale of real property. *Education Code 11.154*

Publication of Notice and Bidding Requirements

Except for the types of land and interests described at Exceptions, below, before land owned by a district may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication. Local Government Code 272.001 does not require the board to accept any bid or offer or to complete a sale or exchange. *Local Gov't Code 272.001(a), (d)*

Open-Enrollment Charter School Offer

The board of a district that intends to sell, lease, or allow use for a purpose other than a district purpose of an unused or underused district facility must give each open-enrollment charter school located wholly or partly within the boundaries of the district the opportunity to make an offer to purchase, lease, or use the facility, as applicable, in response to any terms established by the board, before offering the facility for sale or lease or to any other specific entity. The board is not required to accept an offer made by an open-enrollment charter school. *Education Code 11.1542*

Exceptions  
*Generally*

The notice and bidding requirements set out above do not apply to the types of land and real property interests described below and owned by a district. The land and those interests described below may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the district that owns the land or interest. The appraisal price is conclusive of the fair market value of the land or interest. This applies to:

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

1. Narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;
2. Streets or alleys, owned in fee or used by easement;
3. Land or a real property interest originally acquired for streets, rights-of-way, or easements that the district chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;
4. Land that the district wants to have developed by contract with an independent foundation;
5. A real property interest conveyed to a governmental entity that has the power of eminent domain; or
6. The land or interests described by items 1 and 2, above, may be sold to abutting property owners:
  - a. In the same subdivision if the land has been subdivided; or
  - b. In proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

*Local Gov't Code 272.001(b)–(c)*

*Higher Education  
Institutions*

A district may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education for less than its fair market value and without complying with the notice and bidding requirements in order to promote a public purpose related to higher education. The district shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. *Local Gov't Code 272.001(j)*

*Other Political  
Subdivisions*

A district may donate or sell for less than fair market value and without complying with the notice and bidding requirements a designated parcel of land or an interest in real property to another political subdivision if:

1. The land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling district;
2. The donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

3. The title and right to possession of the land or interest revert to the donating or selling district if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.

*Local Gov't Code 272.001(l)*

**Sale of Instructional Facility Financed with State Allotment**

If an instructional facility financed by bonds paid with state and local funds under Education Code Chapter 46, Subchapter A, is sold before the bonds are fully paid, a district shall send to the comptroller a percentage of the district's net proceeds as determined by Education Code 46.011(a). *Education Code 46.011* [See also CCA]

**Lease of Property to a Governmental Entity**

To promote a public purpose of the district, a district may:

1. Lease property owned by the district to another political subdivision or an agency of the state or federal government; or
2. Make an agreement to provide office space in property owned by the district to the other political subdivision or agency.

The district:

1. Shall determine the terms of the lease or agreement so as to promote and maintain the public purpose;
2. May provide for the lease of the property or provision of the office space at less than fair market value; and
3. Is not required to comply with any competitive purchasing procedure or any notice and publication requirement imposed by Local Government Code Chapter 272 or other law.

*Local Gov't Code 272.005*

**Sale or Lease of Minerals**

Minerals in land belonging to a district may be sold to any person. The sale must be authorized by a resolution adopted by majority vote of the board. *Education Code 11.153(a)–(b)*

After the board determines that it is advisable to lease land belonging to the district, it shall give notice of its intention to lease the land. The notice shall be published once a week for three consecutive weeks in a newspaper published in the county and with general circulation in the county, and shall:

1. Describe the land to be leased; and
2. Designate the time and place at which the board will receive and consider bids for the lease.

*Natural Resources Code 71.005*

After adoption of a resolution authorizing sale, the board president may execute an oil or gas lease or sell, exchange, and convey the minerals. The mineral deed or lease must recite the approval of the resolution of the board authorizing the sale. *Education Code 11.153(c)*

**Donation of Former  
School Campus**

The board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization if:

1. Before adopting the resolution, the board holds a public hearing concerning the donation and, in addition to any other notice required, gives notice of the hearing by publishing the subject matter, location, date, and time of the hearing in a newspaper having general circulation in the territory of a district;
2. The board determines that:
  - a. The improvements have historical significance;
  - b. The transfer will further the preservation of the improvements; and
  - c. At the time of the transfer, the district does not need the real property or improvements for educational purposes; and
3. The entity to whom the transfer is made has shown, to the satisfaction of the board, that the entity intends to continue to use the real property and improvements for public purposes.

The board president shall execute a deed transferring ownership of the real property and improvements to the municipality, county, state agency, or nonprofit organization. The deed must:

1. Recite the resolution of a board authorizing the donation; and
2. Provide that ownership of the real property and improvements revert to a district if the municipality, county, state agency, or nonprofit organization:
  - a. Discontinues use of the real property and improvements for public purposes; or
  - b. Executes a document that purports to convey the property.

*Education Code 11.1541(a)–(b)*

OTHER REVENUES  
SALE, LEASE, OR EXCHANGE OF SCHOOL-OWNED PROPERTY

CDB  
(LEGAL)

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**Note:** Regarding disposal of school buses, see CNB.  
Regarding disposal of school-owned personal property,  
see CI.  
Regarding geospatial data products, see CQA.

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**Use of Donations**

General Rule

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

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

Funds for Staff  
Positions

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the campus for which the donation was designated. This provision expires September 1, 2025. [See DC]

*Education Code 11.156*

Prohibited Use

A district may not accept private funding for the purpose of developing a curriculum, purchasing or selecting curriculum materials, or providing teacher training or professional development related to a concept listed in Education Code 28.0022(a)(4)(A). *Education Code 28.0022(c)* [See EMB]

**Charitable Raffles**

A district is not a “qualified nonprofit organization” for purposes of the Charitable Raffle Enabling Act (Occupations Code 2002.001 et seq.). *Atty. Gen. Op. JM-1176 (1990)*

“Raffle” means the award of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. *Occupations Code 2002.002(6)* [See also GKB]



<b>Table of Contents</b>	<b>Board Authority.....</b>	<b>2</b>
	Delegation of Authority .....	2
	<b>Purchases Valued at or Above \$50,000 .....</b>	<b>2</b>
	Methods .....	2
	Site-Based Purchasing .....	6
	<b>Contract Selection Factors.....</b>	<b>6</b>
	Preferences .....	7
	<b>Notice Publication.....</b>	<b>9</b>
	<b>Electronic Bids or Proposals .....</b>	<b>9</b>
	<b>Right to Work .....</b>	<b>9</b>
	<b>Contract with Person Indebted to District.....</b>	<b>10</b>
	<b>Out-of-State Bidders .....</b>	<b>10</b>
	<b>Professional Services.....</b>	<b>10</b>
	Professional Services Procurement Act.....	11
	Contingent Fee Contract for Legal Services .....	11
	<b>Specific Purchases .....</b>	<b>12</b>
	Computers.....	12
	Automated Information System.....	12
	Automated External Defibrillators .....	12
	Insurance .....	13
	<b>Other Purchasing Methods .....</b>	<b>13</b>
	State Purchasing Program.....	13
	Multiple Award Contract Schedule .....	14
	Cooperative Purchasing Program.....	14
	<b>Commitment of Current Revenue .....</b>	<b>15</b>
	<b>Change Orders .....</b>	<b>15</b>
	<b>Criminal Offenses .....</b>	<b>15</b>
	Removal from Office.....	16
	<b>Injunction.....</b>	<b>16</b>

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**Note:** For legal requirements applicable to purchases with federal funds, see CBB.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA.

For legal requirements related to energy savings performance contracts, see CL.

For information on procuring school buses, see CNB.

For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA.

For information regarding construction of school facilities, see CV series.

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**Board Authority**

The board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

Delegation of Authority

The board may, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district to a designated person, representative, or committee.

The board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.

*Disaster Delegation*

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

*Education Code 44.0312*

**Purchases Valued at or Above \$50,000**

Methods

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:

PURCHASING AND ACQUISITION

CH  
(LEGAL)

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. A method provided by Government Code Chapter 2269 for construction services [see CV series];
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001 (purchase of electricity).

*Education Code 44.031(a)*

*Exceptions*

Emergency  
Damage or  
Destruction

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

Sole Source

Without complying with Education Code 44.031(a) above, a district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The exceptions above do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

*Education Code 44.031(j)–(k)*

*Competitive  
Bidding*

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Contract Selection Factors, below].

Except as provided below, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts) does not apply to a competitive bidding process under this policy.

Local Government Code Sections 271.026 (Opening of Bids), 271.027(a) (Award of Contract), and 271.0275 (Safety Record of Bidder Considered) apply to a competitive bidding process under Education Code Chapter 44, Subchapter B. [See CVA for these requirements.]

*Education Code 44.0351*

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

*Competitive  
Sealed Proposals*

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a district shall follow the procedures prescribed below.

Request for  
Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

Opening  
Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

*Education Code 44.0352*

*Interlocal  
Contracts*

“Interlocal contract” means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A district may agree with another local government and with the state or a state agency, including the comptroller, to purchase goods and services. *Gov’t Code 791.003(2), .011(a), .025(a)*

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may be renewed. Notwithstanding item 2 above, an interlocal contract may have a specified term of years.

*Gov’t Code 791.011(d)–(f), (i)*

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or

maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

A district that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of the goods and services. *Gov't Code 791.025(c); Atty. Gen. Op. JC-37 (1999)*

*Reverse Auction*

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the district and fair to vendors. *Local Gov't Code 271.906(b)*

“Reverse auction procedure” means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

*Gov't Code 2155.062(d)*

Site-Based  
Purchasing

If a purchase is made at the campus level in a district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Education Code Subchapter F, Chapter 11 [see BQ series], that delegates purchasing decisions to the campus level, Education Code 44.031 applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this provision shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Education Code 44.031(a). *Education Code 44.031(m)*

**Contract Selection  
Factors**

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.

2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

*Education Code 44.031(b)*

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.)

Preferences  
*Agricultural  
Products*

A district that purchases agricultural products shall give preference to those produced, processed, or grown in Texas if the cost to the district is equal and the quality is equal. If agricultural products produced, processed, or grown in Texas are not equal in cost and quality to other products, the district shall give preference to agricultural products produced, processed, or grown in other states of the United States, if the cost and quality of the U.S. and foreign products are equal.

“Agricultural products” includes textiles and other similar products.

“Processed” means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

Vegetation for  
Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

*Education Code 44.042*

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

*Recycled  
Products*

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *30 TAC 328.203*

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. *30 TAC 328.204(a)*

A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials;
2. Encourage the use of products made of recycled materials; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

*Health and Safety Code 361.426(b)–(c)*

*Bidder's Place of Business*

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code Section 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

**Notice Publication**

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

**Electronic Bids or Proposals**

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

*Education Code 44.0313*

**Right to Work**

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

*Education Code 44.043*

**Contract with Person  
Indebted to District**

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

“Person” includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the district requiring approval by the board.

*Education Code 44.044*

**Out-of-State Bidders**

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov’t Code 2252.002*

This requirement does not apply to a contract involving federal funds. A district shall use the information published by the comptroller under Government Code 2252.003 (Publication of Other State’s Laws on Contracts) to evaluate the bid of a nonresident bidder. A district may rely on information published under Government Code 2252.003 to meet the requirements of Government Code 2252.002. *Gov’t Code 2252.003–.004*

“Governmental contract” means a contract awarded by a governmental entity, including a public school district, for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

“Resident bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

*Gov’t Code 2252.001*

**Professional  
Services**

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A district may, at its option, contract for professional services rendered

by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003 (Professional Services Procurement Act) (see below), in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Professional  
Services  
Procurement Act  
*Selection*

A district may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.003(a)*

*Definition*

“Professional services” means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

*Gov't Code 2254.002*

[For specific information on procuring architectural or engineering services, see CV. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee  
Contract for Legal  
Services

“Contingent fee contract” means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action. *Gov't Code 2254.101(2)*

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compensate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

*Gov't Code 2254.102*

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code 2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

In procuring legal services under a contingent fee contract, a district shall:

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

*Gov't Code 2254.1032*

**Specific Purchases**

Computers

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

Automated Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

Automated External Defibrillators

A district that purchases or leases an automated external defibrillator (AED), as defined by Health and Safety Code 779.001, shall ensure that the AED meets standards established by the federal Food and Drug Administration. *Education Code 44.047(a)*

Insurance A contract for the purchase of insurance is not a contract for professional services. A district must award such a contract using one of the methods in Education Code 44.031. *Atty. Gen. Op. DM-418 (1996)*

*Multiyear Contracts* A district may execute an insurance contract for a period longer than 12 months, if the contract complies with Local Government Code 271.903(a) [see Commitment of Current Revenue, below]. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

**Other Purchasing Methods**

State Purchasing Program The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible.
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government.
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

*Local Gov't Code 271.082*

*District Participation* A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, and to the extent the comptroller deems feasible, and stating that the district will:

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;
2. Be responsible for:
  - a. Submitting requisitions to the comptroller under any contract; or

- b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor;
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies any state law requiring the district to seek competitive bids for the purchase of the item.

*Local Gov't Code 271.083*

Multiple Award  
Contract Schedule

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state. *Gov't Code 2155.502(a)*

A district may purchase goods or services directly from a vendor under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I. A district contracting for the purchase of an automated information system under a contract listed on a schedule shall comply with Government Code 2157.068(e-1) (Purchase of Information Technology Commodity Items) [see Automated Information System, above]. A purchase authorized by this provision satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I.

*Gov't Code 2155.504*

Cooperative  
Purchasing  
Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;

2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

A district that purchases goods or services under these provisions satisfies any state law requiring the district to seek competitive bids for the purchase of the goods or services.

*Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)*

*Cooperative  
Purchasing  
Contract Fees*

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document a contract-related fee, including a management fee, paid by or to the district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

*Education Code 44.0331*

**Commitment of  
Current Revenue**

If a contract for the acquisition, including lease, of real or personal property retains to the board the continuing right to terminate at the expiration of each budget period during the term of the contract, is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of a district's current revenue only. *Local Gov't Code 271.903*

**Change Orders**

For provisions regarding change orders, see CV.

**Criminal Offenses**

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, se-

quential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

“Component purchases” means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. “Separate purchases” means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. “Sequential purchases” means purchases, made over a period, of items that in normal purchasing practices would be made in one purchase.

*Education Code 44.032(a)–(b)*

An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from  
Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

**Injunction**

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney’s fees as approved by the court. *Education Code 44.032(f)*

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**Note:** For legal requirements applicable to property acquired with federal funds, see CBB.

For information on disposal of instructional materials and technological equipment, see CMD.

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All rights and title to district property, whether real or personal, shall be vested in the board and its successors in office. The trustees may, in any appropriate manner, dispose of property that is no longer necessary for the operation of the district. *Education Code 11.151(c)* [See also CDB(LEGAL)]

**Surplus or Salvage Property from a State Agency**

A district may not lease, lend, bail, deconstruct, encumber, sell, trade, or otherwise dispose of property acquired under Government Code 2175.184 or 2175.241 before the second anniversary of the date the property was acquired. A district that violates this provision shall remit to the Texas Facilities Commission the amount the district received from the lease, loan, bailment, deconstruction, encumbrance, sale, trade, or other disposition of the property unless the commission authorizes the district's action. *Gov't Code 2175.184(b)*

**Law Enforcement Vehicles**

A district may not sell or transfer a marked patrol car or other law enforcement motor vehicle to:

1. The public unless the district first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment; or
2. A security services contractor who is regulated by the Department of Public Safety and licensed under Occupations Code 1702 unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

A district that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of these provisions is liable for damages proximately caused by the use of the vehicle during the commission of a crime, and to the state for a civil penalty of \$1,000. Governmental immunity to suit and from liability is waived and abolished to the extent of this liability.

*Local Gov't Code 272.006*



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**Note:** For information regarding security breaches, see CQB.  
For record retention requirements under specific statutes, see the applicable policy code.

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**Definitions**

Custodian	“Custodian” means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. <i>Local Gov’t Code 201.003(2)</i>
Disposition	“Disposition” means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. <i>13 TAC 7.71(5)</i>
Electronic Record	“Electronic record” means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. <i>13 TAC 7.71(6)</i>

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**Note:** Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

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Electronic Records System	“Electronic records system” means any information system that produces, manipulates, and stores local government records by using a computer. <i>13 TAC 7.71(7)</i>
Electronic Storage Media	“Electronic storage media” means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. <i>13 TAC 7.71(8)</i>
Essential Record	“Essential record” means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. <i>Local Gov’t Code 201.003(5)</i>
Local Government Record	“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 a district or any of its officers or employees, pursuant to law, including an ordinance, 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 officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

*Local Gov't Code 201.003(8)*

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. <i>Local Gov't Code 201.003(10)</i>
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. <i>Local Gov't Code 201.003(12)</i>
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. <i>Local Gov't Code 201.003(13)</i>

Records Management Officer	“Records management officer” means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] <i>Local Gov’t Code 201.003(14)</i>
Records Retention Schedule	“Records retention schedule” means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. <i>Local Gov’t Code 201.003(15)</i>
Retention Period	“Retention period” means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. <i>Local Gov’t Code 201.003(16)</i>
Third-Party Custodians	“Third-party custodians” means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). <i>13 TAC 7.71(16)</i>

**Board’s Responsibilities**

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government 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 local government 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 legal and financial rights of the district, the state, and persons affected by the district’s activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

*Local Gov’t Code 203.021*

**District’s Duties**

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least ten days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
  - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
  - b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

*Gov't Code 441.169*

Minimum  
Requirements for  
Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

*13 TAC 7.74*

Security of  
Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

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**Note:** The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

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**Custodians of  
Records**

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

*Local Gov't Code 203.022*

**Records  
Management Officer**

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

*Local Gov't Code 203.025(a)–(e)*

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;
3. In cooperation with the custodians of the records:
  - a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

- b. Identify and take adequate steps to preserve local government records of permanent value;
  - c. Identify and take adequate steps to protect essential local government records;
  - d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;
4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and
  5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program 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*

Electronic Records  
Management  
Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;
2. Integrate the management of electronic records into existing records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities;
4. Address electronic records management requirements, including retention requirements and final disposition;
5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other

necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

*13 TAC 7.73*

**Records  
Management  
Program**

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)-(c)*

**Electronic Records  
Management**

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
  - a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and

- b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;
6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and
7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

*13 TAC 7.72(c)*

**Records Control  
Schedules**

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:
  - a. All records created or received by the district;
  - b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and
  - c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and
2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

**Amendment of  
Schedules**

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records

control schedule or amended schedule by the officers of the district as it considers necessary.

*Local Gov't Code 203.041*

Retention Periods A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules TSLAC has adopted the following retention schedules, among others: 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. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

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**Note:** [Local government records retention schedules](#)<sup>1</sup> are available on the TSLAC website.

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### Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169;
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

*Local Gov't Code 202.001; 13 TAC 7.123(c)*

Electronic Records Destruction Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

*13 TAC 7.78(a), (b)*

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

**Preservation of Records**

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

**Records Offenses**

Destruction or  
Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with  
Governmental  
Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

*Penal Code 37.10*

Federal  
Investigations

Whoever 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*

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<sup>1</sup> Local Government Retention Schedules:  
<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>

The Superintendent shall oversee the performance of records management functions prescribed by state and federal law:

- Records administrator, as prescribed by Local Government Code 176.001 and 176.0065. [See BBFA]
- Officer for public information, as prescribed by Government Code 552.201–.205. [See GBAA]
- Public information coordinator, as prescribed by Government Code 552.012. [See BBD]

**Local Government  
Records Act**

The term “local government record” shall pertain to all items identified as such by the Local Government Records Act.

“Local Government  
Record”

Records  
Management  
Officer

The Superintendent shall serve as and perform the duties of the District’s records management officer as prescribed by Local Government Code 203.023 and shall administer the District’s records management program pertaining to local government records in compliance with the Local Government Records Act.

*Notification*

The records management officer shall file his or her name with the Texas State Library and Archives Commission (TSLAC) within 30 days of assuming the position.

Electronic Records

The records management officer shall develop procedures for the management of electronic records that comply with the District’s records control schedules and meet the minimum components required by law.

The procedures shall:

1. Specify the objectives of the electronic records management program;
2. Identify the responsibilities of employees who create, receive, or maintain electronic records;
3. Ensure the maintenance of electronic records until the expiration of the applicable retention period and final disposition; and
4. Ensure that electronic records that must be protected from unauthorized use or disclosure are appropriately protected as required by law, regulation, or other applicable requirements.

Records Control  
Schedules

The records management officer shall file with the TSLAC a written declaration that the District has adopted records control schedules that comply with records retention schedules issued by the TSLAC as provided by law.

**Website Postings**

The District's records management program shall address the length of time records will be posted on the District's website when the law does not specify a posting period.

**Records Destruction Practices**

All local government records shall be considered District property and any unauthorized destruction or removal shall be prohibited. The District shall follow its records control schedules, records management program, and all applicable laws regarding records destruction. However, the District shall preserve records, including electronically stored information, and suspend routine record destruction practices where appropriate and in accordance with procedures developed by the records management officer. Such procedures shall describe the circumstances under which local government records scheduled for destruction must be retained. Notification shall be given to appropriate staff when routine record destruction practices must be suspended and when they may be resumed.

**Training**

The records management officer shall receive appropriate training regarding the Local Government Records Act and shall ensure that custodians of records, as defined by law, and other applicable District staff are trained on the District's records management program, including this policy and corresponding procedures.

**Information Required  
on Website**

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

*Gov't Code 2051.201*

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**Note:** See GBA regarding the confidentiality of certain board member information.

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Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

*Education Code 11.1518*

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

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**Other Required  
Internet Postings**

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
8. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]
9. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]
10. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]
11. A district shall post an election notice required under Election Code 85.007. [See BBBA]
12. A district shall post election information under Election Code 4.009. [See BBBA]
13. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
14. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
15. A district shall post election results under Election Code 65.016. [See BBBB]
16. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]
17. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

18. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
19. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
20. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]
21. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]
22. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
23. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
24. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]
25. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]
26. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
27. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]
28. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

29. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]
30. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
31. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]
32. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]
33. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]
34. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]
35. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
36. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]
37. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]
38. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
39. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

TECHNOLOGY RESOURCES  
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

CQA  
(LEGAL)

40. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]
41. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]
42. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]
43. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]
44. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]
45. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]
46. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]
47. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]
48. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

49. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]
50. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]
51. Each school year, the board shall post a summary of the [Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis](#)<sup>1</sup> on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]
52. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]
53. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]
54. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]
55. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]
56. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]
57. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]
58. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code

37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

**Optional Internet Postings**

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

**Geospatial Data Products**

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

Notice

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

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered

professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

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

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

*Gov't Code 2051.102*

*Exemption*

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

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

*Gov't Code 2051.103*

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<sup>1</sup> TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: [https://www.dshs.texas.gov/uploadedFiles/Content/Prevention\\_and\\_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf](https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf)



**Definitions**

Participating Entity

“Participating entity” means an entity participating in the uniform group coverage program established under Insurance Code Chapter 1579.

Program

“Program” means the uniform group coverage program established under Insurance Code Chapter 1579 (TRS-ActiveCare).

*Insurance Code 1579.002(5), (6)*

**Coverage Requirements**

A district shall participate in the uniform group coverage program established under Insurance Code Chapter 1579 as provided by Subchapter D of that chapter. *Education Code 22.004(a)*

Districts with 500 or Fewer Employees

Each district with 500 or fewer employees is required to participate in the program. *Insurance Code 1579.151(a)*

Self-Funded Districts

Notwithstanding the above, a district otherwise subject to the requirement that, on January 1, 2001, was individually self-funded for the provision of health coverage to its employees may elect not to participate in the program. *Insurance Code 1579.151(b)*

Districts with More Than 500 Employees

A district with more than 500 employees may elect to participate in the program. A district that elects to participate shall apply for participation in the manner prescribed by TRS rule. *Insurance Code 1579.152*

**TRS-ActiveCare**

The Teacher Retirement System (TRS) shall implement and administer the uniform group coverage program described by Insurance Code Chapter 1579. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, .101*

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. *Insurance Code 1579.202(a)*

*Full-Time Employees*

A “full-time employee” is a participating member who is currently employed by a district in a position that is eligible for membership in TRS and who is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551 (Texas Employees Group Benefits Act), 1601 (State University Employees Uniform Insurance Benefits Act), or 1575 (Texas Public School Retired Employees Group Benefits Act [TRS-Care]). *34 TAC 41.33(2)*

*Certain Part-Time Employees*

A part-time employee of a district 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. *Insurance Code 1579.204*

A “part-time employee” is an individual who:

1. Is currently employed by a district for ten hours or more each week;
2. Is employed in a position that is not eligible for membership in TRS or is not eligible for membership in TRS because of a service or disability retirement; and
3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under Insurance Code Chapters 1551, 1601, or 1575 (TRS-Care).

*34 TAC 41.33(6)*

Alternative Group  
Health Coverage  
Prohibited

Notwithstanding any other law, a participating entity may not offer or make available to the entity’s employees or their dependents group health coverage not provided under the program. *Insurance Code 1579.1045; 34 TAC 41.30(e)*

If, contrary to 34 Administrative Code 41.30(e) and Insurance Code 1579.1045, a participating entity offers alternative group health coverage, TRS may pursue remedies for noncompliance, including but not limited to removal from or denial of entry into TRS-ActiveCare. TRS may impose or pursue one or more remedies. The pursuit of one remedy does not constitute a waiver of any other remedy that TRS may have at law or equity. If TRS discovers that a participating entity is in violation of 34 Administrative Code 41.30(e) after the beginning of a plan year, in addition to any other available remedy, TRS will remove the entity from the program effective at the end of the month in which TRS discovers the situation; and it will be the entity's liability to procure alternative coverage or provide other remedies for the employees and their dependents that lose coverage under these circumstances. *34 TAC 41.30(f)*

*Participation  
Election*

Election to  
Discontinue

Effective September 1, 2022, a participating entity may elect to discontinue the entity’s participation in the program by providing written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective.

A participating entity that elects to discontinue participation in the program may not elect to:

1. Participate in the program until the fifth anniversary of the effective date of the entity’s election to discontinue participation; or

2. Discontinue the entity's participation after an election described by item 1 until the fifth anniversary of the effective date of that election.

Election to  
Continue

Effective September 1, 2022, an entity that elects to participate in the program shall provide written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective. The entity may not elect to discontinue the entity's participation until the fifth anniversary of the effective date of the entity's election to participate.

*Insurance Code 1579.155; 34 TAC 41.30*

An eligible entity that submits a written election to participate in TRS-ActiveCare under 34 Administrative Code 41.30 must include with the notice of election the information specified in 34 Administrative Code 41.45. Written notices of election to participate in TRS-ActiveCare without the information required will be considered incomplete and will be denied by TRS. *34 TAC 41.45*

Optional Coverages

Education Code 22.004 does not preclude a district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 from entering into contracts to provide optional insurance coverages for district employees. *Education Code 22.004(j)*

**Other Health  
Coverage Programs**

A district that does not participate in the program shall make available to its employees group health coverage provided by a risk pool established by one or more districts under Local Government Code Chapter 172 ("authorized risk pool"), or under a policy of 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.

Comparability

The coverage provided by a district that does not participate in the program must meet the substantive coverage requirements of Insurance Code Chapter 1251, Subchapter A, Chapter 1364, and Chapter 1366, Subchapter A, and any other law applicable to group health insurance policies or contracts issued in this state. The coverage must include major medical treatment but may exclude experimental procedures. "Major medical treatment" means a medical, surgical, or diagnostic procedure for illness or injury. The coverage may include managed care or preventive care and must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act).

The following factors shall be considered in determining whether the district's coverage is comparable to the basic health coverage specified above:

1. The deductible amount for service provided inside and outside of the network;
2. The coinsurance percentages for service provided inside and outside of the network;
3. The maximum amount of coinsurance payments a covered person is required to pay;
4. The amount of the copayment for an office visit;
5. The schedule of benefits and the scope of coverage;
6. The lifetime maximum benefit amount; and
7. Verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance (TDI) or is provided by an authorized risk pool or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

*Education Code 22.004(b)*

Financial Statement A district that does not participate in the program may not contract with an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization to issue a policy or contract under Education Code 22.004, or with any person to assist the district in obtaining or managing the policy or contract unless, before the contract is entered, the insurer, company, organization, or person provides the district with an audited financial statement showing the financial condition of the insurer, company, organization, or person. *Education Code 22.004(f)*

Small Employer Market Election A district may elect to participate as a small employer without regard to the number of employees in the district. A district that makes this election is treated as a small employer under Insurance Code Chapter 1501 for all purposes.

A district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 may not participate in the small employer market under this provision and may not renew a health insurance contract obtained in accordance with this provision after the date on which the program of coverages provided under Chapter 1579 is implemented. This provision does not affect a contract for the provision of optional coverages not included in a health benefit plan under Insurance Code Chapter 1501.

*Insurance Code 1501.009*

<i>Employee Election — Spouses</i>	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. <i>Insurance Code 1501.0095</i>
Self-Funded Health-Care Plan	<p>The board may establish a health-care plan for district employees and their dependents. In implementing the plan, the board shall establish a fund to pay, as authorized under the plan, all or part of the actual costs for hospital, surgical, medical, dental, or related health care incurred by employees or any dependent whose participation in the program is being supported by deductions from an employee's salary. Under the plan, the fund also may be used to pay the costs of administering the fund. The fund consists of money contributed by the district and money deducted from salaries of employees for dependent or employee coverage. Money for the fund may not be deducted from an employee's salary unless the employee authorizes the deduction in writing. The plan shall attempt to protect the district against unanticipated catastrophic individual loss, or unexpectedly large aggregate loss, by securing individual stop-loss coverage, or aggregate stop-loss coverage, or both, from a commercial insurer.</p> <p>The board may amend or cancel the district's health-care plan at any regular or special board meeting. If the plan is canceled, any valid claim against the fund for payment of health-care costs resulting from illness or injury occurring during the time the plan was in effect shall be paid out of the fund. If the fund is insufficient to pay the claim, the costs shall be paid out of other available district funds.</p> <p><i>Education Code 22.005</i></p>
Compliance Report	<p>Each district that does not participate in the program shall prepare a report addressing its compliance with Education Code 22.004. 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 be posted on the district's internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:</p> <ol style="list-style-type: none"><li>1. Appropriate documentation of:<ol style="list-style-type: none"><li>a. The district's contract for group health coverage with a provider licensed to do business in this state by TDI or an authorized risk pool; or</li></ol></li></ol>

- b. A resolution of the board authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;
2. The schedule of benefits;
3. The premium rate sheet, including the amount paid by the district and employee;
4. The number of employees covered by the health coverage plan offered by the district; and
5. Information concerning the ease of completing the report.

*Education Code 22.004(d)*

**Cost of Coverage**  
TRS-ActiveCare

The cost of coverage under the program shall be paid by the state, the district, and the employees in the manner provided by Insurance Code, Chapter 1579, Subchapter F, below. *Education Code 22.004(c)*

*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 48 and 49 and used by districts as provided by Education Code 48.275. *Insurance Code 1579.251(a)*

*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 a district's contribution.

*District  
Contribution*

A 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.

*Insurance Code 1579.253*

A district shall make contributions for the program as provided by Insurance Code Chapter 1581. *Insurance Code 1579.252* [See District Required Minimum Effort, below]

Other Health  
Coverage Programs

The cost of coverage under a plan adopted by a district that does not participate in the program shall be shared by the employees and the district, using the contributions by the state described by Insurance Code Chapter 1579, Subchapter F. [See State Contribution, above] *Education Code 22.004(c)*

District Required  
Minimum Effort

A district shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by \$1,800. *Insurance Code 1581.052(a)*

**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] *Education Code 22.103(a), (c)*

Use

An employee may use compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

Written Election

Each year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. An election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

**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 district's group health coverage through the earlier of:

1. 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; or
2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

If an employee's resignation is effective after the last day of an instructional year, the district may not diminish or eliminate the amount of a contribution available to the employee under Insurance Code Chapter 1581 [see District Required Minimum Effort, above] before the last date on which the employee is entitled to participation or enrollment.

*Education Code 22.004(k), (l); 34 TAC 41.38*

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(a)*

During FMLA Leave During any period of leave under the Family and Medical Leave Act (FMLA), a district shall 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 C.F.R. 825.209, .210, .213* [See also DECA]

Upon Termination or Other Qualifying Event (COBRA) In accordance with regulations that the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan. *42 U.S.C. 300bb-1(a)*

[For more information on the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), see 42 U.S.C. 300bb-1 through 300bb-8.]

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**Note:** See 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 a district to its employees under any law other than the uniform group coverage program is subject to the requirements of Insurance Code Sections 1501.102–.105, which limit exclusion for preexisting conditions. This provision applies to all group health benefit coverage provided by or offered through a district to its employees, including a standard health benefit plan issued under Insurance Code Chapter 1507 and health and accident coverage provided through a risk pool established under Local Government Code Chapter 172. *Education Code 22.004(m)*

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

Federal Law                      A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage. 42 U.S.C. 300gg-3(a)

**Privacy of Health Information**

To the extent a district is a covered entity under the Administrative Simplification provisions of HIPAA (42 U.S.C. Chapter 7, Subchapter XI, Part C; 45 C.F.R. Parts 160, 162, 164), the district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E.

Definitions

“Covered entity” means:

*Covered Entity*

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 45 C.F.R. Subtitle A, Subchapter C.

*45 C.F.R. 160.103*

*Protected Health Information*

“Protected health information” means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any form or medium. “Protected health information” excludes individually identifiable health information:

1. In education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. [See FL]
2. In records described at 20 U.S.C. 1232g(a)(4)(B)(iv) (medical treatment records on a student who is at least 18 years of age).
3. In employment records held by a covered entity in its role as employer.

*45 C.F.R. 160.103*



<b>Table of Contents</b>	<b>State Standards for Construction on or After November 1, 2021.....</b>	<b>3</b>
	Applicability .....	3
	Definitions .....	4
	Implementation.....	4
	Educational Adequacy .....	5
	Administration.....	7
	Certification of Compliance with Standards .....	8
	Instructional Facility Space Standards.....	8
	Construction Quality Standards .....	9
	Safety and Security Standards .....	9
	<b>State Standards for Construction Before November 1, 2021 ..</b>	<b>11</b>
	Definitions and Procedures.....	11
	Certification of Design and Construction.....	11
	Construction Quality .....	12
	<b>Fire Escapes.....</b>	<b>12</b>
	<b>Security Criteria .....</b>	<b>12</b>
	<b>Accessibility.....</b>	<b>12</b>
	Review of Plans.....	13
	Notice .....	14
	<b>Relocatable Educational Facility.....</b>	<b>14</b>
	<b>Playgrounds .....</b>	<b>14</b>
	Exception .....	14
	<b>Outdoor Lighting.....</b>	<b>15</b>
	Exceptions.....	15
	<b>Natural Gas Piping Pressure Testing.....</b>	<b>15</b>
	Requirements of Test.....	16
	Notice .....	16
	Termination of Service .....	16
	Reporting Leaks .....	16
	<b>LP-Gas Systems Testing .....</b>	<b>16</b>
	Requirements of Test.....	17
	Notice .....	17
	Documentation .....	17

Termination of Service .....	17
Reporting Leaks .....	18
Definitions .....	18
<b>Intrastate Pipeline Emergency Response Plan.....</b>	<b>18</b>

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**Note:** For information regarding construction of school facilities, see CV series.

In addition to the facility standards contained in this policy, additional requirements are set out in 19 Administrative Code 61.1036 and 61.1040.

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**State Standards for Construction on or After November 1, 2021**

Applicability

All new facilities must meet the commissioner's standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. *Education Code 46.008*

The school facilities standards established in 19 Administrative Code 61.1040 ("section 61.1040") shall apply to all district capital improvement projects as follows, regardless of the type of school facility or the type of construction delivery method used by the district.

1. A district capital improvement project of any type or size relating to a school facility subject to section 61.1040 must comply with applicable requirements established in section 61.1040(d), (e), (f), (j), and (k).
2. A project for new construction or major renovation at an instructional facility must comply with the requirements established in section 61.1040(d), (e), (f), (g), (j), and (k) and one of the methods required to demonstrate compliance with minimum space requirements established in section 61.1040(h) and (i).
3. A project for minor renovation at an instructional facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).
4. A project for new construction, major renovation, or minor renovation at a specialized instructional facility, noninstructional facility, or noninstructional specialized assembly facility must comply with applicable requirements established in section 61.1040(d)(1), (e), (f), (j), and (k).
5. A project for major renovation that includes minor scopes of work in an area of a school facility that is separate and distinct from the project scope of the major renovation may be performed as a part of a construction services contract for the major renovation without the minor scope of work becoming subject to the standards in section 61.1040(g), (h), or (i) if:
  - a. The minor scopes of work would not, on a stand-alone basis, be considered a major renovation project; and

- b. The cost of the minor scopes of work is included in the total cost of the project construction budget to determine the appropriate scope of work to be included in the project, as specified in section 61.1040(k)(1)(B).

*19 TAC 61.1040(b)(1)*

Definitions

The words and terms used in section 61.1040 shall have the meanings set out in section 61.1040(a).

*Capital  
Improvement  
Project*

Any school facility project consisting of new construction, major renovation, or minor renovation for which construction services are procured under Government Code Chapter 2269, in accordance with Education Code 44.031(a)(5). *19 TAC 61.1040(a)(4)* [See CV]

Implementation

The school facilities standards established in section 61.1040 shall apply to a capital improvement project for which at least one of the following has occurred on or after November 1, 2021:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;
2. A board calls a bond election where one or more capital improvement project titles and design or design and construction budgets are delineated; or
3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation project or a contract for engineering services for a major renovation or minor renovation has been agreed to and signed and dated by both parties to the agreement.

*19 TAC 61.1040(c)(1)*

A district shall consider implementing the safety and security standards under section 61.1040(k) for any safety and security upgrades to an existing instructional facility that does not require compliance with section 61.1040. *19 TAC 61.1040(c)(4)*

*Option for  
Actions Taken  
Before  
November 1,  
2021*

A board may elect to treat a capital improvement project, for which an action listed above was taken prior to November 1, 2021, under standards established in 19 Administrative Code 61.1036, below, or under the standards established in section 61.1040. If an election to comply with section 61.1040 is made by a board, the district and architect may mutually agree that the contract for design services may be adjusted and then must signify in writing that the project will become subject to the facilities standards established in section 61.1040 through an affirmative indication on the required

certification form for the project or through some other written document or addendum to the contract signifying election under section 61.1040 and any modifications to the contract terms agreed to by the parties.

If a board makes an election to comply with section 61.1036, it may still elect to comply with section 61.1040(k) (safety and security standards).

*19 TAC 61.1040(c)(2)–(3)*

Educational  
Adequacy  
*Long-Range  
Facility Plan*

A district shall ensure that a capital improvement project subject to section 61.1040 complies with the requirements and standards as follows.

Elements

The long-range facility plan shall include all of the following elements that apply to the facility and project and must also be updated prior to commencement of construction to include the access control document required in section 61.1040(k)(1)(B):

1. Existing and proposed instructional programs at the project campus, including special education, dual language, course offerings, and partnerships;
2. The age and condition of all buildings and systems at the project campus;
3. History of completed capital improvement projects at the facility;
4. Site evaluation of the project campus, including, but not limited to, overall site; shape; useable land; suitability for intended use as well as planned improvements; adequate vehicular, pedestrian, and emergency access; queueing; parking; and site amenities;
5. The district's educational specifications;
6. The district's enrollment projections, maximum student enrollment of the facility, and the facility's maximum instructional capacity, if applicable; and
7. The noncompliance, partial compliance, or full compliance with each of the safety and security standards required in section 61.1040(k).

Process

The process of developing the long-range facility plan shall consider input from teachers, students, parents, taxpayers, and other district stakeholders.

Compliance The requirement for a long-range facility plan is met when a district completes the long-range facility plan, presents it to the board, and makes it available to the prime design professional for a capital improvement project. The long-range facility plan expires after five years from the date of the final plan presented to the board and must be updated prior to commencement of a subsequent capital improvement project. A long-range facility plan developed as part of a district-wide long-range facilities plan may be used to satisfy this requirement.

*19 TAC 61.1040(d)(1)*

*Educational Specifications* A district shall ensure that a project for new construction and major renovation subject to section 61.1040 complies with the requirements and standards as follows.

Elements Educational specifications are a written document prepared by the district and approved by the board and shall include all of the following:

1. The district mission, vision, goals, and pedagogy;
2. Preliminary details related to facility type, grades served, and maximum student enrollment;
3. Pertinent provisions of the multi-hazard emergency operations plan that may inform the functionality of the built environment, including how the district complies with Education Code 37.108 [see CKC];
4. A written statement that includes:
  - a. Inclusive design goals and considerations supported by the district; and
  - b. How inclusive design should be addressed in new and renovated facility designs;
5. Minimum total square footage required to comply with the quantitative method of compliance; and
6. Innovative teaching or operational practices intended for implementation at the instructional facility that may lead to the use of the qualitative method of compliance.

Schedule An educational specification shall be created for each campus type. If the design and construction of a new campus or major renovation of an existing campus differs substantially from an educational specification that exists for the same campus type, a separate educational specification must be developed. Educational specifications shall be initiated upon the first proposed project of its

type and must be completed prior to initiating the planning or programming phase of a project. Each educational specification must be updated after five years from the date of approval.

Compliance

The requirement for educational specifications is met when a district delivers the approved document to the architect.

*19 TAC 61.1040(d)(2)*

*Exceptions*

A district is exempt from the requirements of section 61.1040(d) (Educational Adequacy):

1. If a school facility experiences catastrophic damage and the board approves a capital improvement project in accordance with Education Code 44.0312(c) (delegation of contracting authority); or
2. In a situation deemed urgent by action of the board that warrants immediate action because, if left unresolved, it would impair the conduct of classes.

*19 TAC 61.1040(d)(3)*

Administration

Section 61.1040(e) establishes standards for the administration and procurements of design professional services and other professional services and for the administration of competitive bids and contracting requirements for construction services. A district shall comply with requirements in section 61.1040(e) and with all applicable requirements, restrictions, and responsibilities established in state law, administrative code, or by a local authority having jurisdiction.

A district shall comply with the administrative and procedural requirements established in section 61.1040(e) and with the standards established in section 61.1040(j) to promote construction quality and best value for a capital improvement project subject to section 61.1040.

A standard in section 61.1040 that incorporates by reference a key statutory provision or administrative rule is established as a compliance requirement for a district seeking to procure, obtain a competitive bid, or administer a contract for construction services, construction-related services, design professional services, or any other professional service required for a capital improvement project. The requirements establish a method by which a district shall demonstrate compliance with the requirements in section 61.1040(e) and with the construction quality standards and construction code requirements in section 61.1040(j). Any express reference to, or omission of, an applicable statutory provision in section 61.1040(e) may not be construed to diminish, alter, or abate a

provision of law applicable to a district or to a district capital improvement project subject to section 61.1040.

*19 TAC 61.1040(e)(1)*

*District  
Requirements  
and  
Responsibilities*

In addition to the provisions below, district requirements and responsibilities are set out in section 61.1040(e)(2).

*Procurement  
Transparency*

In accordance with Education Code 46.003(g), the board and voters of a district shall determine district needs concerning construction, acquisition, renovation, or improvement to instructional facilities. District funding is entrusted to the district by the taxpayers, and a district must ensure procurement processes and procedures are transparent and provide the best value to the district by complying with applicable laws governing procurement of professional design services and construction services [see CV] and with the standards established in section 61.1040(e) to promote construction quality. *19 TAC 61.1040(e)(2)(A)*

*Superintendent's  
Duties*

In accordance with Education Code 11.201, a superintendent shall oversee and ensure compliance with the standards for school facilities established in section 61.1040 and shall ensure board consideration for any action specified as being required to be made by the board, whether by statute, board rule, or other applicable requirement. *19 TAC 61.1040(e)(2)(B)*

*Requirements for  
Other Services*

Requirements for construction services, design professional services, and third-party consultants are set out in section 61.1040(e)(3)–(5).

*Contract  
Compliance and  
Quality Control*

A district shall ensure that services sought by or provided to the district for a school facility capital improvement project, including, but not limited to, professional design services, construction services, construction administration services, third-party inspection services, third-party testing services, or third-party code compliance services, are provided through a project-specific written agreement that meets the requirements of section 61.1040(e)(6). *19 TAC 61.1040(e)(6)*

*Certification of  
Compliance with  
Standards*

A district, design professional, contractor, and prime subcontractors, if applicable, shall certify compliance with all applicable standards required in section 61.1040(d), (g)–(k) as required by section 61.1040(f). *19 TAC 61.1040(f)(1)*

*Instructional Facility  
Space Standards*

Standards for space for instructional facilities are set out in section 61.1040(g).

*Board Approval  
of Compliance*

A board shall approve compliance with the quantitative method of compliance for instructional facility space requirements under sec-

tion 61.1040(h) or the qualitative method of compliance for instructional facility space requirements under section 61.1040(i) before the commencement of design development for a capital improvement project for an instructional facility. *19 TAC 61.1040(h), (i)*

A district may use the qualitative method of compliance for a capital improvement project only if the board has prior documented approval of one or more instructional or operational practices for the proposed project that distributes or manages student capacity in an innovative or nontraditional manner. Prior to approving the qualitative method of compliance, all instructional and operational practices applicable to the proposed project must have been documented and approved by the board to demonstrate compliance with the requirements in section 61.1040(i). *19 TAC 61.1040(i)*

Construction Quality Standards

*Construction Code Requirements*

A capital improvement project for a school facility must reasonably comply with the following construction code requirements.

Projects located outside of a municipal jurisdiction in the unincorporated area of a county must reasonably comply with the requirements of section 61.1040(j)(1)(A).

Projects located inside of a municipal jurisdiction must reasonably comply with the requirements of section 61.1040(j)(1)(B).

*19 TAC 61.1040(j)(1)*

*Third-Party Code Compliance Requirement*

District responsibilities and other requirements related to third-party code compliance are set out in section 61.1040(j)(2).

Safety and Security Standards

*Requirements for All Instructional Facilities*

A capital improvement project of a district must include campus-wide implementation of the provisions of section 61.1040(k)(1) related to communications infrastructure and access control. *19 TAC 61.1040(k)(1)*

A district shall develop a document that designates each exterior door of each instructional facility campus-wide as either primary, secondary, or nondesignated entrances and shall ensure that the documented designation of all exterior doors becomes part of the long-range facility plan prior to commencement of construction of a capital improvement project. *19 TAC 61.1040(k)(1)(B)*

*Additional Standards Based on Budget*

A district shall approve a project construction budget for a capital improvement project at completion of the design development phase of the project and prior to commencement of the construction documents phase. The project construction budget approved by the district shall determine how many of the additional safety and security standards established in section 61.1040(k)(3) are required for the project. A district shall designate in writing which of

the additional safety and security standards in section 61.1040(k)(3) have been approved by the board for a capital improvement project and shall provide to the prime design professional and each design professional of record written documentation of the approved safety and security standards for the proposed facility prior to commencement of the construction documents phase of a capital improvement project. The following standards shall apply to a capital improvement project for an instructional facility until all instructional facilities campus-wide fully comply with all of the additional safety and security standards specified in section 61.1040(k).

1. If a project construction budget is \$1 million to \$5 million, the facility is required to comply with at least one additional safety and security standard specified in section 61.1040(k)(3).
2. If a project construction budget is \$5 million to \$10 million, the facility is required to comply with at least two additional safety and security standards specified in section 61.1040(k)(3).
3. If a project construction budget is over \$10 million, the facility is required to comply with all of the additional safety and security standards specified in section 61.1040(k)(3).
4. For a capital improvement project that includes new construction, the new construction of an instructional facility is required to comply with all three of the additional safety and security standards specified in section 61.1040(k)(3).

*19 TAC 61.1040(k)(2)*

Exceptions

A district may opt out of the requirements specified in section 61.1040(k)(2) if:

1. The facility is scheduled to, according to the long-range facilities plan, cease operations as an instructional facility within three years of the project; and
2. The five-year long-range facility plan clearly states that, prior to the end date of the plan, the facility will be compliant with at least two additional safety and security standards if ceasing operation does not occur or operation resumes. The long-range facility plan must specify which two additional safety and security standards will be implemented.

*19 TAC 61.1040(k)(4)*

*Public Disclosure*

A board shall ensure information or documents collected, developed, or produced by the district as part of a capital improvement project are reviewed to ensure that any project-specific safety and

security information is adjusted for disclosure if necessary to accommodate the requirement for a district to use protections provided in Education Code 37.108, which directs the district to protect sensitive information, while also providing general information to the public indicating district compliance commitments made in accordance with section 61.1040(k). *19 TAC 61.1040(k)(5)* [See CKC]

**State Standards for Construction Before November 1, 2021**

The requirements for school facility standards set out in 19 Administrative Code 61.1036 ("section 61.1036") shall apply to projects for new construction or major space renovations if:

1. A board adopts a fiscal year maintenance and operations budget where a capital improvement project title and a design or design and construction budget are delineated;
2. A board calls a bond election where one or more capital improvement project titles as well as design or design and construction budgets are delineated; or
3. A new contract or amendment to an existing contract for architectural services for new construction or a major renovation for a school facility project has been agreed to, and signed and dated by both parties to the agreement after January 1, 2004, and before November 1, 2021.

*19 TAC 61.1036(b)*

Definitions and Procedures

The words, terms, and procedures used in section 61.1036 shall have the meanings set out in section 61.1036(a) unless the context clearly indicates otherwise.

Certification of Design and Construction

In section 61.1036, "certify" indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification.

The district shall notify and obligate the architect or engineer to provide the required certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance. To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

*19 TAC 61.1036(c)*

<b>Construction Quality</b>	A district located in an area that has adopted local construction codes shall comply with section 61.1036(f)(1).
<i>Districts with Building Codes</i>	
<i>Districts without Building Codes</i>	A district located in an area that has not adopted local building codes shall comply with section 61.1036(f)(2).
<i>International Energy Conservation Code</i>	The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. <i>Health and Safety Code 388.003(b); 34 TAC 19.53(b)</i>
	Because a public school building is not a residential building, it falls within the scope of “commercial” construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. <i>Atty. Gen. Op. KP-148 (2017)</i>
<i>Portable, Modular Buildings</i>	Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of section 61.1036. <i>19 TAC 61.1036(a)(11), (f)(3)</i>
<b>Fire Escapes</b>	School buildings of at least two stories shall be equipped with fire escapes as required by law. <i>Health and Safety Code 791.002, .035, .036</i>
<b>Security Criteria</b>	A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. <i>Education Code 46.0081</i>
<b>Accessibility</b>	<p>No qualified individual with a disability shall, because a district’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in or be denied the benefits of the services, programs, and activities of a district or be subject to discrimination. <i>42 U.S.C. 12132; 28 C.F.R. 35.149; 29 U.S.C. 794; 34 C.F.R. 104.21</i></p> <p>A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.</p> <p>A district may comply with these requirements by:</p> <ol style="list-style-type: none"><li>1. Redesigning or acquisitioning equipment.</li></ol>

2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 C.F.R. 104.23 and 28 C.F.R. 35.151.
8. Any other methods that result in making services, programs, and activities accessible to individuals with disabilities.

A district is not required to make structural changes in existing facilities when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, a district shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

*28 C.F.R. 35.150; 34 C.F.R. 104.22*

#### Review of Plans

All plans and specifications for construction or for the substantial renovation or modification of a building or facility must be submitted to the Department of Licensing and Regulation for review and approval if the estimated construction cost is at least \$50,000. The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the plans and specifications required. A district as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the Department. On application to a local governmental entity for a building construction permit, the district as owner shall submit to the entity proof that the plans and specifications have been submitted to the Department under Government Code Chapter 469 (Elimination of Architectural Barriers).

A district, as owner of a building or facility described above is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation under Government Code Chapter 469 not later than the first anniversary of the date that the

construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with which the Commission contracts, or a person who holds a certificate of registration under Government Code Chapter 469, Subchapter E.

*Gov't Code 469.101, .102(a), (c), .105*

Notice

A district shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 C.F.R. 104.22(f)*

**Relocatable  
Educational Facility**

In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002.

A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202.

*Occupations Code 1202.004*

**Playgrounds**

Public funds may not be used to purchase or install:

1. Playground equipment that:
  - a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
  - b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if

the equipment or surfacing does not comply with the applicable specifications described above.

*Health and Safety Code 756.061*

**Outdoor Lighting**

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

Exceptions

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis;
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

*Health and Safety Code 425.002*

**Natural Gas Piping Pressure Testing**

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

*Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)*

Requirements of  
Test

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

Notice

A district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the district. *Utilities Code 121.504(a); 16 TAC 8.230(b)(1)*

Termination of  
Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

*Utilities Code 121.505(a)*

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

*16 TAC 8.230(b)(2)*

Reporting Leaks

An identified natural gas leakage in a district facility must be reported to the board. The firm or individual conducting the natural gas piping pressure test shall immediately report any hazardous natural gas leak in a district facility to the board and the natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

**LP-Gas Systems  
Testing**

At least biennially, a district shall perform leakage tests on the LP-gas piping system in each district facility before the beginning of the school year. The district may perform the leakage tests on a

two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If a district operates one or more district facilities on a year-round calendar, the leakage test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the testing requirements.

*Natural Resources Code 113.352; 16 TAC 9.41*

Requirements of  
Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)–(d)*

Notice

Before the introduction of any LP-gas into the LP-gas piping system, a district shall provide verification to its supplier that the piping has been tested.

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

*Natural Resources Code 113.354; 16 TAC 9.41(b)(3)–(4)*

Termination of  
Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

*Natural Resources Code 113.355; 16 TAC 9.41(e)*

**Reporting Leaks** An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(2)*

**Definitions** “School district facility” means each building or structure operated by a school district and equipped with a school LP-gas system in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

“School LP-gas system” means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

*16 TAC 9.41(a)(3)–(4)*

**Intrastate Pipeline  
Emergency  
Response Plan**

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
  - a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
  - b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
  - c. The designated emergency number for the pipeline facility operator;
  - d. Information on the state’s excavation one-call system; and
  - e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the board.

*Natural Resources Code 117.012(k)-(m); 16 TAC 8.315*



<b>Table of Contents</b>	<b>Definition .....</b>	<b>3</b>
	<b>Board Authority.....</b>	<b>3</b>
	Delegation of Authority .....	3
	<b>Contracts Valued at or Above \$50,000.....</b>	<b>4</b>
	Exceptions.....	4
	<b>Notice Publication.....</b>	<b>4</b>
	<b>Contract Selection Criteria .....</b>	<b>5</b>
	<b>Using Method Other Than Competitive Bidding .....</b>	<b>5</b>
	Determine Best Value .....	5
	Publish Criteria .....	5
	Make Evaluations Public .....	6
	<b>Submission .....</b>	<b>6</b>
	<b>Documents Related to Evaluation and Ranking .....</b>	<b>6</b>
	<b>Uniform General Conditions for Contracts .....</b>	<b>6</b>
	<b>Right to Work .....</b>	<b>6</b>
	Collective Bargaining.....	6
	<b>Out-of-State Bidders .....</b>	<b>7</b>
	<b>Change Orders .....</b>	<b>7</b>
	<b>Inspection, Verification, and Testing .....</b>	<b>7</b>
	<b>Impact Fees .....</b>	<b>7</b>
	<b>Design Professionals.....</b>	<b>8</b>
	Architects and Engineers.....	8
	Procuring Architectural or Engineering Services .....	10
	Contracts for Engineering or Architectural Services .....	10
	<b>Payment and Performance Bonds .....</b>	<b>11</b>
	Failure to Obtain Payment Bond.....	12
	Bond for Insured Loss .....	12
	<b>Prevailing Wage on Public Works.....</b>	<b>13</b>
	Enforcement.....	14
	Retainage and Reimbursement .....	14
	Penalty for Noncompliance .....	15
	Criminal Offense.....	15
	<b>Required Workers' Compensation Coverage.....</b>	<b>15</b>
	Exception .....	16

Definitions .....	16
<b>Criminal Offenses .....</b>	<b>17</b>
<b>Enforcement Actions .....</b>	<b>17</b>
Defects in Facilities.....	17
Attorney Fees .....	19
Construction Liability Claims.....	19

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**Note:** For information on the new instructional facilities allotment, see CBA.

For additional legal requirements applicable to purchases with federal funds, see CBB.

For information on procuring goods and services under Education Code Chapter 44, see CH.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

For legal requirements related to energy savings performance contracts, see CL.

For facility standards, see CS.

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**Definition**

“Public work contract” means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *Gov’t Code 2253.001(4)*

**Board Authority**

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov’t Code 2269.051; 19 TAC 61.1040(e)(2)(H)*

Delegation of Authority

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. *Gov’t Code 2269.053(a)*

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. *Gov’t Code 2269.053(b); Education Code 44.0312(a)*

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. *Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)*

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. *19 TAC 61.1040(e)(2)(F)*

[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

**Contracts Valued at or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for a district [see also CH]:

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
  - a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
  - b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
  - c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
  - d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
  - e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
  - f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

*Education Code 44.031(a); Gov't Code Ch. 2269*

**Exceptions**

*Emergency  
Damage or  
Destruction*

For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under Education Code 44.031, see CH.

*Contracts  
Requiring a Bond*

A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. *Gov't Code 2253.021(h)*

**Notice Publication**

A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

*Gov't Code 2269.052(a)–(b)*

[See CH for additional notice publication requirements.]

**Contract Selection  
Criteria**

In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. The price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

*Gov't Code 2269.055*

**Using Method Other  
Than Competitive  
Bidding**

Determine Best  
Value

The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications:

1. The criteria that will be used to evaluate the offerors;

2. The applicable weighted value for each criterion; and
3. A detailed methodology for scoring each criterion.

Make Evaluations  
Public

The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

*Gov't Code 2269.056*

**Submission**

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

**Documents Related  
to Evaluation and  
Ranking**

An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

*Gov't Code 2269.060*

**Uniform General  
Conditions for  
Contracts**

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

**Right to Work**

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

*Gov't Code 2269.054*

Collective  
Bargaining

A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

*Gov't Code 2269.0541(a)*

**Out-of-State Bidders**

For legal requirements regarding out-of-state bidders, see CH.

**Change Orders**

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

*Education Code 44.0411*

**Inspection,  
Verification, and  
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004.  
*Gov't Code 2269.058*

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**Note:** For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

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**Impact Fees**

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the

payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees.  
*Local Gov't Code 395.022*

**Design  
Professionals**

A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. *19 TAC 61.1040(a)(4), (e)(4)(D)*

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] *19 TAC 61.1040(e)(5)(B)*

**Architects and  
Engineers**

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

*Gov't Code 2269.057*

**Registered  
Architect**

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding \$100,000 that is to be:
  - a. Constructed and owned by a district; and
  - b. Used for education, assembly, or office occupancy; or
2. An alteration or addition having construction costs exceeding \$50,000 that:
  - a. Is to be made to an existing building that:
    - (1) Is owned by a district; and
    - (2) Is or will be used for education, assembly, or office occupancy; and

- b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

*Occupations Code 1051.703; 22 TAC 1.212*

*Registered  
Engineer*

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and
2. The engineering construction is to be performed under the direct supervision of an engineer.

*Occupations Code 1001.407*

The following work is exempt from Occupations Code Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

*Occupations Code 1001.053*

*Certification for  
Purchases  
Through  
Purchasing  
Cooperatives*

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than \$50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or
2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.

“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

*Gov’t Code 791.011(j)* [See CH for more information on interlocal contracts and purchasing cooperatives.]

Procuring  
Architectural or  
Engineering  
Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect. *Education Code 44.031(f)* [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

*Gov’t Code 2254.004*

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov’t Code 791.011(h)*

Contracts for  
Engineering or  
Architectural  
Services

*Indemnification*

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

*Duty to Defend*

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the

covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

*District as  
Additional  
Insured*

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

*Standard of Care*

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

*Local Gov't Code 271.904*

**Payment and  
Performance Bonds**

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of \$100,000; and
2. A payment bond if the contract is in excess of \$25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code Article 7.19-1 (now Insurance Code 3503.001–.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

*Gov't Code 2253.021(a), (d)–(e)*

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. *Gov't Code 2253.021(b)*

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. *Gov't Code 2253.021(c)*

Failure to Obtain  
Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

*Gov't Code 2253.027(a)*

Bond for Insured  
Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

*Exception to  
Bond  
Requirement*

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

*Gov't Code 2253.022*

**Prevailing Wage on  
Public Works**

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

*Gov't Code 2258.021*

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The

board's determination of the general prevailing rates of per diem wages is final.

*Gov't Code 2258.022(a), (c)–(e)*

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

*Gov't Code 2258.051–.052(a)–(c)*

Retainage and  
Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

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**Note:** Arbitration of unresolved issues is governed by Government Code 2258.053–.055.

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A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders,

or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)–(b)*

Penalty for  
Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

**Required Workers'  
Compensation  
Coverage**

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code 406.096, below. *19 TAC 61.1040(e)(3)(D)*

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)–(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).

2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
  - a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
  - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

*28 TAC 110.110(c)*

Exception This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). *28 TAC 110.110(i)*

Definitions "Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on

the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

"Project" includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

**Criminal Offenses** For information on criminal offenses for violations of Education Code 44.031, see CH.

**Enforcement Actions** Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. *Gov't Code 2269.452*

**Defects in Facilities** A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;

3. The reimbursement of the district for a repair or replacement;  
or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

*Definitions*

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

*Education Code 44.151*

*Attorney General  
Enforcement*

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed \$20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or

3. If applicable, the amount of the state's share.

*Education Code 44.152(a)–(b)*

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

*Gov't Code 2252.904*

Construction  
Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*



- Employment Policies** A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
1. A board employs and evaluates the superintendent;
  2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
  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];
  4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
  5. Each employee has the right to present grievances to the board. [See Grievances, below]

*Education Code 11.1513*

- Tax Identifier** A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]
- Contract Positions** A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]
- Delegation of Authority** A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]
- Availability** A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.
- A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

*Education Code 11.1513(k)*

<b>Internal Auditor</b>	If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. <i>Education Code 11.170</i> [See CFC]
<b>Superintendent Recommendation</b>	A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. <i>Education Code 11.1513(b)</i>
<b>Posting of Vacancies</b>	<p>A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:</p> <ol style="list-style-type: none"><li>1. Notice of the position by posting the position on:<ol style="list-style-type: none"><li>a. A bulletin board at:<ol style="list-style-type: none"><li>(1) A place convenient to the public in the district's central administrative office, and</li><li>(2) The central administrative office of each campus during any time the office is open; or</li></ol></li><li>b. The district's internet website, if the district has a website; and</li></ol></li><li>2. A reasonable opportunity to apply for the position.</li></ol> <p><i>Education Code 11.1513(d)</i></p>
<b>Exception</b>	If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. <i>Education Code 11.1513(e)</i>
<b>Grievances</b>	A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

a district, except that the policy may prohibit ex parte communication relating to:

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

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

**Transfers**

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

**Contract Employees**

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

Classroom Teacher

"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract

A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

*Proportionate Reduction*

If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

*Commissioner Waiver*

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

**Educational Aides**

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

**Employment of Retirees**

Monthly Certified Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

*Deadline*

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

*Late Submissions*

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

*Required Information*

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
  - a. Substitute employment;
  - b. One-half time or less employment;
  - c. Employment as a tutor under Education Code 33.913;
  - d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);
  - e. Full-time employment;

- f. Trial employment of a disability retiree for up to three months; or
  - g. Any combination of these types;
3. The amount of gross compensation paid to the retiree during the report month;
  4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and
  5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

*Gov't Code 824.6022, 825.403(k); 34 TAC 31.2*

**Former Board  
Member Employment**

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

**New Hires**  
I-9 Forms

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

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

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.
2. For an individual whose employment authorization expires, not later than the date of expiration.

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

**New Hire Reporting**

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

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

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

*Deadline*

New hire reports are due:

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

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

*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*

**Donations for Supplemental Educational Staff**

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

**Social Security Numbers**

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

*Exceptions*

The federal law 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 a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; 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 a 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, 88 Stat. 1896, 1897 (1974)*

**Employment  
Assistance  
Prohibited**

Federal Law

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

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

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

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

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

*Education Code 21.0581; 19 TAC 249.15(b)(13)*

**Incentive Grants—  
Contract Provision**

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

**Educator Excellence  
Innovation Program**

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

Eligibility

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

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

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

Local Plan

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

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and

submit a plan and grant application may not be appealed to the commissioner.

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

Use of Grant Funds

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

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

Waiver Request

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

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;

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

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

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

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

**Local Optional  
Teacher Designation  
System**

A district may designate a classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Commissioner's  
Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including:

1. Teacher eligibility;
2. Application procedures and approval process;
3. System expansion, spending modifications, and changes;
4. Monitoring and annual program evaluation of approved local designation systems;
5. Continuing approval and renewal; and
6. Funding.

*19 TAC 150.1012*

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

*Education Code 21.3521(b); 19 TAC 150.1014*

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as recognized in accordance with the commissioner's rules for eligibility. *Education Code 21.3521(c); 19 TAC 150.1013*

Assistance	TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. <i>Education Code 21.3521(e)</i>
No Property Right	A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. <i>Education Code 21.3521(f)</i>
Teacher Incentive Allotment	<p>For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.</p> <p>A district shall annually certify that:</p> <ol style="list-style-type: none"><li>1. Funds received were used as follows:<ol style="list-style-type: none"><li>a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and</li><li>b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and</li></ol></li><li>2. The district prioritized high needs campuses in the district in using funds.</li></ol> <p><i>Education Code 48.112(c), (i)</i></p>
Evaluations	TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher

designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*

**Mentor Teachers**

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

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

*Education Code 21.458(a)*

Commissioner's  
Rules

The commissioner's rules for receiving funds under the mentor program allotment specify the requirements for districts to implement a mentor training program, including:

1. Program requirements related to mentor selection, mentor assignment, training, roles and responsibilities, and meetings;
2. An application approval process;
3. Ongoing verification of compliance with program requirements;
4. Allowable expenditures; and
5. Program review through periodic reports.

*19 TAC 153.1011*

Assignment of  
Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. *Education Code 21.458(a-1)*

Requirements for  
Mentor

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

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the commissioner's research-based mentor and induction training program above;

3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

*Education Code 21.458(b)*

Training

A district must provide the training program described above to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow the commissioner's research-based mentor and induction training program to qualify for the district's required training. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;
3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;
4. Professional development; and
5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and

2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

*Education Code 21.458(f), (f-1)*

**Allotment**

A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

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

*Education Code 48.114*

**Achievement  
Academy Stipends**

A stipend received by a teacher who attends a literacy or mathematics achievement academy is not considered in determining whether a district is paying the teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

**Autism Training**

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

**Retirement  
Incentives**

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

**Attendance  
Supplement**

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*



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**Note:** This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DECA.

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**Federal Military  
Leave**

Reemployment

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301–4335, and its regulations at 20 C.F.R. Part 1002 if:

1. Unless notice is precluded by military necessity or is otherwise unreasonable or impossible, the person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer;
2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years, calculated in accordance with 38 U.S.C. 4312(c); and
3. The person reports to or submits an application for reemployment to such employer in accordance with the provisions of 38 U.S.C. 4312(e) and (f) and 20 C.F.R. Part 1002, Subpart C.

*38 U.S.C. 4312(a)–(c); 20 C.F.R. 1002.5(1)*

For purposes of federal military leave, the term "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA); system members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and any other category of persons designated by the president in time of war or emergency.

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty; active

duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; state active duty for a period of 14 days or more; state active duty in response to a national emergency declared by the president under the National Emergencies Act, 50 U.S.C. 1601 et seq.; state active duty in response to a major disaster declared by the president under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170; a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty; a period for which a system member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term “state active duty” means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

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

*38 U.S.C. 4303(13), (15)–(16), 4316(a)*

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer’s circumstances have so changed as to make reemployment impossible or unreasonable;
2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

*38 U.S.C. 4312(d)*

A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

*38 U.S.C. 4304*

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

**State Protections for  
Member of Military or  
Rescue Team**

Paid Leave of  
Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov't Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov't Code 437.202(a-1)*

*Notice*

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

*Gov't Code 437.202(e)–(f)*

Return to  
Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

“Military service” means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

*Gov’t Code 613.001(2)–(3), .002*

*Exception*

A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov’t Code 613.003*

*Application*

To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran’s discharge, separation, or release from military service under honorable conditions. *Gov’t Code 613.004*

*Discharge*

A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov’t Code 613.005*

Application of  
Federal Laws to  
Texas Military  
Members Called to  
Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301–4313 and 4316–4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901–3959, 3991, and 4011–4026 (Servicemembers Civil Relief Act).

*Gov’t Code 437.213*

Use of Personal  
Leave

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

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

*Education Code 22.003(d), (e)*



TERMINATION OF EMPLOYMENT  
RESIGNATION

DFE  
(LEGAL)

**Resignation without  
Consent (Unilateral  
Resignation)**

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

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

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

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 034-R8-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006).*

**Resignation with  
Consent**

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

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

**Contract  
Abandonment**

Written Complaint

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

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

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

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

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

TERMINATION OF EMPLOYMENT  
RESIGNATION

DFE  
(LEGAL)

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

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

*19 TAC 249.14(j)*

Notice to Teacher

If a district submits a complaint regarding a teacher to SBEC, the district shall promptly notify the teacher of the complaint. The notice must include:

1. The basis of the complaint;
2. Information regarding how the teacher may contact SBEC; and
3. A reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

SBEC Review

Before imposing sanctions against a teacher for abandonment of contract, SBEC:

1. Must consider any mitigating factors relevant to the teacher's conduct; and
2. May consider alternatives to sanctions, including additional continuing education or training.

TERMINATION OF EMPLOYMENT  
RESIGNATION

DFE  
(LEGAL)

If a teacher files a written resignation after the 45th day but not later than the 30th day before the first day of instruction of the following school year, SBEC may not suspend or revoke the teacher's certificate.

*Education Code 21.105(d)–(f), .160(d)–(f), .210(d)–(f)*

Good Cause

SBEC may consider the following factors good cause when an educator is reported to have abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c):

1. Serious illness or health condition of the educator or close family member of the educator;
2. Relocation to a new city as a result of change in employer of the educator's spouse or partner who resides with the educator;
3. Significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment; or
4. The educator's reasonable belief that the educator had written permission from the school district administration to resign.

Mitigating Factors

SBEC shall consider the following factors in seeking, proposing, or making a decision regarding an educator who has abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c). The educator:

1. Gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
2. Assisted the school district in finding a replacement educator to fill the position;
3. Continued to work until the school district hired a replacement educator;
4. Assisted in training the replacement educator;
5. Showed good faith in communications and negotiations with the school district;
6. Provided lesson plans for classes following educator's resignation;
7. Changed careers within the field of education:

TERMINATION OF EMPLOYMENT  
RESIGNATION

DFE  
(LEGAL)

- a. To a position that required a different class of educator certification as defined in 19 Administrative Code 230.33(b) (relating to Classes of Certificates);
  - b. To a position with a higher level of authority within the principal class of certificate; or
  - c. To a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described above;
8. Had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;
  9. Resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or
  10. Any other relevant circumstances or facts.

*19 TAC 249.17(d)*

**Required Report to SBEC**

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

**Investigation**

A superintendent of a district, including a district of innovation, shall complete an investigation of an educator that involves evidence that the educator may have abused or otherwise committed an unlawful act, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

**Report by Principal**

A person who serves as a principal in a district, including a district of innovation, must notify the superintendent, and may be subject to sanctions for failure to do so, not later than the seventh business day after the date of an educator's resignation following an alleged incident of misconduct described by Education Code 21.006(b) [see DP]. *Education Code 21.006(b-2); 19 TAC 249.14(e)*

**Employee Free  
Speech**

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

*Garcetti v. Ceballos*, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GKD]

**Whistleblower  
Protection**

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A “report” is made to an “appropriate law enforcement authority” if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

*Gov’t Code 554.002*

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov’t Code 554.008*

Definitions

“Employee” means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov’t Code 554.001(4)*

“Law” means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov’t Code 554.001(1)*

A “good faith” belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
  - a. Regulate under or enforce the law alleged to be violated in the report, or
  - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

**Whistleblower  
Complaints**

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

*Gov't Code 554.005, 554.006* [See DGBA regarding grievance procedures]

EMPLOYEE RIGHTS AND PRIVILEGES

DG  
(LEGAL)

Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	<p>It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law.</p> <p><i>Gov't Code 554.004</i></p>
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. <i>Gov't Code 554.009</i>
<b>Right to Report a Crime</b>	A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. <i>Education Code 37.148</i>
<b>Protection for Reporting Child Abuse</b>	<p>A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith:</p> <ol style="list-style-type: none"><li>1. Reports child abuse or neglect to:<ol style="list-style-type: none"><li>a. The person's supervisor,</li><li>b. An administrator of the facility where the person is employed,</li><li>c. A state regulatory agency, or</li><li>d. A law enforcement agency; or</li></ol></li><li>2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.</li></ol> <p>"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.</p>

A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

*Family Code 261.110(a)–(c), (l)*

**Protection from  
Disciplinary  
Proceedings**

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child  
Abuse or  
Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical  
Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Att'y Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

*Penal Code 9.62*

**Failure to Follow  
Scope and Sequence**

A district may not penalize a teacher who does not follow a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

*Education Code 28.0027(b), (c)*

**Instructional  
Materials and  
Technological  
Equipment**

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

*Education Code 31.104(e); 19 TAC 66.107(c)*

**Controversial Topics**

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs. *Education Code 28.0022(a)*

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**Note:** For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

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**Jury Duty**

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

**Breaks for Nursing Mothers—  
Nonexempt Employees**

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

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

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

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

**Right to Express Breast Milk**

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

*Gov't Code Ch. 619*

**Charitable  
Contributions**

A board or a district employee may not directly or indirectly require or coerce any district employee to:

1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

*Education Code 22.011*

**Protection of Nurses**

A district may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

*Occupations Code 301.352(a)*



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**Note:** The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

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**Definitions**

“Abuse” has the meaning assigned by Family Code 261.001(1).

“Employee” means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

*19 TAC 153.1201(b), (d)*

**Misconduct of Noncertified Employees**

Education Code 22.093 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

**Notice to TEA of Termination or Resignation**

A person who serves as the superintendent shall notify the commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

**Principal Notification**

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

**Investigation**

A superintendent shall complete an investigation of an employee if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

**Form of Report**

The report must include:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:

- a. Name and any aliases and certificate number, if any, or social security number;
- b. Last known mailing address and home and daytime phone numbers;
- c. All available contact information for any alleged victim or victims;
- d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
- e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
- f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under Government Code Chapter 552 (Public Information Act).

**Notice to the Board and Employee**

A superintendent shall notify the board and the employee of the filing of the report.

**Immunity**

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

**Sanctions for Failure to Report**

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator.

**Criminal Offense**

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

**Review of District Records**

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

*Education Code 22.093; 19 TAC 153.1203*

**Solicitation of Sexual Contact**

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

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications;
  - d. Whether the communications were made openly or secretly;
  - e. The extent that the employee attempts to conceal the communications;
  - f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and
  - g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
3. Making sexually demeaning comments to a student;
4. Making comments about a student's potential sexual performance;

5. Requesting details of a student's sexual history;
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
8. Inappropriate hugging, kissing, or excessive touching;
9. Providing the student with drugs or alcohol;
10. Violating written directives from school administrators regarding the employee's behavior toward a student;
11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
12. Any other acts tending to show that the employee solicited sexual contact with a student.

*19 TAC 153.1201(a)*

<b>Staff Development</b>	
Educator	The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.
Principal	The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]  <i>Education Code 21.451(a), (a-1)</i>
Professional Development Policy	A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must: <ol style="list-style-type: none"><li>1. Be guided by the recommendations for training in the clearinghouse;</li><li>2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and</li><li>3. Include a schedule of all training required for educators or other school personnel at the district or school.</li></ol> <p>To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.</p> <p><i>Education Code 21.4515(a), (b)</i></p> <hr/> <p><b>Note:</b> SBEC must publish the continuing education and training clearinghouse not later than June 1, 2022.</p> <p>A district must adopt its professional development policy for district personnel not later than August 1, 2022.</p> <hr/>
Requirements for Training	In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development: <ol style="list-style-type: none"><li>1. Incorporates proactive instructional planning techniques using a framework that:<ol style="list-style-type: none"><li>a. Provides flexibility in the ways:<ol style="list-style-type: none"><li>(1) Information is presented;</li><li>(2) Students respond or demonstrate knowledge and skills; and</li></ol></li></ol></li></ol>

- (3) Students are engaged;
  - b. Reduces barriers in instruction;
  - c. Provides appropriate accommodations, supports, and challenges; and
  - d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

*Education Code 21.451(a-2), (b), (c)*

#### Optional Training

Staff development may include training in:

1. Technology and digital learning; and
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

*Education Code 21.451(d)(1), (d-3), (g)*

#### Required Training

Staff development must include training on:

1. Suicide prevention;
2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board's professional development policy and use a best practice-based program recommended by the Health and Human Services Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

*Education Code 21.451(d)(3), (d-1)*

*Instruction of  
Students with  
Disabilities*

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*Education Code 21.001(4)*

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education 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. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with 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, regardless of whether the training is provided at the campus or district level.

*Education Code 21.451(d)(2), (e)-(f)*

*Suicide  
Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

*Education Code 38.351(e), (g), (h); 19 TAC 153.1013*

Staff Development  
Account

A district that receives resources from the commissioner of education's staff development account 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(c)*

**Child Abuse,  
Trafficking, and  
Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

*Education Code 38.0041(c)–(f); 19 TAC 61.1051(d)*

**Trauma-Informed  
Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

**Student Discipline**

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

*Education Code 37.0181*

**Test Administration Training**

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

**Cybersecurity Training**

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(g)*

**Special Programs Training**

Teacher Literacy  
Achievement  
Academies  
(Reading  
Academies)

A district shall ensure that:

1. Not later than the 2022–23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and
2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022–23 school year or a subsequent school year has attended a

teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

*Education Code 28.0062(a)(2)*

[See EHAB for kindergarten–grade 3 reading standards.]

Gifted and Talented  
Education

A 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*

Elective Bible  
Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the commissioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English  
Language  
Proficiency  
Assessment  
System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

**Automated External  
Defibrillators**

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheer-leading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
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 an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
  - a. Emergency action planning;
  - b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and
  - c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
3. A safety drill that incorporates the training and simulates various injuries described above.

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

Records

A 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 a 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**

A 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 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)*

**Concussions**

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

*Education Code 38.158*

**Seizure Recognition  
and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

*Education Code 38.033(a), (b)*

[See FFAF for information about a seizure management and treatment plan.]

The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:

1. Be guided by the SBEC clearinghouse training recommendations;
2. Note any differences in the District's plan from the clearinghouse recommendations; and
3. Include a schedule of the required professional development for all District employees.



PERSONNEL POSITIONS

DP  
(LEGAL)

<b>Principal</b>	A board, by local policy, shall adopt qualifications for principals. <i>Education Code 11.202(c)</i>
Qualifications	
Certification	State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. <i>19 TAC Ch. 241</i>
Duties	<p>The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. <i>Education Code 11.202(a)</i></p> <p>A principal shall:</p> <ol style="list-style-type: none"><li>1. Approve all teacher and staff appointments for the campus. [See DK]</li><li>2. Set specific education objectives for the campus, through the planning process.</li><li>3. Develop budgets for the campus.</li><li>4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.</li><li>5. Assign, evaluate, and promote all personnel assigned to the campus.</li><li>6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.</li><li>7. Perform any other duties assigned by the superintendent pursuant to board policy.</li><li>8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]</li><li>9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]</li><li>10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. <i>Election Code 13.046; 1 TAC 81.7</i></li></ol> <p><i>Education Code 11.202(b), .253(c), (h)</i> [See also DMA]</p>
Principal's Report to Superintendent	A principal must notify the superintendent not later than the seventh business day after the date:
<i>Educators</i>	<ol style="list-style-type: none"><li>1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or</li></ol>

PERSONNEL POSITIONS

DP  
(LEGAL)

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

*Education Code 21.006(b-2); 19 TAC 249.14(e)* [See Required Reports at DHB(LEGAL)]

*Noncertified  
Employees*

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

*Education Code 22.093(e)* [See Principal Notification at DHC(LEGAL)]

*Sanctions and  
Administrative  
Penalty*

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

*Criminal Offense*

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

**School Nurse**

Minimum Salary  
Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational  
Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

PERSONNEL POSITIONS

DP  
(LEGAL)

Nursing Peer  
Review Committee

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. 22 TAC 217.11(2)

“Nursing peer review committee” includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

*Occupations Code 303.001(4), .0015*

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**Note:** Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

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**Certified School  
Counselor**

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

*Education Code 33.002*

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**Note:** Education Code 33.006 applies to all districts that employ school counselors.

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School Counselor  
Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
  - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
  - b. In need of modified instructional strategies; or
  - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor  
Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time

on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

*Exception*

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

*Counselor  
Contracts*

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy as required above.

*Annual  
Assessment*

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to the Texas Education Agency (TEA) on or before the date specified by the commissioner.

*Education Code 33.006*

**Nonphysician Mental Health Professional**

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

*Education Code 38.0101*

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**Note:** For information about mental health treatment, including counseling, see FFEA.

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**School Psychological Services**

The Texas Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas, the TBHEC adopts and enforces rules establishing multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas. Incorporating these factors allow for rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2)*

School psychological services may be provided in Texas public schools only by LSSPs and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;

PERSONNEL POSITIONS

DP  
(LEGAL)

2. Conducting manifestation determinations;
3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

*22 TAC 465.38(b), (c)*

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of  
Assignment or  
Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with  
Applicable  
Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

*22 TAC 465.38 (f)*



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

## SECTION 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
EFB	Library Materials
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
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten
EHBH	Other Special Populations

**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

EHBI	Adult and Community Education
EHBJ	Innovative and Magnet Programs
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
EHDF	Local Remote Learning Program
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
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Learners/Emergent Bilingual Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CAMPUS OR PROGRAM CHARTERS
ELA	Partnership Charters
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

**School Library**

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library  
Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

*Bd. of Educ. v. Pico, 457 U.S. 853 (1982)*

**Instructional  
Materials**

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

*Taking Home  
Materials*

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

*Students Without  
Reliable Access  
to Technology*

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a

district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

*Learning  
Management  
System or Online  
Portal*

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

*Education Code 26.006*

**Information  
Collection and  
Access**

U.S. ED–Funded  
Surveys

*Consent  
Required*

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (ED), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at Protected Information, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

*Parental  
Inspection*

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. ED shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

Information  
Collection Funded  
by Other Sources

*Policies*

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under Protected Information, below, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

4. The administration of physical examinations or screenings that a district may administer to the student.
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

*Parental  
Notification*

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at Protected Information, below.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

*20 U.S.C. 1232h(c)(1)–(4)* [See FFAA]

Protected  
Information

Protected information addressed by 20 U.S.C. 1232h includes:

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

*20 U.S.C. 1232h(b), (c)(1)(B)*

“Personal  
Information”  
Defined

The term “personal information” means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

*20 U.S.C. 1232h(c)(6)(E)*

**Purpose**

As a condition of accreditation, a 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)*

A 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*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

*Education Code 28.002(h), (h-6)*

**Required Curriculum**

Foundation  
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

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

Enrichment  
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. 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;
2. Health, with emphasis on:
  - a. Physical health, including the importance of proper nutrition and exercise;
  - b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
  - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

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

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

*Education Code 28.002(z)*

Positive Character  
Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

*19 TAC 120.1*

Local Credit

A 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**

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

*Education Code 28.002(g)*

**Common Core State Standards**

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

**Scope and Sequence**

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

**Coordinated Health Programs**

TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

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

A 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 districts and that meet TEA criteria may be approved and made available as approved programs. Districts 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)*

**Physical Education**

Each 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 a 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

A 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.
  - 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**

A 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 BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
  - a. Health education in kindergarten through grade 8; and
  - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
  - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
  - b. Physical education and physical activity;
  - c. Nutrition services;
  - d. Parental involvement;
  - e. Instruction on substance abuse prevention;
  - f. School health services, including mental health services;
  - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - h. A safe and healthy school environment; and
  - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
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, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
  - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - c. A safe and healthy school environment; and
  - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
  6. Strategies to increase parental awareness regarding:
    - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
    - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.
  7. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
  8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the State Board of Education.

*Education Code 28.004(c), (n)*

Policy  
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC 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.

*Education Code 28.004(l)*

	<p>The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. <i>Education Code 28.004(o)</i></p>
<b>Complaints</b>	<p>A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. <i>Education Code 28.004(i-1)</i></p>
<b>Human Sexuality Instruction</b>	<p>“Human sexuality instruction,” “instruction in human sexuality,” and “instruction relating to human sexuality” include instruction in reproductive health.</p>
Definitions	<p>“Curriculum materials” includes the curriculum, teacher training materials, and any other materials used in providing instruction.</p> <p><i>Education Code 28.004(p)</i></p>
Board Selection	<p>The board shall determine the specific content of a 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 SHAC. 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>
Notice to Parents	<p>Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board’s deci-</p>

sion regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
  - a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
  - 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. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

*Education Code 28.004(i)*

Parent Consent  
Before Instruction

Before a student may be provided with human sexuality instruction, a district must obtain the written consent of the student's parent. A request for written consent may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Education Code 28.004(i), described above, and must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The requirements in this paragraph expire August 1, 2024. *Education Code 28.004(i-2)–(i-3)*

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes      If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]

Adoption of Instructional Materials      The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
  - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
  - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

*Education Code 28.004(e)-(e-1), (e-3)*

**Abuse Prevention Instruction**

Adoption of Instructional Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;

2. The SHAC to:
  - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
  - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the State Board of Education.

*Education Code 28.004(q)-(q-1), (q-3)-(q-4)*

Notice to Parents

Before each school year, a 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 instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
3. A statement of the parent's right to:

- a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];
  - b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and
  5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

Parent Consent  
Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and
2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

*Education Code 28.004(q-5)–(q-6)*

**Availability of  
Materials for Human  
Sexuality Instruction  
and Abuse Prevention  
Instruction**

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:
  - a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and
  - b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and
2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:
  - a. Review the curriculum materials at the student's campus at any time during regular business hours;
  - b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or
  - c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

*Education Code 28.004(e-2), (j)-(j-2), (q-2)*

**Character Education** A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

*Education Code 29.906*

**Human Sexuality  
Instruction**

The following process shall apply regarding the adoption of curriculum materials for the District's human sexuality instruction:

1. The Board shall adopt a resolution convening the District's school health advisory council (SHAC) to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.

**Instruction on  
Prevention of Child  
Abuse, Family  
Violence, Dating  
Violence, and Sex  
Trafficking**

The following process shall apply regarding the adoption of curriculum materials for the District's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking:

1. The Board shall adopt a resolution convening the District's SHAC to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.
3. The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject and grade level for which the materials are intended, and be reviewed by academic experts in the subject and grade level for which the materials are intended.
4. The SHAC shall present its recommendations to the Board at a public meeting.
5. After the Board ensures the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting.



In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.



**Identification**

Child Find

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

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

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

*Private School  
Students*

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

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

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

*Preschool  
Students*

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

**Requests and  
Referrals for  
Evaluation**

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

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

District Obligation to  
Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

*19 TAC 89.1011(a)*

Parental Request

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

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

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

Notice of Rights

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

Initial Evaluation  
Required

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

*Consent for Initial  
Evaluation*

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

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

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

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

Wards of the  
State

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

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

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

*Time Frame for  
Completion of  
Written Report*

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

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

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

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

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

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

Transfer  
Students

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

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

The timelines above do not apply in such a situation if:

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

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

*Psychological  
Examinations*

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

*Education Code 29.0041*

**Eligibility and  
Reevaluations**

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

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

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

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

Visual and Auditory  
Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of  
Initial Eligibility

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

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

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

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion

of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

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

Consent for  
Services

*Initial Provision of  
Services*

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

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

*Revoking  
Consent*

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

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

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

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

Reevaluations

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

Reevaluation shall occur:

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

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

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

Evaluation for  
Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

Independent  
Evaluation

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

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

*At Public  
Expense*

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

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

*At Private  
Expense*

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

*34 C.F.R. 300.502*

**Prescription  
Medication**

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

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

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

When a student transitions from early childhood intervention (ECI) to early childhood special education (ECSE) services, the District shall develop and implement an individualized education program (IEP) by the child's third birthday.



**Admission, Review,  
and Dismissal  
Committee**

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

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

**Committee  
Members**

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

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;
10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
12. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.18 and 300.156.

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

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

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

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

*Regular  
Education  
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent  
Involvement*

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

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

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

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

*Alternative  
Means of  
Meeting  
Participation*

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

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

Meetings

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

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district

personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

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

*Meeting at  
Parent's Request*

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

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

**Transfer Students**

In-State Transfers

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

Transfers from  
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of

the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

*19 TAC 89.1050(j)*

Transfer of Records

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

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

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

**Students Who Are Homeless or in Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

*19 TAC 89.1615*

**Military Dependents**

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

**Individualized Education Program**

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

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

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055*

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

#### IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the re-

quired supplement, see Education Code 29.0052 and the commissioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

Supplemental  
Special Education  
Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and
2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

*Education Code 29.048*

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

*19 TAC 102.1601(i)-(j)*

Behavioral  
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the committee shall review the plan at least annually and more frequently if appropriate to address the safety of the student or others or changes in a student's circumstances that may impact the student's behavior, such as:

1. The placement of the student in a different educational setting;

2. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
3. A pattern of unexcused absences; or
4. An unauthorized unsupervised departure from an educational setting.

*Education Code 29.005(h)*

Translation of IEP  
into Native  
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language.

*Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

*19 TAC 89.1050(i)*

Autism/Pervasive  
Developmental  
Disorder

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

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

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

*19 TAC 89.1055(e)–(f)*

*Visual  
Impairment*

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

*Collaborative  
Process*

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

*Ten-Day Recess*

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

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

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

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

*Failure to Reach  
Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

*Education Code 29.005(c); 19 TAC 89.1050(g)*

**Modification of  
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

*20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)*

**Teacher Access to  
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to  
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

*Education Code 29.001(11); 19 TAC 89.1075(d)*

**Private School—  
District Placed**

Student Receives  
IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

**Private School—  
Parent Placed**

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE  
Rejected

*Student Receives  
ISP*

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but  
Not Provided

*Reimbursement*

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at *34 C.F.R. 300.148(d)*. *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

**Home School  
Students**

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

**Individualized  
Services Plan (ISP)**

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

*34 C.F.R. 300.137, .138*

### **Dual Enrollment**

Parents shall have the right to “dual enroll” an eligible student age three or four in both the public school and a private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district’s kindergarten program, whichever comes first, subject to the following:

1. The student’s ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

*19 TAC 89.1096(c)*

### **Responsible District**

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

*19 TAC 89.1096(c), (d)*

**Transportation**

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

**District Charter Schools**

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

**Residential Facilities**

Identification of  
Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

*19 TAC 89.1001(c)*

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

*Additional  
Placement  
Requirements*

A district shall have the responsibilities set forth at 19 Administrative Code 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

Notification

Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(b)*

**School for the Blind and Visually Impaired and School for the Deaf**

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

*Education Code 30.003(a), .004(a); 19 TAC 89.62*

A district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. *19 TAC 89.1085*

**Adult Prisons**

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;
2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

*20 U.S.C. 1414(d)(7)*

<b>Referral</b>	Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.
Screening and Identification Process	<p>The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.</p> <p>The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the assessment procedures and services for the program prior to beginning the screening and identification process.</p>
Parental Consent	The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.
<b>Identification Criteria</b>	The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.
<b>Assessments</b>	Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.
<b>Selection</b>	A selection committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.
<b>Notification</b>	The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

<b>Reassessment</b>	If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.
<b>Transfer Students</b>	When a student identified as gifted by a previous school district enrolls in the District, the selection committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.
Interdistrict	[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]
Intradistrict	A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.
<b>Furloughs</b>	The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.  In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.
<b>Exit Provisions</b>	The District shall monitor student performance in response to gifted and talented program services. If at any time the selection committee or a parent determines it is in the best interest of the student to exit the program, the committee shall meet with the parent and student before finalizing an exit decision.
<b>Appeals</b>	A parent, student, or educator may appeal any final decision of the selection committee regarding selection for or exit from the gifted and talented program. Appeals shall be made first to the selection committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.
<b>Program Evaluation</b>	The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, school counselors, students in the gifted and talented program, and the community.

**Funding**

The District's gifted and talented program shall address effective use of funds for programs and services consistent with the standards in the state plan for gifted and talented students.

**Community Awareness**

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.



<b>Table of Contents</b>	<b>Compensatory Education Allotment.....</b>	<b>3</b>
	Census Block .....	3
	Use.....	3
	Dropout Prevention Strategies.....	3
	Reporting.....	4
	<b>Educationally Disadvantaged Students .....</b>	<b>5</b>
	Student Eligibility .....	5
	Virtual School Network .....	5
	<b>Definition of At-Risk Student.....</b>	<b>5</b>
	Local Eligibility Criteria .....	7
	<b>Designing and Implementing Services.....</b>	<b>7</b>
	<b>Services After Unsatisfactory Performance on State Assessments.....</b>	<b>7</b>
	Accelerated Learning Committee.....	7
	Accelerated Instruction .....	9
	Notice to Parents of Performance and Accelerated Instruction .	10
	Assessments Not Required .....	10
	Accelerated Instruction After EOC Assessments .....	11
	<b>Dropout Recovery Education Programs .....</b>	<b>12</b>
	Communities in Schools .....	12
	<b>Optional Extended Year Program .....</b>	<b>12</b>
	<b>Optional Flexible Year Program .....</b>	<b>12</b>
	<b>Optional Flexible School Day Program .....</b>	<b>12</b>
	<b>Tutorial Services .....</b>	<b>13</b>
	<b>Basic Skills Programs .....</b>	<b>13</b>
	<b>After-School and Summer Intensive Mathematics and Science Programs .....</b>	<b>13</b>
	<b>Mentoring Services Program .....</b>	<b>14</b>
	<b>Accelerated Reading Instruction Program.....</b>	<b>14</b>
	<b>Intensive Program of Instruction .....</b>	<b>15</b>
	State Assessments.....	15
	Students Receiving Special Education Services.....	15
	Graduation Requirements.....	15
	No Cause of Action.....	15

<b>College Preparatory Courses .....</b>	<b>16</b>
Faculty.....	16
Notice.....	16
Credit Earned .....	16
Dual Credit .....	16
Instructional Materials.....	16
End-of-Course Exam .....	17

**Compensatory  
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.  
*Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
  - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
  - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

*Education Code 48.104(k)*

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 allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

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

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
  - a. High-quality, college readiness instruction with strong academic and social supports;
  - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
  - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

*Education Code 29.918*

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. 19 TAC 109.25(a)

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see Definition of At-Risk Student, below]. 19 TAC 109.25(b)

**Educationally  
Disadvantaged  
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

*19 TAC 61.1027(a)*

Virtual School  
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

**Definition of At-Risk  
Student**

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

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 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 an emergent bilingual student, 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 [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or
15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

*Education Code 29.081(d)(1)*

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

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)*

**Designing and  
Implementing  
Services**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

**Services After  
Unsatisfactory  
Performance on  
State Assessments**

Accelerated  
Learning Committee

A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:

1. The third grade mathematics or reading assessment;
2. The fifth grade mathematics or reading assessment; or
3. The eighth grade mathematics or reading assessment.

*Education Code 28.0211(a)*

*Composition*

The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. *Education Code 28.0211(c)*

*Educational Plan*

An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational

plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an educational plan.

*Education Code 28.0211(f)–(f-3)*

*Failure in a  
Subsequent  
School Year*

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

*Education Code 28.0211(f-4)–(f-5)*

*ARD Meeting*

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

*Parent Request*

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5)*

*Classroom  
Assignment*

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

*Education Code 28.0211(n)–(n-1)*

*Accelerated  
Instruction*

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see below].

*Participation  
Requirements*

Accelerated instruction provided during the following school year may require participation of the student before or after normal school hours.

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [see EHA series] for the grade level in which the student is enrolled; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

*Supplemental  
Instruction  
Requirements*

If a district receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue

Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

*Education Code 28.0211(a-1)–(a-4)*

*Transportation*

A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

Notice to Parents of  
Performance and  
Accelerated  
Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. *Education Code 28.0211(h)*

Assessments Not  
Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an

assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

*Education Code 28.0211(o)–(p)*

Accelerated  
Instruction After  
EOC Assessments

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

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

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

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

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

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

*Education Code 28.0217*

<i>Effectiveness</i>	<p>A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. <i>Education Code 29.081(c)</i></p>
<b>Dropout Recovery Education Programs</b>	<p>A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).</p> <p>Students in attendance at a dropout recovery education program shall be included in a district’s average daily attendance for funding purposes.</p> <p><i>Education Code 29.081(e)–(f)</i></p>
Communities in Schools	<p>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></p>
<b>Optional Extended Year Program</b>	<p>A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. <i>Education Code 29.082(a); 19 TAC 105.1001</i></p>
<b>Optional Flexible Year Program</b>	<p>A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. <i>Education Code 29.0821; 19 TAC 129.1029</i></p>
<b>Optional Flexible School Day Program</b>	<p>Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:</p> <ol style="list-style-type: none"><li>1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;</li></ol>

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.

*Education Code 29.0822*

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

*19 TAC 129.1027(c)*

**Tutorial Services**

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

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

*Education Code 29.084*

**Basic Skills Programs**

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

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

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

*Education Code 29.086(a)*

**After-School and Summer Intensive Mathematics and Science Programs**

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

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

Before providing a program, a board must adopt a policy for:

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

*Education Code 29.088, .090; 19 TAC 102.1041*

**Mentoring Services Program**

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

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

*Education Code 29.089*

**Accelerated Reading Instruction Program**

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

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

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

**Intensive Program of Instruction**

State Assessments

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

The program shall be designed to:

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

Students Receiving Special Education Services

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

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

Graduation Requirements

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

No Cause of Action

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

*Education Code 28.0213*

**College Preparatory Courses**

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

1. For students at the 12th grade level whose performance on:
  - a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

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

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

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

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

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

**Instructional Materials** Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code

Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

*Education Code 28.014*

End-of-Course  
Exam

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*



**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 of education.
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**

The TXVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TXVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TXVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

*19 TAC 70.1001(4)*

**Online School  
(OLS) Program**

“Online School (OLS) program” is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TXVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district that operates a TXVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TXVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

School districts approved to serve as TXVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TXVSN OLS students.

School districts serving as TXVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

*19 TAC 70.1011*

Statewide Course Catalog

“Statewide course catalog” is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

Course Providers

A TXVSN course provider is an entity that provides an electronic course through the TXVSN. Course providers include TXVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

*Electronic Course*

“Electronic course” means an educational 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 a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

*Education Code 30A.001(4); 19 TAC 70.1001(1)*

*OLS Eligibility*

To be eligible to serve as a TXVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1001 (Types of Financial Accountability Ratings);
4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;
5. Be in good standing with other programs, grants, and projects administered through TEA; and
6. Have been approved to operate a TXVSN OLS as of January 1, 2013.

*19 TAC 70.1009(a)*

*Statewide Course  
Catalog Provider  
Eligibility*

To be eligible to serve as a course provider in the TXVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TXVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

*General  
Requirements*

TXVSN course providers shall:

1. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;
2. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TXVSN course provider;
3. Notify students in writing upon enrollment to participate in the TXVSN course with specific dates and details regarding enrollment;
4. Meet all federal and state requirements for educating students with disabilities;
5. Provide a contingency plan for the continuation of instructional services to all TXVSN students allowing them to complete their TXVSN courses in the event that the contract or agreement through which the electronic courses are provided

are terminated or the TXVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and
7. Meet all reporting requirements established by TXVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TXVSN Informed Choice Report required under 19 Administrative Code 70.1031 (Informed Choice Reports).

*19 TAC 70.1007(c)*

*Receiver District  
Requirements*

A district is eligible to serve as a receiver district in the TXVSN statewide course catalog. Each TXVSN receiver district shall:

1. Register as a receiver district with TXVSN central operations;
2. Assign a qualified staff member to serve as the TXVSN coordinator;
3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and
4. In accordance with 19 Administrative Code 74.26 (Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a course offered through the TXVSN statewide course catalog.

*19 TAC 70.1008*

Courses

All electronic courses to be made available through the TXVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

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*

Student Eligibility <i>Generally</i>	<p>A student is eligible to enroll in a TXVSN course only if the student:</p> <ol style="list-style-type: none"><li>1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;</li><li>2. Has not graduated from high school; and</li><li>3. Is otherwise eligible to enroll in a public school in this state.</li></ol> <p>A student is eligible to enroll full-time in courses provided through the TXVSN only if:</p> <ol style="list-style-type: none"><li>1. The student was enrolled in a public school in this state in the preceding school year;</li><li>2. The student is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or</li><li>3. 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.</li></ol>
Exception for Military Dependents	<p>A student is eligible to enroll in one or more TXVSN courses or enroll full-time in courses provided through the network if the student:</p> <ol style="list-style-type: none"><li>1. Is a dependent of a member of the United States military;</li><li>2. Was previously enrolled in high school in this state; and</li><li>3. No longer resides in this state as a result of a military deployment or transfer.</li></ol>
Provisional Enrollment	<p>If a student has not provided required evidence of eligibility to enroll, a TXVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.</p> <p>Upon enrolling a student provisionally, the TXVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.</p> <p><i>Education Code 30A.002; 19 TAC 70.1013</i></p>
<i>Enrolled Students</i>	<p>A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TXVSN. <i>Education Code 30A.107(b)</i></p>

*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;
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)*

*Enrollment,  
Advancement,  
and Withdrawal*

A student taking a course through the TXVSN statewide course catalog or a TXVSN OLS program is considered to:

1. Be enrolled in a TXVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TXVSN teacher; and
3. Be, and must be reported as, withdrawn from the TXVSN when the student is no longer actively participating in the TXVSN course or program.

A student taking a course through the TXVSN statewide course catalog:

1. Shall enroll in each TXVSN course through the TXVSN online registration system;
2. Shall be assigned a grade by the TXVSN teacher after the drop period established by TXVSN central operations;

3. May withdraw from a course taken through the TXVSN after the instructional start date without academic or financial penalty within the drop period established by TXVSN central operations; and
4. Shall have the grade assigned by the TXVSN teacher added to the student's transcript by the student's home district.

A student enrolled full time in grades 3–8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TXVSN teacher for the educational program.

*19 TAC 70.1015*

*Compulsory  
Attendance*

Texas public school students are not required to be in physical attendance while participating in courses through a TXVSN OLS or the TXVSN course catalog.

Based upon successful completion of a TXVSN course for students in grades 9–12 or a TXVSN OLS instructional program for students in grades 3–8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TXVSN course providers and TXVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TXVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TXVSN statewide course catalog.

*19 TAC 70.1001(9), .1017*

*Local Policy*

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TXVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a copy of the policy. A district may send the policy with any other information that the district sends to a parent.

*Education Code 30A.007; 19 TAC 70.1033*

*Notice*

At the time and in the manner that a 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*

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TXVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. 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; or
3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TXVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

*Appeals*

A parent may appeal to the commissioner a 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; 19 TAC 70.1008, .1035*

*Students with  
Disabilities*

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

*Required  
Enrollment  
Prohibited*

A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

Inducements for Enrollment Prohibited	<p>A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TXVSN. The commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The commissioner's action under this section is final and may not be appealed. <i>Education Code 30A.1052</i></p>
Course Portability	<p>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; 19 TAC 70.1015(d)</i></p>
Student Assessment	<p>All Texas public school students enrolled in the TXVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.</p> <p>A 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>All districts participating in the TXVSN OLS program are included in the state's academic accountability system.</p> <p><i>Education Code 30A.110; 19 TAC 70.1023</i></p>
Funding	<p>A district in which a student is enrolled is entitled to funding under Education Code Chapter 48 for the student's enrollment in a TXVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.</p> <p>Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.</p> <p><i>Education Code 30A.153</i></p> <p>A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. <i>Education Code 26.0031(c-1)</i></p>

Course Cost

A district may charge the course cost for enrollment in a TXVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TXVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TXVSN course during the summer.

A district shall charge the course cost for enrollment in a TXVSN course 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.

A TXVSN course cost may not exceed the lesser of the cost of providing the course or \$400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TXVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed \$50, if the student enrolls in a TXVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TXVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

*Education Code 30A.155(a)-(c-1); 19 TAC 70.1025*

Educators of  
Electronic Courses

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TXVSN central operations before teaching an electronic course offered through the TXVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K–12 Learning (iNACOL) National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3–12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TXVSN course providers shall affirm the preparedness of teachers of TXVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
  - a. Valid Texas educator certification credentials appropriate for the instructor's TXVSN assignment;
  - b. Successful initial completion of TXVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
  - c. Instructors' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TXVSN;
2. Conduct and maintain records for background checks;
3. Maintain records of successful completion of continuing professional development;
4. Maintain records documenting successful completion of TXVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and

5. Make the records specified in this subsection available to TEA and TXVSN central operations upon request.

*19 TAC 70.1027*

Revocation

The commissioner may revoke the right to participation in the TXVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;
2. Noncompliance with requirements and assurances outlined in the contractual agreements with TXVSN central operations and/or these provisions and Education Code Chapter 30A; or
3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

*19 TAC 70.1029*

Applicability

Unless a 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 a school 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 a district only to district students if the course is not provided as part of the TXVSN.

*Education Code 30A.004*

**Average Daily Attendance for Certain Programs**

A district may provide one or more off-campus electronic courses, an off-campus electronic program, or an instructional program that combines in-person instruction and off-campus electronic instruction to students enrolled in the district who have reasonable access to in-person services at a district or school facility. Off-campus electronic instruction for a course or program provided under this provision may be provided synchronously or asynchronously. A student enrolled in a course or program provided under this provision shall be counted toward the district's average daily attendance in the same manner as other district students. The off-campus electronic instruction for a course or program provided under this provision shall be counted for average daily attendance (ADA) in accordance with Education 48.0071 and commissioner-adopted rule. *Education Code 48.0071(a)–(b)*

[For information regarding a local remote learning program, authorized by Education Code 29.9091, see EHDF.]

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**Note:** The local remote learning program is a specially authorized program under the Education Code. The provisions below are set to expire on September 1, 2023. For information about other remote instruction, including the TxVSN and distance learning and correspondence courses, see EHDE.

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A district assigned an overall performance rating of C or higher under Education Code 39.054 [see AIA] for the preceding school year or the most recent school year in which a performance rating was assigned may operate a local remote learning program to offer virtual courses outside the state virtual school network to eligible students.

**District Requirements**

A district that operates a full-time local remote learning program must include in the program at least one grade level in which a state assessment instrument is required to be administered under Education Code 39.023(a), including each subject for which an assessment instrument is required or a complete high school program, including each course for which an end-of-course assessment instrument is required to be administered under Education Code 39.023(c) [see EKB].

The district must offer the option for a student's parent or person standing in parental relation to select in-person instruction for the student.

**Type of Instruction**

A virtual course offered under a local remote learning program may be provided through synchronous instruction, asynchronous instruction, or a combination of synchronous and asynchronous instruction; and may be provided in combination with in-person instruction as appropriate to meet the needs of individual students.

**Student Eligibility**

A student is eligible to enroll in a virtual course offered under a local remote learning program if the student is enrolled in a district, has reasonable access to in-person services for the course at a district facility, and meets any additional criteria, including minimum academic standards, established by the district in which the student is enrolled.

**Student Performance and Attendance**

A district that operates a local remote learning program shall periodically assess the performance of students enrolled in virtual courses under the program.

A district that operates a local remote learning program may not count a student for purposes of calculating the district's average

daily attendance if the student has ten or more unexcused absences in the program in a six-month period.

*Education Code 29.9091(a)–(e)(1), (e)(3)*

**Returning a Student to In-Person Instruction**

A district that operates a local remote learning program may remove a student from virtual courses under the program and return the student to in-person instruction if the district determines that the student does not meet the criteria described at Student Eligibility, above.

A district may remove a student from virtual courses only if the district establishes a process to ensure that each student and the student's parent or person standing in parental relation have sufficient notice and opportunity to provide input before the student is removed from those courses.

*Education Code 29.9091(e)(2), (f)*

**Contract with a District**

A district may contract with another district or open-enrollment charter school to allow a student enrolled in the sending district to enroll in virtual courses offered under the local remote learning program of the receiving district. A student enrolled in virtual courses under an agreement described by this provision is considered enrolled in the sending district for purposes of average daily attendance [see FEB] and accountability under Chapters 39 and 39A [see AIB].

**State Assessment**

A state assessment instrument administered under Education Code 39.023 or 39.025 [see EKB] to a student enrolled in a virtual course offered under a local remote learning program shall be administered to the student in the same manner in which the assessment instrument is administered to other district students.

**Special Education**

If a district offers virtual courses under a local remote learning program for students receiving special education services, the courses must meet the needs of a participating student in a manner consistent with Education Code Chapter 29, Subchapter A (special education program) and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

**Teacher Requirements**

A teacher may not provide instruction for a virtual course offered under a full-time local remote learning program unless the teacher has completed a professional development course on virtual instruction.

A district may not directly or indirectly coerce any teacher to agree to an assignment to teach a full-time local remote learning program.

A district may not require a teacher to provide both virtual instruction and in-person instruction for a course during the same class period. The commissioner may waive this requirement for courses included in the enrichment curriculum under Education Code 28.002 [see EHAA].

**Extracurricular  
Activities**

A student enrolled in a virtual course offered under a local remote learning program may participate in an extracurricular activity sponsored or sanctioned by the district in which the student is enrolled or by the University Interscholastic League in the same manner as other district students.

**Attendance  
Accounting**

A student enrolled in a virtual course offered under a local remote learning program shall be counted toward the district's average daily attendance in the same manner as other district students, unless the student has ten or more unexcused absences in the program in a six-month period. The commissioner shall adopt rules providing for a method of taking attendance, once each school day, for students enrolled in a virtual course offered under a local remote learning program.

*Education Code 29.9091(g)–(n)*

Except for students enrolled in programs or courses offered under Education Code Chapter 30A (Texas Virtual School Network) or Education Code 48.053 (allotment for certain special purpose districts), a district may not count for purposes of calculating the district's average daily attendance a student who received virtual or remote instruction for a majority of the instructional days during the preceding school year if the student:

1. Did not achieve satisfactory performance or higher or the equivalent in the preceding school year on:
  - a. Each state assessment instrument administered to the student under Education Code 39.023 or 39.025; or
  - b. If the student was not administered a required state assessment instrument during the preceding school year, an assessment instrument designed to show grade-level proficiency in the essential knowledge and skills identified under Education Code 28.002 by the State Board of Education for the student's grade level;

ALTERNATIVE METHODS FOR EARNING CREDIT  
LOCAL REMOTE LEARNING PROGRAM

EHDF  
(LEGAL)

2. Had a number of unexcused absences that exceeds ten percent of the number of instructional days in the preceding school year; or
3. Did not earn a grade of C or higher or the equivalent in each of the foundation curriculum courses taken virtually or remotely in the preceding school year.

*Education Code 48.005(m-1)*

**TXVSN**

Education Code Chapter 30A (Texas Virtual School Network) does not apply to a virtual course offered under a local remote learning program. Education Code 29.9091 does not prohibit a student enrolled in a district that operates a local remote learning program from enrolling in courses offered through the state virtual school network. *Education Code 29.9091(o)–(p)*

**Enrollment Cap**

A district that operates a local remote learning program may not enroll in the program a number of students that exceeds ten percent of the total number of students enrolled in the district during the 2021–22 school year. The commissioner may waive this provision on application by a district in response to a public health emergency.

In calculating the number of students that may be enrolled in a local remote learning program, a district shall count students who spend at least half of the student's instructional time during the 2021–22 school year or 2022–23 school year, as applicable, enrolled in virtual courses or receiving remote instruction, other than by enrollment in electronic courses offered through the state virtual school network, including students enrolled in virtual courses or who received remote instruction during the 2021–22 school year or 2022–23 school year, as applicable, because the student was:

1. Medically fragile;
2. Placed in a virtual setting by an admission, review, and dismissal committee; or
3. Receiving accommodations under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

*Education Code 29.9091(q)–(r)*

**Program Evaluation**

In evaluating under Education Code 39.054 (state accountability) [see AIA], the commissioner shall assign the program separate overall and domain performance ratings in accordance with Education Code 39.0549. *Education Code 39.0549(a)*

<b>Table of Contents</b>	<b>High School Diploma..... 2</b>
	FAFSA Required..... 2
	Individual Graduation Committee..... 4
	Students Who Entered Grade 9 Before the 2011–12 School Year ..... 6
	Special Education..... 7
	Posthumous Diploma ..... 7
	Diplomas for Veterans ..... 8
	<b>Texas First Early High School Completion Program ..... 8</b>
	Notice Upon Enrollment..... 8
	<b>Personal Graduation Plan ..... 8</b>
	Junior High or Middle School PGP ..... 8
	High School PGP ..... 9
	<b>Early Graduation .....10</b>
	<b>State Graduation Requirements.....10</b>
	Students Entering Grade 9 .....10
	Students Who Entered Grade 9 Before the 2014–15 School Year .....17
	<b>Transfers from Out-of-State or Nonpublic Schools .....21</b>
	<b>Graduation of Students Receiving Special Education Services .....21</b>
	Modified Curriculum and Content .....21
	Employability and Self-Help Skills.....21
	Summary of Academic Achievement and Evaluation .....21
	<b>Graduation of Military Dependents .....24</b>
	Course Waiver.....24
	Transfers During Senior Year.....24
	Substitute Passing Standard .....24
	<b>Graduation of Student Who Is Homeless or in Conservatorship of DFPS.....24</b>

- High School Diploma** A student may graduate and receive a diploma only if the student:
1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
  2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]
- Education Code 28.025(c)*
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**Note:** Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

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**FAFSA Required**

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner's rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

*Education Code 28.0256; 19 TAC 74.11(b)*

*Opt-Out Form*

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

*19 TAC 74.1023(c)*

*Notification*

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

*Proof of Submission*

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

*19 TAC 74.1023(e)*

*Information Submission and Confidentiality*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

*19 TAC 74.1023(f)–(g)*

Individual  
Graduation  
Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
  - a. The student's parent or person standing in parental relation to the student;
  - b. A designated advocate if the parent is unable to serve; or
  - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

*Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)*

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate  
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

*19 TAC 74.1025(c), (e), (g)–(i)*

*Notice*

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

*Curriculum  
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

*Additional  
Requirements to  
Graduate*

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

*Education Code 28.0258(f), (g)*

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

*English  
Language  
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who  
Entered Grade 9  
Before the 2011–12  
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

*19 TAC 74.1027(a); Education Code 28.02541*

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.
<i>Exception</i>	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal

Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

*Education Code 28.0254*

Diplomas for  
Veterans

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

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

*Education Code 28.0251*

**Texas First Early  
High School  
Completion Program**

A district may issue a high school diploma to a student under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon  
Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

*Education Code 28.0253(e)-(g)*

**Personal Graduation  
Plan**

Junior High or  
Middle School PGP

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

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

A PGP must:

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

*Education Code 28.0212*

*Students  
Receiving  
Special  
Education  
Services*

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

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

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

High School PGP

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

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

1. Promotes college and workforce readiness and career placement and advancement; and

2. Facilitates the student's transition from secondary to postsecondary education.

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

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

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

*Education Code 28.02121*

**Early Graduation**

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

**State Graduation Requirements**

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**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

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Students Entering  
Grade 9

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

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];

2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

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

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

*Foundation High  
School Program*

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

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

*19 TAC 74.12(a)–(b)*

*Endorsements*

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

*Education Code 28.025; 19 TAC 74.13*

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate

under the foundation high school program without earning an endorsement.

*19 TAC 74.11(e)*

*Distinguished  
Level of  
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

*Algebra II  
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

*Education Code 28.02123*

*Prerequisites*

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

*19 TAC 74.11(j)–(k)*

*Dual Credit  
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge

and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

*Core Curriculum  
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

*19 TAC 74.11(o)*

*Languages Other  
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

*19 TAC 74.12(b)(5)*

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

*Physical  
Education  
Substitutions*

*Other Physical  
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and

3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
  - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical

education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)*

*Community-  
Based Fine Arts  
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information

necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

*Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030*

*Performance  
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
  - a. In a dual credit course;
  - b. In bilingualism and biliteracy;
  - c. On a College Board advanced placement test or international baccalaureate examination;
  - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
  - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

*Education Code 28.025(c-5); 19 TAC 74.14*

Students Who  
Entered Grade 9  
Before the 2014–15  
School Year

*Minimum High  
School Program*

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

	<ol style="list-style-type: none"><li>2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or</li><li>3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.</li></ol>
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.
Applicability	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>19 TAC 74.61(c), (d), .71(c), (d)</i></p>
Requirements	<p>A student must earn at least 22 credits to complete the Minimum High School Program.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p>A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
<i>Recommended High School Program</i>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p>
<i>Advanced / Distinguished Achievement High School Program</i>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.</p> <p><i>Education Code 28.025; 19 TAC 74.64, .74</i></p>
<i>Substitutions</i>	<p>No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p>
<i>AP or IB Courses</i>	<p>College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate</p>

areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

*Reading*

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

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

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

*19 TAC 74.61(h), .71(f)*

*College Courses*

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

*Physical  
Education  
Substitutions*

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical  
Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

*Student with  
Disability or  
Illness*

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

<i>Student with Physical Limitations</i>	<p>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.</p> <p><i>Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i></p>
<b>Transfers from Out-of-State or Nonpublic Schools</b>	<p>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. <i>19 TAC 74.11(g)</i> [See EHDB, EHDC, EHDE, and EI]</p>
<b>Graduation of Students Receiving Special Education Services</b>	<p>Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. <i>19 TAC 89.1070(k)</i></p>
Modified Curriculum and Content	
Employability and Self-Help Skills	<p>Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. <i>19 TAC 89.1070(i)</i></p>
Summary of Academic Achievement and Evaluation	<p>All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. <i>19 TAC 89.1070(g)–(h)</i></p>

*Students  
Entering Grade 9  
in or After the  
2014–15 School  
Year*

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help

skills that do not require direct ongoing educational support of the local school district.

- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(b), (j)*

*Endorsements*

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

- 1. Successfully completing, with or without modification of the curriculum:
  - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
  - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
- 2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
  - a. Without modification of the curriculum; or
  - b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

*Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)*

*Students  
Entering Grade 9  
Before the 2014–  
15 School Year*

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

**Graduation of  
Military Dependents**

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During  
Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing  
Standard

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

*Education Code 162.002 art. VII, A, C [See FDD]*

**Graduation of  
Student Who Is  
Homeless or in  
Conservatorship of  
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

<b>Course Requirements</b>	To graduate, a student must complete the courses required by the District in addition to those mandated by the state.
<b>Foundation Program</b>	The courses that satisfy District requirements under the foundation program, including courses for the distinguished level of achievement and courses for endorsements offered by the District, shall be listed in appropriate District publications.
Without an Endorsement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program without an endorsement. Graduation under the foundation program without an endorsement shall be permitted only as authorized under state law and rules.
With an Endorsement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with an endorsement.
Distinguished Level of Achievement	The District requires no additional credits beyond the number mandated by the state to graduate under the foundation program with the distinguished level of achievement.
<b>No Fine Arts Substitutions</b>	The District shall not award state graduation credit in fine arts for participation in a community-based fine arts program.
<b>Physical Education Substitutions</b>	The District shall not allow students to substitute activities and courses for state graduation credit in physical education.
No Activities and Courses	
No Private or Commercial Programs	The District shall not award state graduation credit in physical education for private or commercially sponsored physical activity programs conducted either on or off campus. [See also EHAC]
<b>Financial Aid Application Confirmation</b>	As confirmation of a student's completion and submission of a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), the District shall accept the following: <ol style="list-style-type: none"><li>1. A screenshot that includes the processed date field in ApplyTexas Counselor Suite FAFSA data;</li><li>2. Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;</li><li>3. A copy or screenshot of the FAFSA acknowledgment page;</li><li>4. A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);</li></ol>

5. An acknowledgment receipt from an institution of higher education (IHE); or
6. A copy of a financial aid award letter from an IHE.

[For students who choose not to complete and submit a FAFSA or a TASFA, see EIF(LEGAL).]

The District shall maintain individual student documentation of the financial aid application requirement as an education record. [See FL]

<b>Table of Contents</b>	<b>State Assessment of Academic Skills .....</b>	<b>3</b>
	Emergent Bilingual Students .....	3
	Special Education.....	3
	Military Dependents.....	3
	<b>Administration.....</b>	<b>4</b>
	Schedule .....	4
	Test Administration Training.....	5
	<b>Notice to Parents and Students .....</b>	<b>5</b>
	<b>Testing in Grades 3–8 .....</b>	<b>6</b>
	Exception .....	6
	Kindergarten Assessment.....	7
	Prekindergarten Assessment.....	7
	Accommodations.....	7
	<b>End-of-Course Assessments .....</b>	<b>8</b>
	Students Enrolled Below High School Level .....	8
	Assessment Requirements for Graduation .....	8
	Substitute Assessments .....	9
	Accountability Testing .....	9
	Satisfactory Performance .....	10
	Individual Graduation Committee.....	10
	Special Education.....	10
	Credit by Examination .....	11
	Additional State Assessments .....	11
	Retakes .....	11
	<b>Reporting Results .....</b>	<b>12</b>
	To the Public.....	12
	To the Board.....	12
	To Parents, Students, and Teachers .....	12
	Parents Right-to-Know Under ESEA .....	12
	Parental Access.....	12
	<b>Out-of-State Transfers .....</b>	<b>13</b>
	<b>Accelerated Instruction .....</b>	<b>13</b>
	College Readiness .....	13
	<b>Security and Confidentiality.....</b>	<b>14</b>

Violations.....	15
Consequences .....	16
Test Administration Procedures .....	17
Records Retention.....	17
Disciplinary Action and Penalties .....	17
<b>Minimize Disruptions .....</b>	<b>17</b>
<b>Confidentiality of Results .....</b>	<b>17</b>

**State Assessment of Academic Skills**

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

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

Emergent Bilingual Students

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

Special Education

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

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

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

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

Military Dependents

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

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute  
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 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 [See EIF]*

**Administration**

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

Schedule

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

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

*19 TAC 101.25*

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

*Alternate Test  
Dates*

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

"Exceptional circumstances" include:

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

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

*19 TAC 101.5003*

Test Administration  
Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)–(b-2)*

**Notice to Parents  
and Students**

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

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be provided to each student who will take the tests and to out-of-school individuals.

*19 TAC 101.3012*

**Testing in  
Grades 3–8**

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

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

*Education Code 39.023(a)*

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

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

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

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

*Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)*

Kindergarten  
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten  
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

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

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

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

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

**End-of-Course  
Assessments**

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

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

*Education Code 39.023(c)*

Students Enrolled  
Below High School  
Level

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

Assessment  
Requirements for  
Graduation

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

*Exceptions*

English I or  
English II

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

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

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

Credits Earned  
Prior to  
Enrollment

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

*19 TAC 101.3021(e), .3022*

Substitute  
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional  
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability  
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

*19 TAC 101.4002*

*Verification of Results*

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

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

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

*19 TAC 101.4005*

Satisfactory Performance

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

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

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

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment

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

*19 TAC 101.3022(f)*

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

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

*19 TAC 101.3023(a), (b)*

Credit by  
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State  
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to

retake the assessment if the student is required to retake the course.

*Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*

**Reporting Results**

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents,  
Students, and  
Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

*19 TAC 101.3014*

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

Parents Right-to-  
Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access

does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**Out-of-State  
Transfers**

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

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

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

*19 TAC 101.3014*

**Accelerated  
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4). [See EHBC]

*Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction under Education Code 28.0217 in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

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

1. For students at the grade 12 level whose performance on:
  - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or

- b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

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

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

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

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

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

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

*Education Code 28.014*

**Security and Confidentiality**

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
  - a. Met the requirements to participate in the student assessment program;
  - b. Received training in test security and test administration procedures; and
  - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

*19 TAC 101.3031(a)(1)–(a)(2)*

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;

5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

#### Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d) (redesignated to Education Code 39.003), or appointment of a monitor, conservator, or management team

to the district in accordance with Education Code Chapter 39A.

**Test Administration Procedures** Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

**Records Retention** As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

*19 TAC 101.3031(a-3)–(d)*

**Disciplinary Action and Penalties** SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

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

*19 TAC 249.15(a)–(b), (g)*

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

**Confidentiality of Results** Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]



**Exemption from Instruction**

A parent or person standing in parental relation is entitled to remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

Limitations

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This provision does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the district and the Texas Education Agency (TEA).

*Education Code 26.002, .010*

**Instructional Requirements and Prohibitions**

The following provisions under Education Code 28.022(a) apply to any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

Controversial Topics

A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall explore that topic objectively and in a manner free from political bias.

*Education Code 28.0022(a)(1)–(a)(2)*

Political Activism and Advocacy Participation

A district or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

1. Work for, affiliation with, or service learning in association with any organization engaged in:
  - a. Lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or
  - b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

*Education Code 28.0022(a)(3)*

The above provisions do not apply to a student's participation in:

1. Community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;
2. An internship or practicum:
  - a. For which the student receives course credit under a career and technology education program or under the P-TECH program established under Education Code 29.553; and
  - b. That does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

*Education Code 28.0022(b)*

Concepts Prohibited A teacher, administrator, or other employee of a district may not require or make part of a course inculcation in the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
6. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
7. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or

8. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed above.

A teacher, administrator, or other employee of a district may not require an understanding of The 1619 Project.

*Education Code 28.0022(a)(4)*

*Student  
Discussion*

A district may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described above in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity. *Education Code 28.0022(d)*

Limitations on  
Statute

Education Code 28.0022 may not be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Education Code Chapter 28, Subchapter A.

Education Code 28.0022 does not create a private cause of action against a teacher, administrator, or other employee of a district. A district may take appropriate action involving the employment of any teacher, administrator, or other employee based on the individual's compliance with state and federal laws and district policies.

Education Code 28.0022 may not be construed as prohibiting a teacher employed by a district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

*Education Code 28.0022(e)–(g)*



**Absences  
Considered**

In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. *Atty. Gen. Op. JC-0398 (2001)*

**90 Percent Rule**

Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Serious or Life-  
Threatening Illness  
Exception

A student's excused absence resulting from a serious or life-threatening illness or related treatment [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule.

Local Remote  
Learning Program  
Exception

A district may adopt a policy to exempt students from the requirements of the 90 percent rule for one or more courses identified in the policy that are offered under a local remote learning program [see EHDF].

Principal's Plan

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.

**Extenuating  
Circumstances**

An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances.

A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

**Attendance  
Committee**

A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final

grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

Appeal

If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

**Additional Duties**

A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

*Education Code 25.092*

**Trauma-Informed  
Care Program**

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

Training

The District shall provide training in trauma-informed care to District educators as required by law and the Board-approved District professional development plan. The District improvement plan shall specify required training for any other District employees as applicable.



**Policy and Program to Address Sexual Abuse, Trafficking, and Maltreatment**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

*19 TAC 61.1051(b)(3)*

**Definitions**

Child Abuse or Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

*19 TAC 61.1051(a)*

**Duty to Report**

Report by Any Person

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional

Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A “professional” is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

*Family Code 261.101(b)*

Abuse of Persons  
with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

*Human Resources Code 48.051, .052, .054*

Adult Victims of  
Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

**Restrictions on  
Reporting**

Psychotropic Drugs  
and Psychological  
Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

*Education Code 26.0091; Family Code 261.111(a)* [See FFEB]

**Contents of Report**

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

*Family Code 261.102, .104*

**Abuse and Neglect Involving School Personnel and Those Responsible for Care**

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

*Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)*

“Person responsible for a child's care, custody, or welfare” means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child's family or household as defined by Family Code Chapter 71;
3. A person with whom the child's parent cohabits;
4. School personnel or a volunteer at the child's school;

5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Chapter 42, Human Resources Code.

*Family Code 261.001(5)*

**Reporting Abuse,  
Neglect, or  
Exploitation in a  
JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Confidentiality of  
Report**

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)–(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

**Immunity from  
Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

**Criminal Offenses**

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

*Family Code 261.109*

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

**SBEC Disciplinary  
Action**

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

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**Note:** The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school.

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**Investigations**

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student    The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation    A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality    A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

### **Reporting Policy**

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
  - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

- b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

*19 TAC 61.1051(b)(2)*

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

*19 TAC 61.1051(b)(5)–(b)(8)*

Annual Distribution  
and Staff  
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

**Required Poster**

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and

3. Directions for accessing the DFPS [Texas Abuse Hotline website](#)<sup>1</sup> for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

*Education Code 38.0042; 19 TAC 61.1051(e)–(f)*

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<sup>1</sup> Texas Abuse Hotline website: <https://www.txabusehotline.org/>

<b>Table of Contents</b>	<b>Dating Violence .....</b>	<b>2</b>
	Policy Requirements.....	2
	Student Resources.....	2
	<b>Sexual Harassment.....</b>	<b>3</b>
	Designation of Title IX Coordinator .....	3
	Parties Entitled to Notice .....	3
	Reporting.....	3
	Notification of Policy .....	3
	Publication Requirements.....	4
	Adopting and Publishing Complaint Procedures .....	4
	Response to Sexual Harassment .....	5
	Title IX Coordinator Response.....	7
	Process for Title IX Formal Complaint .....	8
	Recordkeeping .....	16
	Retaliation Prohibited .....	16
	Confidentiality.....	17

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**Note:** The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

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## Dating Violence

### Policy Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

*Education Code 37.083, .0831* [See BQ]

### Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

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**Note:** References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

The U.S. Department of Education's Office for Civil Rights has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

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<b>Sexual Harassment</b>	<p>A district may develop and implement a sexual harassment policy to be included in the district improvement plan. <i>Education Code 37.083</i> [See BQ]</p> <p>Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. <i>U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)</i></p> <p>No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. <i>20 U.S.C. 1681 (Title IX)</i></p> <p>A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. <i>34 C.F.R. 106.45; 20 U.S.C. 1681</i> [See also FB regarding Title IX]</p>
Designation of Title IX Coordinator	<p>A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."</p>
Parties Entitled to Notice	<p>The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.</p> <p><i>34 C.F.R. 106.8(a)</i></p>
Reporting	<p>Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.</p>
Notification of Policy	<p>A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state</p>

that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

*34 C.F.R. 106.2(d), .8(b)(1)*

Publication  
Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

*34 C.F.R. 106.8(b)(2)*

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**Note:** To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

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Adopting and  
Publishing  
Complaint  
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

*34 C.F.R. 106.8(c)–(d)*

Response to Sexual  
Harassment

*Definitions*

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to a district’s Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Consent” is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

*34 C.F.R. 106.2, .30(a)*

*Deliberate  
Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

*Education  
Program or  
Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over

both the respondent and the context in which the sexual harassment occurs.

*34 C.F.R. 106.44(a)*

Title IX Coordinator  
Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

*Supportive  
Measures  
Required*

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

*Constitutional  
Restrictions*

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

*34 C.F.R. 106.44(a)*

*Response to a  
Formal Complaint*

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

*Emergency  
Removal*

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

*34 C.F.R. 106.44(c)*

*Administrative  
Leave*

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX  
Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;
2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training

on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints

against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

*34 C.F.R. 106.45(b)(1)*

*Notice of  
Allegations*

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identities of the parties involved in the incident, if known;
  - b. The conduct allegedly constituting sexual harassment; and
  - c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not

included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

*34 C.F.R. 106.45(b)(2)*

*Dismissal of a  
Formal Complaint*

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

*Consolidation of  
Formal  
Complaints*

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

*34 C.F.R. 106.45(b)(3)–(4)*

*Investigation of a  
Formal Complaint*

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or

paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The

district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

*34 C.F.R. 106.45(b)(5)*

*Hearings*

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

*Determination  
Regarding  
Responsibility*

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any

notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

*34 C.F.R. 106.45(b)(7)(i)–(ii)*

*Implementation  
of Remedies*

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

*Appeals*

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

*34 C.F.R. 106.45(b)(8)*

*Informal  
Resolution*

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
  - a. The allegations;
  - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

*34 C.F.R. 106.45(b)(9)*

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

*34 C.F.R. 106.45(b)(10)*

Retaliation  
Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated

or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

*34 C.F.R. 106.71(a)–(b)*

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*



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

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**Prohibited Conduct** In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

**Statement of Nondiscrimination** The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. One type of harassment this policy prohibits is dating violence, as defined below. Retaliation against anyone exercising their rights under this policy is a violation of District policy and is prohibited.

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

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

Harassment includes dating violence as defined by law and this policy.

**Examples** Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name call-

ing, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Title IX Sexual Harassment**

As required by law, the District shall follow the procedures below at Response to Title IX Sexual Harassment upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment in an education program or activity and against a person in the United States under Title IX. [See FFH(LEGAL)]

**Other Sexual Harassment**

By an Employee

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

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

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

By Others

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

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

3. Otherwise adversely affects the student's educational opportunities.

Examples

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

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

**Gender-Based Harassment**

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

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

Examples

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

**Dating Violence**

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

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

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

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

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

**Reporting  
Procedures**

Student Report

Any student who believes that he or she has experienced prohibited conduct and any person who believes that a student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Employee Report

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

Definition of District  
Officials

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

*Title IX  
Coordinator*

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

*ADA /  
Section 504  
Coordinator*

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

*Superintendent*

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

**Alternative  
Reporting  
Procedures**

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX

coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

**Timely Reporting**

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

**Notice to Parents**

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

When the District receives a report of prohibited conduct that includes dating violence, the appropriate District official shall immediately notify the parent or guardian of the student who has been identified in the report as the alleged victim or perpetrator.

**Investigation of Reports Other Than Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Title IX Sexual Harassment.

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

**Initial Assessment**

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

**Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation	<p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.</p>
<i>Notification of Outcome</i>	<p>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</p>
District Action <i>Prohibited Conduct</i>	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.</p>
Corrective Action	<p>Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of</p>

	areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent has the right to file a complaint with the United States Department of Education Office for Civil Rights.
<b>Response to Title IX Sexual Harassment</b>	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	<p>When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:</p> <ul style="list-style-type: none"><li>• Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;</li><li>• Consider the complainant's wishes with respect to supportive measures; and</li><li>• Explain to the complainant the option and process for filing a formal complaint.</li></ul> <p>The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.</p>

If a formal complaint is not filed or dismissed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct. The Title IX coordinator also reserves the right to sign a formal complaint, initiating the Title IX grievance process, if it would be deliberately indifferent not to investigate and respond to the prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal  
Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a

dismissal of a Title IX formal complaint or any allegations therein;

9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

**Retaliation**

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX. In the absence of a formal complaint, allegations of retaliation shall be investigated under Investigation of Reports Other Than Title IX, above.

Examples

Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**False Claim**

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

**Records Retention**

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

**Access to Policy and  
Procedures**

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

<b>Table of Contents</b>	<b>UIL Rules and District Policies.....</b>	<b>3</b>
	<b>Athletic Activities .....</b>	<b>3</b>
	UIL Forms.....	3
	Notices .....	3
	Records.....	3
	Unsafe Practices .....	3
	Safety Precautions .....	4
	Concussions.....	4
	Football Helmet Safety Requirements .....	7
	Steroid Testing.....	7
	Cardiac Assessment.....	7
	Interscholastic Athletic Competition Based on Biological Sex ....	8
	<b>Rodeos.....</b>	<b>8</b>
	Educational Program .....	9
	Restriction on Participation .....	9
	Protective Gear for Bull Riding .....	9
	<b>Eligibility.....</b>	<b>9</b>
	<b>Military Dependents .....</b>	<b>9</b>
	<b>Attendance and Participation.....</b>	<b>10</b>
	SBOE Rules .....	10
	Extracurricular Activities .....	10
	Exceptions.....	11
	Limits on Participation and Practice.....	11
	Record of Absences .....	12
	Students Receiving Outpatient Mental Health Services .....	12
	Participation by Homeschooled Students .....	12
	<b>Suspension from Extracurricular Activities .....</b>	<b>14</b>
	Length of Suspension.....	14
	Grade Evaluation Period .....	14
	School Week .....	15
	Exempt Courses.....	15
	Students with Disabilities .....	15
	Practice or Rehearsal .....	15
	Reinstatement .....	16

Suspension for Certain Conduct Involving Extracurricular  
Officials ..... 16

**Parental Notice and Consent ..... 16**

    Anonymous Evaluations ..... 16

    Videotaping and Recording ..... 17

**Discriminatory Club ..... 17**

**Special Olympics Recognition ..... 17**

**Student Election Clerks ..... 17**

**Before-School and After-School Programs ..... 17**

**UIL Rules and District Policies**

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

**Athletic Activities**

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled “Preparticipation Physical Evaluation—Medical History” and “Acknowledgement of Rules.” Each form must be signed by both the student and the student’s parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student’s parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL’s parent information manual. The document may be provided in an electronic format unless otherwise requested.

*Education Code 33.207(b), .208*

Records

A superintendent shall maintain complete and accurate records of the district’s compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206*

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

- Safety Precautions A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:
1. Each student participant is adequately hydrated;
  2. Any prescribed asthma medication for a student participant is readily available to the student;
  3. Emergency lanes providing access to the practice or competition area are open and clear; and
  4. Heatstroke prevention materials are readily available.
- If a student participating in a practice or competition becomes unconscious during the activity, the student may not:
1. Return to the activity during which the student became unconscious; or
  2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

*Education Code 33.205*

- Concussions “Interscholastic athletic activity” includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL.  
*Education Code 38.152*

“Concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness.  
*Education Code 38.151(4)*

- Concussion Oversight Team* The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158.

*Education Code 38.154, .158*

Return-to-Play  
Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion.

*Education Code 38.153(b)*

*Required Annual  
Form*

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

*Removal from  
Play*

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

*Return to Play*

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:
  - a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
  - b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
  - c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
  - d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

*Education Code 38.157*

*Immunity*

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;

2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

*Education Code 38.159*

Football Helmet  
Safety  
Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

*Education Code 33.094(a)–(c)*

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

*Education Code 33.091(d)–(e)*

Cardiac  
Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is ap-

appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as established by the health-care professional's Texas licensing act.

*Immunity*

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

*Education Code 33.096*

Interscholastic  
Athletic Competition  
Based on Biological  
Sex

An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.

*Exception*

An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

*Birth Certificate  
Statement*

For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

*Education Code 33.0834*

**Rodeos**

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

“Rodeo” means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and
5. Riding a horse in a pattern around preset barrels or other obstacles.

**Educational Program**

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

**Restriction on Participation**

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

**Protective Gear for Bull Riding**

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

*Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4*

**Eligibility**

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

**Military Dependents**

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B [See FDD]*

**Attendance and Participation**

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

*Education Code 33.081(a), .0811*

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

*Public  
Performances*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

*State-Approved  
Music Courses*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

*19 TAC 76.1001(a)*

Limits on  
Participation and  
Practice

*During the  
School Week*

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

*19 TAC 76.1001(d); Education Code 33.081(a)*

*During the  
School Day*

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity

may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

*19 TAC 76.1001(e); Education Code 33.081(a)*

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving  
Outpatient Mental  
Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activities other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

*Education Code 33.0832(c)–(d)*

Participation by  
Homeschooled  
Students

A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

*Relevant Policies* A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and
11. Performance.

*Residency Requirements* A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

*Academic Requirements* The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

*Previous Enrollment in Public School*

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

*Prohibitions*

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

*Education Code 33.0832*

**Suspension from Extracurricular Activities**

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or

2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

*Education Code 33.081(c)*

School Week The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

*19 TAC 74.30*

Students with Disabilities In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

*Education Code 33.081(e)*

Practice or Rehearsal A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance.

This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for  
Certain Conduct  
Involving  
Extracurricular  
Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

*Reinstatement  
After Conduct*

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

*Education Code 33.081(e-1)–(e-2)*

**Parental Notice and  
Consent**

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous  
Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and  
Recording

A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

**Discriminatory Club**

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

*Education Code 33.082*

**Special Olympics  
Recognition**

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

**Student Election  
Clerks**

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

**Before-School and  
After-School  
Programs**

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a

child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

*Education Code 33.9031*

### First Amendment

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances.  
*U.S. Const. Amend. I*

#### Freedom of Speech

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)  
[See also FNCI]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick*, 551 U.S. 393 (2007)

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist.*, 508 F.3d 765 (5th Cir. 2007)

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986)

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L.*, 141 S.Ct. 2038 (2021)

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT EXPRESSION

FNA  
(LEGAL)

*Prayer at School  
Activities*

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer.

A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]

*Federal Funds*

As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to TEA that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

*20 U.S.C. 7904*

**Expression of  
Religious Viewpoints**

A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject. *Education Code 25.151*

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT EXPRESSION

FNA  
(LEGAL)

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's non-sponsorship of the student's speech.

*Education Code 25.152, .155*

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

**Patriotic  
Observances**

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale*, 370 U.S. 421 (1962)

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) (*holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance*)

**Winter Celebrations**

A district may educate students about the history of traditional winter celebrations, and allow students and district staff to offer traditional greetings regarding the celebrations, including:

1. "Merry Christmas";
2. "Happy Hanukkah"; and
3. "Happy holidays."

A district may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol.

A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

*Education Code 29.920*

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

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**Removal Under  
Student Code of  
Conduct**

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

**Mandatory  
Placement in DAEP**

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

School-Related  
Misconduct

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
  - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
  - b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

8. Engages in conduct that contains the elements of the offense of harassment under Penal Code 42.07(a)(1), (2), (3), or (7) against an employee of the district.

*Education Code 37.006(a)*

*Exception*

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

Retaliation

Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

Conduct Unrelated to School

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;
2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or
3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

*Education Code 37.006(c)*

*Reasonable Belief*

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27 other than information requested under Code of Criminal Procedure Article 15.27(k-1). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

*Title 5 Felonies*

The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

1. Murder. *Penal Code 19.02*
2. Capital Murder. *Penal Code 19.03*
3. Manslaughter. *Penal Code 19.04*
4. Criminally Negligent Homicide. *Penal Code 19.05*
5. Unlawful Restraint, if:
  - a. The person restrained was younger than 17 years of age; or
  - b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty; or while in custody restrains any other person. *Penal Code 20.02*
6. Kidnapping. *Penal Code 20.03*
7. Aggravated Kidnapping. *Penal Code 20.04*
8. Smuggling of Persons. *Penal Code 20.05*
9. Continuous Smuggling of Persons. *Penal Code 20.06*
10. Trafficking of Persons. *Penal Code 20A.02*
11. Continuous Trafficking of Persons. *Penal Code 20A.03*
12. Continuous Sexual Abuse of Young Child or Disabled Individual. *Penal Code 21.02*
13. Bestiality. *Penal Code 21.09*
14. Indecency with a Child. *Penal Code 21.11*
15. Improper Relationship between Educator and Student. *Penal Code 21.12*
16. Invasive Visual Recording. *Penal Code 21.15*
17. Unlawful Disclosure or Promotion of Intimate Visual Material. *Penal Code 21.16*
18. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.17*
19. Sexual Coercion. *Penal Code 21.18*
20. Assault, if the offense is punishable as a felony. *Penal Code 22.01*

21. Sexual Assault. *Penal Code 22.011*
22. Aggravated Assault. *Penal Code 22.02*
23. Aggravated Sexual Assault. *Penal Code 22.021*
24. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*
25. Abandoning or Endangering a Child. *Penal Code 22.041*
26. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*
27. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:
  - a. Place any person in fear of imminent serious bodily injury if the actor knows the person is a peace officer or judge;
  - b. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place if the prevention or interruption causes pecuniary loss of \$1,500 or more to the owner;
  - c. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
  - d. Place the public or a substantial group of the public in fear of serious bodily injury; or
  - e. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision. *Penal Code 22.07*
28. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*
29. Tampering with Consumer Product. *Penal Code 22.09*
30. Harassment by Persons in Certain Facilities or of Public Servant. *Penal Code 22.11*

Sexual Assault of  
Another Student

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student who was a young child or disabled individual while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;
2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and
3. There is only one campus in a district serving the grade level in which the student is enrolled.

*Education Code 25.0341, 37.0051(a)* [See FDE at Sexual Assault Transfer—Transfer of Assailant]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

**Permissive Removal**  
Non-Title 5 Felony

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or designee has a reasonable belief [see Reasonable Belief, above] that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at Title 5 Felonies]; and
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

*Education Code 37.006(d)–(e)*

Bullying

A student may be removed from class and placed in a DAEP if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Nothing in this provision exempts a school from reporting a finding of intimate visual material of a minor.

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

<i>Definitions</i>	
Bullying	“Bullying” has the meaning assigned by Education Code 37.0832. [See FFI]
Intimate Visual Material	“Intimate visual material” has the meaning assigned by Civil Practice and Remedies Code 98B.001.  <i>Education Code 37.0052</i>
One Year After Conduct	A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. <i>Education Code 37.006(n)</i>
Certain Organization and Gang Membership and Solicitation	A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. <i>Education Code 37.121(b)</i>
<b>Older Students</b>	A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the district shall revoke the student’s admission. <i>Education Code 25.001(b-1)</i>
<b>Placement of Younger Students</b>	A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. <i>Education Code 37.006(f), .007(e)</i> [See FOD]
Students Younger Than Six	Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. <i>Education Code 37.006(l), .007(e)(2)</i>
<b>Process for Removal Conference</b>	Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student’s parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the re-

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

	<p>removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.</p>
Mitigating Factors	<p>Before ordering removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.</p>
Order	<p>Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.</p>
Appeal	<p>If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.</p> <p><i>Education Code 37.009(a)</i> [See Student Code of Conduct]</p>
<b>Term of Removal</b>	<p>The period of the placement after removal may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. <i>Education Code 37.009(a)</i></p> <p>A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement in a DAEP may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees or extended placement is in the best interest of the student. <i>Education Code 37.009(d)</i></p>
Beyond Grading Period or 60 Days	<p>If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.</p>

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

<i>No Appeal</i>	<p>Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.</p> <p><i>Education Code 37.009(b)</i></p>
Beyond End of School Year	<p>Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:</p> <ol style="list-style-type: none"><li>1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or</li><li>2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.</li></ol> <p><i>Education Code 37.009(c)</i></p>
Order of Removal	<p>A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. <i>Education Code 37.009(g)</i></p> <p>Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. <i>Education Code 37.010(a)</i></p>
<i>Activities</i>	<p>The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. <i>Education Code 37.006(g)</i></p> <p>In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.</p> <p>Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.</p> <p><i>Education Code 37.006(o)</i></p>

**Completion of  
Proceedings Upon  
Withdrawal**

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

**Enrollment in  
Another District**

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes without completing the period of placement. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
  - a. The out-of-state district provides a copy of the placement order; and
  - b. The grounds for placement are the same as grounds for placement in the enrolling district.

*Education Code 37.008(j)*

**Out-of-State  
Placement**

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

*Education Code 37.008(j-1)*

**Court-Ordered Placement**

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;
2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

*Education Code 37.010(c)-(d)*

School Activities

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(e)*

Placement After Court Disposition

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

*Education Code 37.010(f)*

**Not Guilty/  
Insufficient  
Evidence/Charges  
Dropped**

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

*Education Code 37.006(h); Code of Criminal Procedure 15.27(g)*

Appeal After  
Placement Upheld

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

*Education Code 37.006(i)–(j)*

**120-Day Review of  
Status**

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by

STUDENT DISCIPLINE  
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

FOC  
(LEGAL)

Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

**Additional Proceedings**

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

**Reporting**

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)*  
[See AIB]

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**Note:** See FOF for provisions concerning students with disabilities.

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A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program, adopted by local policy, 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. *19 TAC 103.1201(a)*

[See board-adopted Student Code of Conduct for information regarding DAEP.]

**Joint/Contracted  
DAEP**

A district may provide a DAEP jointly with one or more other districts or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. *Education Code 37.008(d); 19 TAC 103.1201(d)*

A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. *Education Code 37.008(b)*

Community  
Organizations

A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. *Education Code 37.008(e)*

Shared Service  
Arrangements

A district that participates in a shared service arrangement for DAEP services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district in accordance with 19 Administrative Code 103.1201(b) [see BQ]. *19 TAC 103.1201(b)*

**Funding**

A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

A district shall allocate to a DAEP the same expenditure per student attending the DAEP that 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. *Education Code 37.008(g)* [See also EHBC(LEGAL), Limit on DAEP Expenditures]

**Location**

A DAEP shall be provided in a setting other than the student's regular classroom. *Education Code 37.008(a)(1)*

A DAEP may be located on-campus or off-campus in adherence with requirements of the *Student Attendance Accounting Handbook*. For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the

campus the student would be attending if the student was not attending the DAEP). *19 TAC 103.1201(c); Education Code 37.008(a)(2)*

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 or 39A. *Education Code 37.008(c)*

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. *Education Code 37.006(f); 19 TAC 103.1201(h)(1)*

Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

Students in the DAEP shall be separated from students in a juvenile justice alternative education program.

*Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)*

### **Safety**

A 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.

Each 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)(7); 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)*

**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)(4), (m)*

A 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 required high school personal graduation plan [see EIF] may not be altered when the student is assigned to a DAEP.

Opportunity to  
Complete Course

A 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 a course provided under this provision.

*Education Code 37.008(l); 19 TAC 103.1201(f)*

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

School Day                      The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses. *19 TAC 103.1201(f)(2)*

**Accountability**                      The campus of accountability for student performance must 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**                      A 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.

The assessment instrument:

1. Must be designed to assess at least a student's basic skills in reading and mathematics;
2. May be:
  - a. Comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or
  - b. Based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and
3. Is in addition to the required state assessments [see EKB].

*Education Code 37.0082*

Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills for reading and mathematics for the student's assigned grade. The commissioner will publish on the TEA website a list of assessments approved for use in each school year. A district may contact TEA to obtain accommodated versions of particular assessments.

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.

Each 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 school days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment, including appropriate accommodations as needed, shall be developed and implemented in accordance with local district policy.

A student in the district's DAEP must also be assessed under the required state assessment [see EKB].

*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 individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *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 to Regular  
Classroom**

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by Education Code 37.023. *19 TAC 103.1201(k)*

Definitions

"Alternative education program" includes:

1. A disciplinary alternative education program operated by a school district or open-enrollment charter school;
2. A juvenile justice alternative education program; and
3. A residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

"Licensed clinical social worker" has the meaning assigned by Occupations Code 505.002.

*Education Code 37.023(a)*

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

After Determination  
of the Release Date

As soon as practicable after an alternative education program determines the date of a student's release from the program, the alternative education program administrator shall:

1. Provide written notice of that date to:
  - a. The student's parent or a person standing in parental relation to the student; and
  - b. The administrator of the campus to which the student intends to transition; and
2. Provide the campus administrator:
  - a. An assessment of the student's academic growth while attending the alternative education program; and
  - b. The results of any assessment instruments administered to the student.

*Education Code 37.023(b)*

Coordination After  
Release

Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from:

1. School counselors;
2. School district peace officers;
3. School resource officers;
4. Licensed clinical social workers;
5. Campus behavior coordinators;
6. Classroom teachers who are or may be responsible for implementing the student's personalized transition plan; and
7. Any other appropriate school district personnel.

*Education Code 37.023(c)*

Personalized  
Transition Plan

The assistance described above must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

1. Must include recommendations for the best educational placement of the student; and
2. May include:

- a. Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;
- b. Recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity;
- c. The provision of information to the student's parent or a person standing in parental relation to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Education Code 29.004; and
- d. A regular review of the student's progress toward the student's academic or career goals.

*Education Code 37.023(d)*

Parent Meeting

If practicable, the campus administrator, or the administrator's designee, shall meet with the student's parent or a person standing in parental relation to the student to coordinate plans for the student's transition.

Applicability

Education Code 37.023 applies only to a student subject to compulsory attendance requirements under Education Code 25.085 [see FEA].

*Education Code 37.023(e)–(f)*



**Students with  
Disabilities Under  
Section 504**

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

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**Note:** The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

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**Students Receiving  
Special Education  
Services**

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(k)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)–(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

**DAEP Placement  
Not Solely for  
Educational  
Purposes**

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

**Removal for Ten  
Days or Less**

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement

	to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. <i>20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)</i>
Services During Removal	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. <i>34 C.F.R. 300.530(d)</i>
<b>Subsequent Removals of Ten Days or Less</b>	School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). <i>34 C.F.R. 300.530(b)(1)</i>
Services During Removal	After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). <i>20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)</i>
Notice of Procedural Safeguards	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. <i>20 U.S.C. 1415(k)(1)(H)</i>
<b>Removals That Are a Change in Placement</b>	<p>Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.</p> <p>Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below].</p> <p><i>Education Code 37.004(b)</i></p>
Behavior Assessment and Intervention	<p>If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall:</p> <ol style="list-style-type: none"><li>1. Not later than the tenth school day after the change in placement:</li></ol>

- a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted on the student or the student's most recent functional behavioral assessment is more than one year old; and
  - b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and
2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

*Education Code 37.004(b-1)*

Change in  
Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than ten consecutive school days; or
2. Subjected to a series of removals that constitute a pattern because:
  - a. The series of removals total more than ten school days in a school year;
  - b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and
  - c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

*34 C.F.R. 300.536*

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

Manifestation  
Determination

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

*20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)*

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

*Services During  
Removal*

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)–(2)*

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

*19 TAC 89.1052*

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the

student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

*20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)*

**Special  
Circumstances**

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

*20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)*

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

**Services During  
Removal**

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)*

**Appeals**

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151*

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

Placement During Appeals	When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. <i>20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533</i>
<b>Reporting Crimes</b>	Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). <i>20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535</i> [See FL]
<b>Students Not Yet Identified</b>	A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. <i>20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)</i>
District Knowledge	A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred: <ol style="list-style-type: none"><li>1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;</li><li>2. The parent requested an evaluation of the student for special education and related services; or</li><li>3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.</li></ol> <i>20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)</i>
Exception	A district shall not be deemed to have knowledge that the student had a disability if: <ol style="list-style-type: none"><li>1. The parent has not allowed an evaluation of the student;</li><li>2. The parent has refused services; or</li></ol>

3. The student has been evaluated and it was determined that the student did not have a disability.

*20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)*

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)*

**Behavior  
Management  
Techniques**

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

**Rules on Restraint  
and Seclusion**

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

**School Peace  
Officers**

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

*Education Code 37.0021(h); 19 TAC 89.1053(l)*

Exceptions Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by Education Code 37.0021(i) [see Restraint, Documentation, below];
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

*Law Enforcement Duties*

“Law enforcement duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

*Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)*

Further, Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, “weapon” includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

*Education Code 37.0021(f)*

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a 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)*

Restraint	<p>A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:</p> <ol style="list-style-type: none"><li>1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.</li><li>2. Restraint shall be discontinued at the point at which the emergency no longer exists.</li><li>3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.</li><li>4. Restraint shall not deprive the student of basic human necessities.</li></ol> <p><i>19 TAC 89.1053(c)</i></p> <p>“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body.</p>
<i>Emergency</i>	<p>“Emergency” means a situation in which a student’s behavior poses a threat of:</p> <ol style="list-style-type: none"><li>1. Imminent, serious physical harm to the student or others; or</li><li>2. Imminent, serious property destruction.</li></ol> <p><i>19 TAC 89.1053(b)(1)–(2)</i></p>
<i>Training</i>	<p>Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).</p>
<i>Documentation</i>	<p>In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).</p> <p>A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.</p> <p><i>Education Code 37.0021(i)</i></p>
Time-Out	<p>A school employee, volunteer, or independent contractor may use time-out with the following limitations:</p> <ol style="list-style-type: none"><li>1. Physical force or threat of physical force shall not be used to place a student in time-out.</li></ol>

2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

*19 TAC 89.1053(g)*

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

*19 TAC 89.1053(b)(3)*

*Training*

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

*Documentation*

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

*19 TAC 89.1053(i)*



<b>Table of Contents</b>	<b>Applicability of Criminal Laws .....</b>	<b>2</b>
	<b>Trespass .....</b>	<b>2</b>
	<b>Refusal of Entry or Ejection of Unauthorized Persons .....</b>	<b>2</b>
	<b>Vehicles on School Property .....</b>	<b>3</b>
	<b>Disruption of Lawful Assembly .....</b>	<b>3</b>
	Free Speech.....	4
	<b>Disruption of Classes .....</b>	<b>4</b>
	<b>Disruption of Transportation .....</b>	<b>4</b>
	<b>Tobacco and E-Cigarettes .....</b>	<b>5</b>
	Smoking in Buildings .....	5
	<b>Alcohol.....</b>	<b>5</b>
	Intoxicants .....	5
	<b>Fireworks.....</b>	<b>5</b>
	<b>Federal Gun-Free School Zones Act.....</b>	<b>5</b>
	<b>Possession of Weapons .....</b>	<b>7</b>
	“Premises” Defined.....	7
	Notice to Public .....	7
	Transportation or Storage of Firearm in School Parking Area ....	8
	Volunteer Emergency Services Personnel.....	8
	<b>Exhibition of Firearm .....</b>	<b>9</b>
	<b>Trespass—Concealed Carry of Handgun .....</b>	<b>9</b>
	Notice / Sign—Concealed Carry of Handgun.....	9
	Exception .....	10
	Unauthorized Notice .....	10
	<b>Trespass—Open Carry of Handgun.....</b>	<b>10</b>
	Notice / Sign—Open Carry of Handgun.....	10
	Exception .....	11
	<b>Unmanned Aircraft Systems .....</b>	<b>11</b>
	Federal Law.....	11
	State Law .....	13

**Applicability of  
Criminal Laws**

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

**Trespass**

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

**Refusal of Entry or  
Ejection of  
Unauthorized  
Persons**

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
  - a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
  - b. The person persists in that behavior.

Identification may be required of any person on property under the district's control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district's property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

*Education Code 37.105; 19 TAC 103.1207*

**Vehicles on School Property**

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

**Disruption of Lawful Assembly**

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

*Education Code 37.123*

**Disruption of  
Classes**

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

*Education Code 37.124*

**Disruption of  
Transportation**

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

**Tobacco and  
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in  
Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

*Criminal Penalty*

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

*Defense*

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.

*Facilities for  
Extinguishment*

A district shall be equipped with facilities for extinguishment of smoking materials.

*Penal Code 48.01(a)–(c)*

**Alcohol**

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

*Education Code 37.122* [See also FNCF]

**Fireworks**

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

**Federal Gun-Free  
School Zones Act**

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“School zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

*18 U.S.C. 921(a)(25), .922(q)*

**Possession of  
Weapons**

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;
4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

*Penal Code 46.03(a)(1), (2), (8), (14), (f)*

“Premises” Defined

“Premises,” for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: “Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”;
2. Includes the language described above in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

*Penal Code 46.15(m)–(o)*

Transportation or  
Storage of Firearm  
in School Parking  
Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

*Education Code 37.0815*

Volunteer  
Emergency  
Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined

by Occupations Code 1701.001, who is performing law enforcement duties.

*Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)*

**Exhibition of Firearm**

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
  - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
  - b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

*Education Code 37.125*

**Trespass—  
Concealed Carry of  
Handgun**

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

**Notice / Sign—  
Concealed Carry of  
Handgun**

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code

(trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

*Penal Code 30.06* [See also FNCG]

Unauthorized  
Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

**Trespass—Open  
Carry of Handgun**

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—  
Open Carry of  
Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun),

a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

*Penal Code 30.07*

**Unmanned Aircraft Systems**

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**Note:** For provisions applicable to the use of drones for law enforcement purposes, see CKEA

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Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

*Small Unmanned Aircraft*

“Small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

*Small Unmanned Aircraft System*

“Small unmanned aircraft system” (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

*14 C.F.R. 1.1, 107.3*

*Operation of Small UAS*

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 14 C.F.R. Part 101;

3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under 49 U.S.C. 44807, unless otherwise specified in the exemption; or
4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

*14 C.F.R. 107.1*

*Exception for  
Limited  
Recreational  
Operation*

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.
2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.
3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.
5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.
6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.
8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

*49 U.S.C. 44809(a)*

State Law  
*Regulation  
Limited*

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
  - a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
  - b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

“Special event” means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

*Gov't Code 423.009(a)(2), (c)*

*Privacy Law*

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

*Gov't Code 423.002(a)*



**Prohibited Acts**

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

*Civ. Prac. & Rem. Code 106.001(a)*

**Right to Preserve Use**

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Forum for Communication**

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001)

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Fees for Use**

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

**Charter Schools**

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

*Education Code 11.1543*

**Patriotic Societies**

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

*Boy Scouts of America Equal Access Act, 20 U.S.C. 7905*

**Facilities as Polling Places**

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

**Political Party  
Conventions**

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

**Facilities as Places  
of Worship**

Definitions

“Disaster” has the meaning assigned by Government Code 418.004.

“Governmental entity” includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

“Person” has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

“Place of worship” means a building or grounds where religious activities are conducted.

“Public official” means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

“Religious organization” means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on  
Orders Closing  
Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

**Essential Activities** Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

**Relief Available** A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.

A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.

**Interpretation** This provision may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

*Civ. Prac. & Rem. Code 110.001(a), .0031; Gov't Code 2401.001-.005*

A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

**Program  
Requirements and  
Guidelines**

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

*Gov't Code 2109.004(a)*

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed \$75 per person in value to recognize special achievement and outstanding service of volunteers.

*Gov't Code 2109.004(b)*

**Criminal History  
Record**

A district or shared services arrangement shall obtain from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district or shared services arrangement. *Gov't Code 22.0835(a)*

The prospective volunteer must provide the district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government. *Gov't Code 22.0835(c)*

A person may not perform any volunteer duties until these requirements have been satisfied. *Gov't Code 22.0835(d)*

Permissive  
Exception

A district may, but is not required to, obtain all criminal history record information that relates to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the district for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a district employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

*Gov't Code 22.0835(e), (f)*

Costs

A district may require a volunteer or volunteer applicant to pay any costs related to obtaining criminal history record information. *Education Code 22.0835*

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

**Immunity**

Generally

A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

*Education Code 22.053*

Extracurricular  
Activities

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

*Physical  
Examinations*

Subject to Civil Practice and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
  - a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
  - b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

*Civ. Prac. & Rem. Code 91.002*

Immunity for Shelter  
Workers

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*

**Training –  
Concussion  
Oversight Team**

A licensed health care professional who serves on a volunteer basis on a district's concussion oversight team [see FM] must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. In addition, the professional shall, at least once every two years, take a course in the subject matter of concussions approved

by the University Interscholastic League (UIL), the Texas Department of Licensing and Regulation, or the appropriate licensing authority for the profession.

The professional must submit proof of timely completion of an approved course to the superintendent or designee. A licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity.

*Education Code 38.154, .158*



**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: 07/18/2022**

**Submitted Date: 07/06/2022**

**Agenda Business Items:**

- Consent Agenda Item
- New Action

**Information Only Items:**

- Presentation
- Recognition
- Information

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Name of Person Responsible:

Brian Kroeger

Department or Campus:

Human Resources

Topic:

Risk Management Fund Renewal 22-23

Background Information:

Annual renewal of our TASB Risk Management Fund

Attachments:

CCS Attachment

Superintendent's Resolutions:

Recommended



June 22, 2022

Brian Kroeger

Splendora ISD

Dear Brian Kroeger,

You count on a strong risk management and coverage provider to support managing operations and risk at your organization. Thank you for trusting the TASB Risk Management Fund to be that partner. The Fund's partnership with its more than 1,000 members has provided stability and financial strength for nearly five decades.

- **Strength in Sharing:** The Fund is the largest school risk-sharing pool in Texas and is led by Fund member school board trustees and administrators. The Board ensures the Fund remains financially strong and provides stability and responsiveness for all Fund members.
- **Financial Security:** With more than \$200 million in Members' Equity, the Fund has the financial strength to manage claims and respond to the impact of changing environments for members.
- **Responsive Service:** The Fund offers specialized coverage and services to meet Texas public schools' unique needs and exposures.

**We are pleased to provide you with a renewal proposal for the 2022–23 coverage term.** This year's renewal proposals reflect the Fund's efforts to respond to the evolving exposures and risks faced by its members. Your proposal reflects the Fund programs in which your organization participates. The following are highlights of key program changes for 2022-23:

- **Property** coverage costs continue to be driven by severe weather and increased building values. The Fund's Board of Trustees authorized use of Members' Equity to help limit the impact of cost increases for Fund members this year. Members will receive renewal options with higher weather deductibles to further reduce costs. Small and mid-size members will also have options to lower weather deductibles.
- **Auto and School Liability** rates will remain level for most members with contribution changes based on loss history and exposures. **Auto Physical Damage** claims costs continue to increase as vehicles are more costly and complex to repair. These rates will increase moderately for most members.
- **Workers' Compensation** rates will remain stable with little to no increase. Contribution changes reflect normal payroll changes and loss history. Costs remain steady even though claims have returned to pre-pandemic levels.
- Improved cyber risk management practices are paramount for all organizations as ransomware attacks and other risks increase. The Fund continues to offer affordable **Privacy & Information Security** coverage to members and will continue to provide resources to help members improve cyber security controls.

- **Unemployment Compensation** coverage is effective October 1, 2022, for all members of that program. Renewals will be issued in August with member contributions decreasing by 5%, on average.

A summary of updates and clarifications to the Fund's Property and Liability coverage terms and agreements is included in this renewal proposal. Coverage agreements can also be accessed on the Fund's website. Workers' Compensation and Unemployment Compensation coverage is statutory.

Please carefully review all terms and features of this renewal proposal. When ready, you may accept your renewal proposal by signing the Contribution & Coverage Summary and returning it by email to me or to [TASBRMF@tasbrmf.org](mailto:TASBRMF@tasbrmf.org). You may also complete the electronic acceptance using the link in the renewal email sent to the designated Program Contact.

**Please note, if you take no action, coverage will automatically renew under the terms of this renewal proposal. If Property coverage is included and you take no action, coverage will automatically renew at the lower weather deductible offered. If you want to terminate coverage, the Fund must receive written notice of termination at least 30 days prior to your renewal date.** If you are unsure of your plans to renew or have questions about the renewal proposal or any aspect of your Fund membership, please contact Rosa Brown or any member of TASB's Underwriting and Marketing Division at 800.482.7276.

Thank you for your membership in the Fund. We look forward to our continued partnership in the coming year.

Sincerely,  
Rosa Brown  
Senior Risk Management Consultant  
Division of Underwriting & Marketing  
Texas Association of Schools Boards, Inc.

TASB Risk Management Fund  
12007 Research Blvd., Austin, Texas 78759-2439  
P.O. Box 301, Austin, Texas 78767-0301  
Toll-Free: 800.482.7276 | Austin area: 512.467.3699

CC:



## Splendora ISD

### Contribution & Coverage Summary (CCS) Participation Period: 9/1/2022 through 8/31/2023

The following is a summary of coverages, limits, deductibles, and contribution amounts. More information about coverage, limits, deductibles, terms, and conditions are found on following pages and are part of this CCS. Please review all pages of this CCS document.

Coverage	Limit	Deductible	Contribution
<b>Violent Acts</b>	\$250,000	\$0	<b>No Cost</b>
<b>Workers' Comp Fully Funded</b>	Statutory	Statutory	<b>\$188,568</b>
<b>Total Contribution</b>			<b>\$188,568</b>

**THIS IS NOT AN INVOICE.** The TASB Risk Management Fund will issue an invoice when coverage is accepted by the Member. Total Contribution is an estimate and is subject to exposure audit.



## Splendora ISD

### Workers' Compensation – Fully Funded

**Participation Period: 9/1/2022 through 8/31/2023**

**Total Workers' Compensation – Fully Funded Contribution: \$188,568**

The following is a summary of estimated payrolls and contribution for Workers' Compensation coverage. The amounts shown are subject to audit at the end of the Participation Period.

Classification	Estimated Payroll	Net Annual Rate	Estimated Contribution
7380 - BUS DRIVERS	\$1,073,222	0.01846775	\$19,820
7720 - POLICE OFFICER	\$565,652	0.02300709	\$13,014
8810 - CLERICAL OFFICE EMPLOYEES	\$1,936,500	0.00121146	\$2,346
8868 - PROFESSIONAL/ADMINISTRATON	\$28,337,890	0.00326962	\$92,654
9101 - ALL OTHERS	\$2,507,666	0.02421934	\$60,734
<b>Total</b>	<b>\$34,420,930</b>		<b>\$188,568</b>

<b>Estimated Contribution</b>	<b>\$188,568</b>
-------------------------------	------------------

### Workers' Compensation – Fully Funded Conditions

**Benefit Limits:** Workers' Compensation benefits paid to Fund Member's employees under this Agreement will be as defined in the Texas Workers' Compensation Act (the Act). The Fund is responsible for claims payments as reflected in this CCS. This Agreement does not cover the defense of any suit or claim against a Fund Member except a workers' compensation claim by an eligible employee or former employee of Fund Member for the payment of statutory workers' compensation benefits.

**Cooperation:** The Fund Member designates the TASB Risk Management Fund as the Workers' Compensation claim administrator of record for all purposes. Fund Member agrees to use the Fund's contractors for services related to the administration of claims and to follow the Fund's election under Section 504.053 of the Labor Code to direct care through the Political Subdivision Workers' Compensation Alliance.

**Claims Reporting:** For Workers' Compensation claims arising during the CCS Participation Period, the Fund Member agrees that it will timely report those claims solely to the Fund. The report of Workers' Compensation claims to any other entity, regardless of reporting sequence, will waive all Fund liability under this agreement for those claims. Any fines levied against the Fund for Fund Member's failure to comply with the rules and regulations of the Act will be the sole responsibility of the Fund Member.



## Program Coordinators

The Fund Member is required to designate a Program Coordinator (Coordinator) with express authority to represent and bind the Fund Member in all program matters. Below are the current Coordinators associated with the Fund Member. If a Coordinator's name and e-mail address are not listed or the Coordinator identified needs to be updated, please provide updated information to the Fund as soon as possible or include updates on this document.

### Current Program Coordinators

Program	Name	Title	E-mail
TASB Risk Management Fund-Unemployment Compensation	Brian Kroeger	Director of Human Resources	<a href="mailto:bkroeger@splendoraisd.org">bkroeger@splendoraisd.org</a>
TASB Risk Management Fund-Workers' Compensation	Brian Kroeger	Director of Human Resources	<a href="mailto:bkroeger@splendoraisd.org">bkroeger@splendoraisd.org</a>

### Program Coordinator Updates

Program	Name	Title	E-mail

If accepting this proposal electronically, you may scan and email this page to [tasbrmf@tasbrmf.org](mailto:tasbrmf@tasbrmf.org) to provide Program Coordinator updates.



## Contribution & Coverage Summary General Conditions

**Coverage:** Coverage terms and limits provided are as set out in this CCS and the Fund’s corresponding Coverage Agreements for this Participation Period.

**Claims Reporting:** Fund Member will provide to the Fund timely notice of all claims as required in the Interlocal Participation Agreement, the applicable Fund Coverage Agreement, or this CCS.

**Definitions:** Any terms not defined in this CCS will use the definition for that term from the corresponding Fund Coverage Agreement.

**Payment:** The Fund Member agrees to pay contributions based on a plan developed by the Fund. All contributions are payable upon receipt of an invoice from the Fund. The Fund shall determine the contribution for each program and how each contribution is applied. Termination under this Agreement of any program shall not affect the remaining programs.

**Termination:** This CCS may be terminated by either party with termination to be effective on any successive renewal date by giving written notice to the other party no later than 30 days prior to automatic renewal in accordance with Termination provisions in the Interlocal Participation Agreement. If this CCS is not terminated, the renewal of the CCS becomes effective on the automatic renewal date and the member shall be bound by the terms of the renewal CCS.

### Fund Member Authorization:

I approve this Contribution and Coverage Summary (CCS) and certify that this information is correct. I affirm that I am duly authorized to approve this CCS and that I have read and agree to this CCS and the Interlocal Participation Agreement.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title



**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: 07/18/2022**

**Submitted Date: 07/06/2022**

**Agenda Business Items:**

- Consent Agenda Item
- New Action

**Information Only Items:**

- Presentation
- Recognition
- Information

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Name of Person Responsible:

Brian Kroeger

Department or Campus:

Human Resources

Topic:

Substitute Pay Rates for the 22-23 school Year

Background Information:

Approval of Substitute Pay Rates for the 22-23 School Year

Attachments:

 SUB PAY.docx

Superintendent's Resolutions:

Recommended

	Regular Pay	Long-Term Pay (begins on 11th day)
Non-Degreed/Uncertified	\$95	\$105
Four Year Degree	\$105	\$115
Certified Teachers	\$125	\$135
Registered Nurse	\$125	N/A
LVN	\$95	N/A



**Splendor ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: 7/18/2022**

**Submitted Date: 7/5/2022**

**Agenda Business Items:**

- Consent Agenda Item**  
(Board has acted on items such as this previously)
- New Action**  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation**
- Recognition**
- Information**

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**Name of Person Responsible: Darcas Moody**

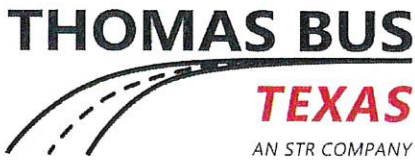
**Department or Campus: Transportation**

**Topic: Purchase 2-78 passenger school buses from Thomas Bus**

**Background Information: Add to the Bus Fleet**

**Attachments: Quote**

**Superintendent's Resolutions: Recommended**



**TEXAS  
CO-OPERATIVE  
QUOTE**

**Prepared For:**  
Splendora ISD

**Prepared By :**  
Jay Vinson  
936.465.4887  
jay.vinson@thomasbus.texas.com

**Quote Number:**  
387059

**Quote Date:**  
7/5/2022

**Customer Order No:**  
Stock - 78Pax

**Model Profile: Saf-T-Liner C2 341TS**

**Product Type:** School Transportation  
**Year:** 2023  
**Chassis Model:** B2 106  
**Chassis MFG:** FLNER  
**GVWR:** GVWR  
**Passenger Capacity:** 77  
**Headroom:** 78  
**Wheelbase:** 279  
**Brake Type:** AIR  
**Engine Type:** CUMMINS B6.7 220 DIESEL, 6 Cyl, 220 HP, 2600 RPM  
**Fuel Type:** DIESEL  
**Fuel Tank Capacity:** 100  
**Transmission Type:** AUTOMATIC  
**Axle, Front:** 10000-lb Capacity  
**Axle, Rear:** 23000-lb Capacity  
**Tires, Front:** FRONT HANKOOK AH24 11R22.5 14 PLY TIRES  
**Tires, Rear:** REAR HANKOOK AH24 11R22.5 14 PLY TIRES

**Includes the Following Equipment:**

**BODY**

**ACCESSORIES**

- 1 VISOR-TINTED DRIVER'S SIDE WINDOW 6"X18"
- 1 LOCKS-KEYED ALIKE #CH545
- 1 LOCK-DRVR'S INTR STORAGE OVR DRV'S HEADER W/O INTRLK CH545

**CERTIFICATION/SAFETY**

- 1 REFLECTTAPE-RR END YEL 2"
- 4 REFLECTTAPE-P/O WDO YEL
- 1 REFLECTIVE TAPE-EMERGENCY DOOR REAR YELLOW
- 1 REFLECTTAPE-SI 2" ABV FLR YEL
- 1 FIRE EXTINGUISHER-5 3A-40BC
- 1 REFLECTORS-AMBER (4) MID/FRONT 3"
- 1 REFLECTORS-RED (4) RR/RR SI 3"
- 1 ELECTRICAL-ROOF ESCAPE HATCH POS 3
- 1 HANDLES-W/S SERVICE, BLACK
- 1 KIT,FIRST AID 24 UNIT TEX.
- 1 KIT - BODY FLUID CLEAN-UP NATIONAL STANDARDS
- 1 LABEL-PASS ADVISOR INSTRUCTION
- 1 LOCATION-VESTIBULE FLOOR PLATE LEFT 5LB FE
- 1 LOC-VEST.FLR.AFT REFL.TRIANGLE BRACKET TEXAS
- 1 CUTTER-SEAT BELT W/HAND GRIP
- 1 TRIANGLES-REFL. 3 W/BOX
- 1 BRACKET,MTG. REFL. TRIANGLES
- 1 OPEN VIEW-ES, NON-HTD, RMT,SS
- 1 MIR-B EXT.CROSSVIEW SS.BRKT
- 1 SIGN-STOP, ELEC FRT #SE1-7980C
- 1 SIGN-STOP, ELEC RR #SE1-7981C
- 1 MIRROR-INT 6"X30" CAMERA & LEVER
- 1 LABEL(S)-SPECIAL DATA, TX

580

- 1 LABEL-VEHICLE CERTIFICATION
- 1 DOMICILED USA-EXCLUDING CALIFORNIA AND CARB OPT-IN STATES

## **DOORS**

- 1 STEP-RS ALUM.ENT.DR 8.75"RISER
- 1 HANDLE-INT RR DR BLACK
- 1 HANDLE-EXTERIOR REAR DOOR WITH RECESS
- 1 VANDALOCK-REAR DOOR W/BOLT
- 1 DOOR-ENT AG2 TINT LAM LOCK
- 1 POWER SYSTEM-AG2 AIR ENTRANCE DOOR
- 1 ELEC-AG2 AIR OPERATED ENTRANCE DOOR
- 1 VANDALOCK-ALUM.ENT.DR.CYLINDER W/KEY
- 1 PULL-ENTRANCE DOOR, EXTERNAL ALUMINUM
- 1 TRIM-ENTRANCE DOOR INTERIOR
- 1 PAD-DR HEADER, RR EMER 36"W
- 1 TREAD-STEP ALUMINUM ENTRANCE DOOR BLACK KORSEAL W/PEB NOSING
- 1 TRIM-STEPWELL HORIZONTAL WITH RIBBED NOSE
- 1 RAIL-ASSIST FRONT ENTRANCE DOOR RIGHT SIDE 1"OD

## **ELECTRICAL - BODY**

- 1 FAN-CIRC DRV'S WDO HDR BLACK
- 1 ELECTRICAL-FAN DRIVER'S WINDOW HEADER
- 1 RADIO-AM/FM DEA510 W/PAGE
- 1 OPER-AUTOMATIC FAST IDLE
- 1 ELEC-ZONAR STANDARD MONITORING
- 1 ELEC-BACKING CAMERA
- 1 OPER-DOOR AIR ENT.W/ BAT.2 POS.
- 1 LPS-DOME OVER DRIVER LED
- 1 LPS-DOME PASS MEDIUM LED ( ) 341T
- 1 ELEC-PASS DOME LPS MEDIUM 341T
- 1 MODULE-PWR.DIST.ELEC.SYS.
- 1 SWITCH-ROCKER PANEL LAMPS DIMMER
- 1 ELEC-LPS EXT AFT OF ENT DOOR
- 1 OPER-STPWLL LPSW/PARKLPS&ENT DR.
- 1 LPS-STP/TAIL/DIR AMBER/REV LED
- 1 ADVISORY-PASSENGER BUZZER ACTIVATION, WITH SWITCH
- 1 LPS-PILOT VANDALOCK STATUS RED
- 1 ELEC-PWR, GND, NETWORK, BUZZ
- 1 LAMPS-PILOT POST TRIP INSPECTION RED
- 1 LPS-SI DIR AMBER FRT. LED PIN
- 1 ELEC-LPS SI DIRECTIONAL
- 1 LPS-WARNING LED STROBE (8)
- 1 OPER-LPS WARNING (8) PKG 2
- 1 OPERATION-LAMPS REVERSE WITH REAR EMERGENCY DOOR OPEN
- 1 LPS-ID AMB/RED LED
- 1 LPS-MKR ROOF FRT/RR LED PIN
- 1 LPS-MKR ROOF MID LED PIN
- 1 STROBE-ECCO 7460CC 6' FROM REAR
- 1 LPS- STOP/TAIL 4" FLS.MT L.E.D.
- 1 SWITCH-ROCKER NOISE SUPPRESSION ON/OFF
- 1 OPER-HTR BOOSTER PUMP AUTOMATIC
- 1 LPS-SI DIR RED LED PIN RR.AXLE
- 1 SWITCH-ROCKER STROBE LAMPS
- 1 LAMPS-PILOT WARNING LIGHTS RED
- 1 LAMPS-PILOT WARNING LIGHTS AMBER
- 1 OPERATION-LAMP STROBE, IGNITION & SWITCH ACTIVATED
- 1 SWITCH-ROCKER A/C FAN SPEED
- 1 ELEC-CABLE PRIM PWR & GND-CUSTOMER ACCESS
- 1 OPERATION-LAMPS SIDE DIRECT.OONLY
- 1 BLOCK-FUSE CUSTOMER ACCESS
- 1 OPER-PRE-TRIP INSPECTION
- 1 ELEC-SEAT BELT PILOT LAMP
- 1 OPER-SEAT BELT PILOT LAMP
- 1 LAYOUT-ROCKER SWITCH STANDARD
- 1 ELEC-PV 360 CAM STOP/TAIL/TURN
- 1 ELEC-ELECTRIC STOP SIGN 1ST WINDOW POSITION

- 1 SPEAKERS-INT. 30 WAT.(6) 341T
- 1 ELEC- (6) INT SPEAKERS 341T
- 1 DOME LPS - MEDIUM
- 1 112DB BACKUP ALARM

### **EXTERIOR**

- 1 FLAPS-MUD, FRONT 16"W X 12"H
- 1 STEPS-EXT W/S SERVICE
- 1 FENDER-QUARTER 24" BATTERY BOX DOOR
- 1 BODY ADJUSTMENT-FREIGHTLINER, BTR RS FUEL FILL LOCATION
- 1 REINFORCEMENT-FRAME 24" BATTERY DOOR AND A/C
- 1 CAP-ENTRANCE DOOR STANDARD
- 1 FLOOR-NON ADA
- 1 BUMPER-REAR 2 BRACES NO EXHAUST HOLE
- 1 SKT.FWD.STPWLL LO DEF
- 1 CAP-FRT ROOF VENT W/WARN.LPS.
- 1 CAP-REAR ROOF W/WARN.LPS.
- 1 GUSSET-21"H LWR SIDE SHEET
- 1 SHEET-LWR, L MID 20G,21"
- 1 SHEET-LWR,L RR 20G,21"
- 1 SHEET-LWR,R MID 20G,21"
- 1 SHEET-LWR,R RR 20G,21"
- 1 DOOR-U/B L BATTERY 24"
- 1 DOOR-FUEL FILL ACCESS BTR
- 1 FENDERETTE-STL 21" SKIRT
- 1 LATCH-BATT DOOR NON-LOCKING
- 1 LATCH-FUEL FILL ACCESS (THUMB)
- 1 VENT-STATIC PRESENT
- 1 PILASTER - 341T, 900
- 1 LATCH-NON-LOCKING DEF ACCESS DOOR
- 1 RAIL-SNOW RAIL PRESENT
- 1 HARDWARE-MOUNTING CLIPS STANDARD

### **HVAC**

- 1 AC-126K BTU-FREE BLOW BULKHEAD
- 1 AIR CONDITIONING CONTROLS-STANDARD
- 1 CONDENSER- CM3 (2)
- 1 EVAP - IW10 RR, IW4 FRONT
- 1 EVAP TRIM-INT(2) IW10, IW4
- 1 PLUMB.-AC COMP DUAL ISB
- 1 AC CTL.BD.STD.TIE IN SGL.LOOP
- 1 PLUMBING-IW10, IW4
- 1 CABLE-EVAP 2 FRT BULKHEAD
- 1 HTR-U/S LS 84,000 BTU LOC 10
- 1 HOSE-HTR BLUSTRIP W/ W/H POS 10
- 1 CLAMPS-UNDERSEAT HEATER CONSTANT TORQUE
- 1 LOCATION-EVAP NO2 FRONT BULKHEAD
- 1 PLASTIC COOLANT BOOSTER PUMP WITH AUTOMATIC CONTROL
- 1 HEATER, DEFROSTER,AND AIR COND
- 1 BODY BUILDER SUPPLIED PLUMBING W/ACCESS HOLES IN FRAME RAIL
- 1 AUXILLARY HEATER PLUMBING WITH BODY SOLENOID SHUTOFF

### **INTERIOR**

- 1 VISOR-WINDSHIELD SUN 6"X30" TINTED
- 1 DOOR-STORAGE BOX W/O GLASS
- 1 TRIM-LOWER REAR HEATER NO A/C
- 1 REINF-RR END A/C EVAP. IW10
- 1 REINFORCEMENT-REAR STOP SIGNAL 40"
- 1 REINF-FRONT A/C EVAP.
- 1 BTR FUEL FILL RECESS, W/DOOR
- 1 BULKHEAD-RR END INT.W-A/C IW10
- 1 COVER-TRIM DRVS HDR W/STORAGE
- 1 COVER-TRIM FRT END W/S HEADER A/C
- 1 FLR-BLK VINYL W/13" CTR AISLE 341T
- 1 FLR-BLK WHEELHOUSE AND HEATER
- 1 FLOOR-PLYWOOD 1/2" 341T
- 1 LINING-SIDE INT.

- 1 INSULATION-FRT BULKHEAD W/ACRSY 2"POLY
- 1 H/L-1ST WDO SEC ACOUS GRY 341T
- 1 INSULATION - RAFTER CAVITY 341T
- 1 TUBE-FILL BTR & OVERFLOW HOSE
- 1 CAP-FUEL FILL BTR NON-LOCKING
- 1 IN DASH STORAGE BIN

### **MISC**

- 1 PDI IDENTIFIER-DEALER PERFORMED
- 1 CONDENSER ALERT - PRESENT SHORT
- 1 MANUAL-DRVR'S/MAINT.ENGLISH
- 1 APPLICATION - SCHOOL
- 1 70 MPH ROAD SPEED LIMIT
- 1 SAF-T-LINER C2

### **PAINT/LETTERING**

- 1 DECAL-UNITED AUTO WORKERS
- 1 LOGO-THOMAS DECALS BLACK
- 4 LABEL-P/O WDO EMER EXIT 2" BLACK
- 1 LABEL-ENGLISH AG2.AIR.ENT DR
- 1 DECAL-BACKING ALARM
- 1 DECAL-LOW SULFUR FUEL
- 1 LABEL-RR DR EMERGENCY DOOR 2"HIGH
- 1 DECAL-ENTRANCE DOOR VANDALOCK ENGLISH
- 1 LABEL-RR EMERGENCY DOOR INSTRUCTION
- 1 LABEL-"DEF ONLY"
- 1 LABEL-REGENERATION WARNING 2010/2013 EPA ENGLISH
- 1 PAINT-EXT HNDLE(S) BLACK
- 1 DECAL-REFL FRT CAP "SCHOOL BUS"
- 1 DECAL-REFL RR CAP "SCHOOL BUS"
- 1 DECAL-"DIESEL"
- 1 PAINT-EXTERIOR ROOF WHITE 341T
- 1 PAINT-EXT WDO AREA SAME AS BODY
- 1 PAINT-EXT GRD RAIL @ WINDOW BLACK
- 1 PAINT-EXT GRD RAIL @ SEAT BLACK
- 1 PAINT-EXT GRD RAIL @ FLOOR BLACK
- 1 PAINT-EXT GRD RAIL @ SKRT BLACK
- 1 PAINT-EXT BUMPER REAR BLACK
- 1 PAINT-BLACK TRIM-FRONT/REAR ROOF CAPS
- 1 DECALS-SIDE SHEET REFL "SCHOOL BUS"
- 1 PAINT-SOLID COLOR YELLOW
- 1 DECAL-APPROVED FUEL TYPE
- 1 HEADLINING-VESTIBULE ACOUSTIC, GRAY, DRIVER LAMP
- 1 LABEL-AIR CONDITIONING SPECIFICATION TEXAS
- 1 PAINT:ONE SOLID COLOR,BASE/CLEARCOAT

### **SEATS**

- 1 SEAT BELT - DRIVERS SEAT
- 1 39" BARR-VERT,WALL MT 45"H RS 2009
- 1 39"8DEG BARR-REV. WALL-MT 45"H 2009
- 2 PRO GRA/BLK UPH-45"H RECESSED BARRIER
- 1 RAIL-ASSIST FRT ENT DR 39"W
- 1 BACK-NATIONAL DRV'S SEAT
- 1 ARMREST NATIONAL DRVR'S ST. BOTH SIDES
- 1 UPH DR.ST.PRO BLK NATIONAL
- 1 PEDESTAL-NATIONAL AIR W/2 SHOCKS
- 1 RETAINER NATIONAL DR.ST.BELT
- 1 KICKPLATE-MOD.PANEL RS 39" IW4
- 1 RISER-DRIVERS SEAT, NATIONAL
- 26 PRO GRAY/BLACK UPHOLSTERY - S3C SEAT
- 12 S3C 39"LS FLEXIBLE 3/2 WALL MOUNT
- 13 S3C 39"RS 3/2 FLEXIBLE WALL MOUNT
- 1 S3C 26" LS FLEXABLE 2/1 WALMONT
- 26 S3C WALL MOUNT HARDWARE - C2

### **WARRANTY**

- 1 3-YR 50,000-MILES BODY WARRANTY
- 1 3-YR 50,000 MILES FCCC BASIC CHASSIS WARRANTY

583

- 1 TOWING EXTENDED/ROADSIDE SVC WTY 2 YEAR/UNLIM MI/KM,\$550 CAP
- 1 5-YR/UNLIMITED WRTY BODY CONSTRUCTION, SEAT FRAMES, PAINT (see details below)
- 1 5-YR/100000 MILE WRTY CUMMINS ENGINE
- 1 7-YR/UNLIMITED MILE WRTY ALLISON TRANSMISSION
- 1 5-YR/UNLIMITED MILE WRTY AXLES, KING-PINS, FRAME RAIL

### **WINDOWS/GLASS**

- 1 GLASS-WINDSHIELD ONE PIECE WITH TINTED BAND
- 1 GLASS-RS FRT STAT TNT LAM
- 1 GLASS-LS FRT STAT TNT LAM
- 1 GLASS-RR STAT TINTED LAMINATED
- 1 FRAME-WDO SPLIT
- 16 FRAME-WDO SPLIT 30"W
- 2 FRAME-WDO SPLIT 40"W
- 2 WDO P/O VERT LAM TNT LS
- 2 WDO P/O VERT LAM TNT RS
- 16 GLASS-WDO TINT LAM 30"
- 2 GLASS-WDO TINT LAM 40"
- 1 STOPS-WDO 12"
- 1 GLASS-LOWER REAR DOOR LAMINATED TINTED
- 1 GLASS-UPPER REAR DOOR LAMINATED TINT
- 1 WDO-DRIVER'S LAM TINT

### **OTHER**

- 1 LOGO-FRT RS & RR
- 1 HATCH-RF ESC SPEC ADVANTAGE H1976-015-131 ENGLISH GRAY (2)
- 1 ELEC-RF ESC HATCH POS 9
- 1 ARM ASSEMBLY-WINDSHIELD WIPER (2)
- 1 ELECTRICAL-ROOF HATCH OR P/O WINDOW (DASH)
- 1 OPER-FAN DRV'S WDO HDR
- 1 OPER-ALARM BACKING W/REV.
- 1 OPER-RF HATCH BUZZER
- 1 OPERATION-A/C CONTROL-STANDARD DIGITAL
- 1 LOCATION-VESTIBULE FLOOR PLATE CENTER 24 FAK
- 1 LOC-VEST.FLR.PLT.FWD. 10 BFC
- 1 ANTENNA - RADIO SWIVEL BASE
- 1 ELEC-ANTENNA RADIO COAXIAL
- 1 KIT-RADIO ANTENNA MOUNTING @ DRIVER'S HEADER
- 1 ALERT-6.7L CONDENSER SHORT
- 1 341T30\_N
- 1 TRIM-A POST
- 1 WHEELHOUSES-REAR L&R
- 1 STRINGER-ROOF 341T
- 1 FRONT END FRAME
- 1 FRT END FRAME MTG KIT
- 1 REAR END FRAME-28.68"DEEP
- 1 FLOOR-GALVALUME STEEL MID BODY
- 1 TRIM-REAR DOOR
- 1 HINGES-REAR DOOR PIN TYPE
- 1 LATCH-SINGLE-POINT, REAR EMERGENCY DOOR
- 1 STOP-DOOR REAR EMERGENCY, 1-POS
- 1 OPERATION-VANDLOCK ENTRANCE/EMGENCY DOOR(S) WITH PILOT LAMPS
- 1 OPER-DR.RR.EMG.W/BUZ
- 1 ELEC-SIDE EMERGENCY DOOR(S)
- 1 SWITCH-PADDLE-TYPE ENTRANCE DOOR AIR
- 1 DOOR, REAR EMERGENCY
- 1 THRESHOLD REAR EMGERGENCY DOOR
- 1 ELEC-(2) USB OUTLET LS CABINET
- 1 ELEC-DRIVER'S DOME LPS
- 1 SWITCH-RKR DOME LPS ALL
- 1 OPERATION-SWITCH, PANEL LAMPS DIMMER
- 1 LPS-EXT AFT OF ENT DOOR
- 1 LPS-STPWLL LED (1)
- 1 ELEC-PASSENGER ADVISORY 341T
- 1 OPER-PASS ADV IGN/WARN/BUZZER

584

- 1 SWITCH-RKR FAN DEFROST L.S.
- 1 BUZZER-SWITCH PANEL 1 TONE
- 1 OPERATION-NOISE SUPPRESSION
- 1 ELECTRICAL-LAMPS WARNING,8 LAMPS 341T
- 1 OPER-LPS, DOME STANDARD
- 1 OPER-LPS BODY TAIL W/PARK SW.
- 1 LAMPS-LICENSE PLATE ILLUMINATION
- 1 ELECTRICAL-LAMPS ID/MARKER PARK/SWITCH 341T
- 1 SWITCH-ROCKER DOME LAMPS DRIVER ON/OFF
- 1 ELECTRICAL-LAMPS STROBE 6' FROM REAR
- 1 OPER-DRVR'S DOME LPS ON/OFF
- 1 OPERATION-LAMPS INTERIOR/EXTERIOR RIGHT FRONT ENTRANCE DOOR
- 1 OPER-LPS SERVICE BRAKE
- 1 OPERATION-SWITCH ID/MARKER LAMPS WITH PARK
- 1 OPER-LPS DOME (1)ON/OFF
- 1 OPER-LPS REVERSE
- 1 ELEC-(2) SWITCH BANKS
- 1 SWITCH-WARN.LPS ON/AMB ACT.
- 1 CABLE-EVAPORATOR 1 POWER SUPPLY STANDARD
- 1 SWITCH-ROCKER A/C ON
- 1 ELEC-HARNESS COMP ASM 341T
- 1 ELEC-ELECTRONIC COMP ASM
- 1 OPER-LPS DIR./HAZ.
- 1 ELEC-MIR A NH & RC
- 1 ELECTRICAL-ELECTRIC STOP SIGN REAR
- 1 RAIL-EXTERIOR GUARD @ WINDOW,SEAT,FLOOR,SKIRT
- 1 RAIL-EXT GRD @ SEAT FRT END LS
- 1 TRIM-FRT CAP RS/LS
- 1 PANELS-EXTERIOR REAR
- 1 SHEET-DRIVERS EXTERIOR 20 GA.
- 1 SHEET-UPPER SIDE EXTERIOR
- 1 UNDERCOATING-ASPHALT EMULSION
- 1 HEADERS-WINDOW INTERIOR 341T
- 1 PANELS-REAR END INTERIOR REAR GALVALUME
- 1 PANELS-REAR END INTERIOR SIDE LONG WITH SOLID PANEL
- 1 PANELS-ACCESS RR GRAY PASS ADVISORY
- 1 COVER-HARNESS ACCESS@HDR
- 1 COVER-ACCESS FRT END HARNESS
- 1 COVER-TRIM FRT ENT.ALUM,DR HDR,AIR,OP.
- 1 HEADLINING-REAR LONG SMOOTH, GRAY
- 1 STRIPS - AISLE, SNAP-IN BLACK
- 1 COVER-FUEL SENDING INSPECTION
- 1 SWITCH-ROCKER HEATER LEFT 2ND
- 1 ELECTRICAL-HEATER UNDERSEAT POSITION 10
- 1 RAIL-SEAT
- 1 LAYOUT-SEAT RAIL HOLES RS
- 1 LAYOUT-SEAT RAIL HOLES LS
- 1 CABINET-SW, FWD
- 1 CABINET-SWITCH, LOWER WITHOUT POCKET
- 1 CABINET-SWITCH, UPPER
- 1 CABINET-TOP PLATE (2 BANKS)
- 1 INSULATION-VEST HEADLINING 2"
- 1 INSULATION-SIDELINING 2" POLY
- 1 INSULATION-RR BULKHEAD 2" POLY
- 1 OPER-HTR U/ SEAT LS AFT
- 1 HEADERS-WINDOW EXTERIOR 341T
- 1 LOCATION-EVAPORATOR NO1 REAR BULKHEAD
- 1 HARNESS COVER COLOR - GRAY
- 1 SPEAKER ALERT - PRESENT
- 1 HEADLINING COLOR - GREY
- 1 HDLINING TYPE-1ST WDO ACOUSTIC
- 1 MAT, FLOOR VESTIBULE
- 1 TRIM-INTERIOR DASH FORWARD
- 1 PLATE-ACCELERATOR
- 1 OPER-WDO P/O

- 1 PRICE ADJUSTMENT -IN COMBINATION W/001-310
- 1 DUAL SELTEC TM-21 COMPRESSORS REAR MINI STAT-O-SEAL
- 1 ELECTRONIC CONTROL UNIT-DASH, PARKBRAKE, INTELLIPARK
- 1 VANDALOCK,STARTER DISABLE W/ANY LOCKED EMER DR(S),LH PT LAMP
- 1 LOWER RADIATOR GUARD
- 1 REINFORCED NYLON FUEL LINES
- 1 PAINTED FUEL TANK, PAINTED BANDS
- 1 SINGLE SUCTION AND RETURN FUEL LINES
- 1 FUEL TANK MOUNTED BETWEEN RAILS, AFT OF REAR AXLE, WITH CAGE
- 1 STAINLESS STEEL CHARGE AIR COOLER PLUMBING
- 1 REMOTE-MOUNTED SURGE TANK
- 1 BASIC WIRING SCHEMATIC,UNMOUNTED,12-VOLT NEGATIVE GROUND SYS
- 1 PAINTED BATTERY PANEL COVER
- 1 BATTERY BOX FRAME MOUNTED
- 1 (3) DTNA 3000CCA FLOODED STARTING, 555RC THREADED STUD BATTE
- 1 INTEGRAL ELECTRONIC TURN SIGNAL FLASHER
- 1 BATT ENABLED 3 AMBER INBOARD ID LAMPS,2 AMBER OUTBOARD MARKE
- 1 STROBE LAMP, IGNITION SWITCH OR LH DASH SWITCH ACTIVATED
- 1 L.E.D. WARNING SYSTEM LAMPS W/PULSING FEATURE
- 1 STANDARD BODY VISUAL WARNING,LOWER RR,REV LAMPS ON DR/OPEN
- 1 STANDARD WIRING
- 1 DRIVER'S IGNITION OPERATED DOME LP WITH ON/OFF SW
- 1 PASSENGER COMPARTMENT DOME LAMPS, IGNITION ACTIVATED
- 1 PASSENGER COMPARTMENT DOME LPS, SINGLE ON/OFF SW
- 1 STEPWELL LAMP ON WITH DOOR OPEN AND MARKER LAMPS ON
- 1 EIGHT LAMP WARNING SYSTEM,LH DASH SWITCH(S), PACKAGE 2
- 1 SHIFT LEVER, CABLE LINKAGE, AUTOMATIC TRANSMISSION
- 1 DRIVELINE GUARD
- 1 NON-ASBESTOS FRONT BRAKE LININGS
- 1 FRONT SHOCK ABSORBERS
- 1 NON-ASBESTOS REAR BRAKE LININGS
- 1 TWO QUART SEE THRU POWER STEERING RESERVOIR
- 1 STD FITTINGS POWER STEERING GEAR
- 1 POWER STEERING PUMP
- 1 ZINC-PLATED HEXHEAD CHASSIS FASTENERS
- 1 3975MM (155") REAR FRAME OVERHANG
- 1 SQUARE END OF FRAME
- 1 BUMPER MOUNTING FOR SINGLE LICENSE PLATE
- 1 COMBINATION S/T/T/R LAMPS, LED
- 1 REAR EMERGENCY DOOR,IGNITION CONTROL,BUZZER ON W/DOOR OPEN
- 1 MAINTENANCE-FREE RUBBER BUSHINGS - FRONT SUSPENSION
- 1 CAB MOUNTING FOR HOOD AND COWL CHASSIS
- 1 MANUAL ENT DOOR LOCK/BUZZER ON W/EMERGENCY DOORS UNLATCHED
- 1 ONE GALLON WINDSHIELD WASHER RESERVOIR
- 1 SINGLE ELECTRIC WINDSHIELD WIPER MOTOR W/DELAY
- 1 GRAY/CHARCOAL FLAT DASH
- 1 A/C PLMBG,IW10,IW4,CM3/3,126K,B6.7,199+,B2
- 1 STANDARD HVAC DUCTING
- 1 MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH,& NOISE SUPPRES
- 1 DRIVER'S FAN,(1) MOUNTED ABOVE SIDE WINDOW
- 1 AUXILIARY BODY HEATER, UNDER SEAT, AFT
- 1 DIGITAL AUXILIARY BODY MOUNTED AC CONTROL
- 1 GRAY INSTRUMENT PANEL-DRIVER
- 1 AIR PROVISIONS FOR CUSTOMER FURN DRIVERS AIR RIDE SEAT
- 1 ROOF MOUNTED VENT/ESCAPE HATCH
- 1 PUSH OUT BODY SIDE WINDOWS, BUZZER WITH WINDOW UNLATCHED
- 1 PROVISION FOR EVIR ZONAR
- 1 SEPARATE PANEL LAMP DIMMER,LH DRIVER'S SWITCH PANEL
- 1 CHASSIS COWL AND HOOD ONLY
- 1 BUMPER: BLACK
- 1 CHASSIS: VENDOR BLACK
- 1 J1939 ELECTRICAL ARCHITECTURE
- 1 EXPECTED GROSS VEHICLE WEIGHT CAPACITY
- 1 EXPECTED FRONT AXLE(S) LOAD
- 1 EXPECTED REAR DRIVE AXLE(S) LOAD

586

- 1 SCHOOL BUS SERVICE
- 1 COWL CHASSIS CONFIGURATION COMPLIES WITH SBMTC
- 1 BUS BODY WITH WHEELWELL
- 1 PASSENGER COMMODITY
- 1 100% ON-HIGHWAY (CITY) TERRAIN
- 1 DOMICILED TEXAS
- 1 THOMAS BUILT SCHOOL BUS 341T

## **CHASSIS**

### **AXLES AND SUSPENSIONS**

- 1 ALIGNMENT-4-WHEEL SAF-T-LINER C2
- 1 SPL100 DANA SPICER MAIN DRIVELINE
- 1 DA-F-10-3 10,000# FF1 71.5 KPI/3.74 DROP SINGLE FRONT AXLE
- 1 CHICAGO RAWHIDE FRONT OIL SEALS
- 1 SYNTHETIC 75W-90 FRONT AXLE LUBE
- 1 CONMET IRON FRONT HUBS
- 1 SYNTHETIC 75W-90 REAR AXLE LUBE
- 1 DA-RS-23-4 23,000# R-SRS SINGLE REAR AXLE
- 1 5.56 REAR AXLE RATIO
- 1 IRON REAR AXLE CARRIER HOUSING
- 1 REAR SHOCK ABSORBERS - ONE AXLE
- 1 CHICAGO RAWHIDE (SCOT) REAR OIL SEALS
- 1 CONMET IRON REAR HUBS
- 1 9,000 LB. TAPERLEAF FRONT SUSPENSION
- 1 AIRLINER 23,000 LB. REAR SUSPENSION
- 1 COMFORT-TEC SUSPENSION
- 1 SINGLE AIR SUSPN LEVELING VALVES

### **BRAKES**

- 1 ALERT-ENHANCED STABILITY CONTROL
- 1 AIR BRAKE PACKAGE
- 1 MERITOR 15 X 4 Q+ CAM FRONT BRAKES (ROCKWELL)
- 1 HALDEX LONGSTROKE FRONT BRAKE CHAMBER
- 1 MERITOR AUTOMATIC FRONT SLACK ADJUSTERS
- 1 CONMET CAST IRON FRONT BRAKE DRUMS
- 1 MERITOR 16 1/2 X 7 Q+ CAM REAR BRAKES, DBL-ANCHOR, FAB SHOES
- 1 HALDEX, LONGSTROKE, SINGLE DRIVE AXLE, SPRING-PARK CHAMBERS
- 1 MERITOR AUTOMATIC SLACK ADJUSTERS
- 1 CONMET CAST IRON REAR BRAKE DRUMS
- 1 STEEL AIR BRAKE RESERVOIRS INSIDE FRAME RAILS
- 1 BENDIX AD-9 AIR DRYER WITH HEATER
- 1 EXTERNAL CHARGING SCHRADER VALVE
- 1 WABCO 4S/4M ABS W/TRACTION CONTROL

### **CHASSIS EQUIPMENT**

- 1 EXHAUST-LS TURNDWN, BELOW BMPR
- 1 ANTI-FREEZE, OAT -34 DEGREE
- 1 SHIELD-EXHAUST PIPE
- 1 B2 106 CONVENTIONAL CHASSIS
- 1 SET-BACK AXLE - TRUCK
- 1 ELECTRIC GRID AIR INTAKE WARMER
- 1 DELCO 12V 29MT STARTER WITH INTEGRATED M
- 1 NO CLUTCH PEDAL WITH NON-ADJUSTABLE
- 1 INTAKE MOUNTED AIR RESTRICTION INDICATOR WITHOUT GRADUATIONS
- 1 RIGHT HAND SIDE-FILL FUEL TANK CAP
- 1 100GALLON/378 LITER STEEL RECTANGULAR FUEL TANK, BETWEEN RAIL
- 1 HORIZ TAILPIPE, EXIT LH REAR
- 1 11.5 GALLON DEF TANK
- 1 ENGINE AFTER TREATMENT DEVICE AUTOMATIC
- 1 MAGNETIC ENGINE DRAIN, REAR AXLE DRAIN & FILL PLUG
- 1 EXHAUST MITIGATION DEVICE FTL 4" ID SLIP
- 1 700 CUBIC INCH MINIMUM AUXILIARY AIR
- 1 PETCOCK DRAIN VALVES ON ALL AIR TANKS
- 1 ADJUSTABLE STEERING COLUMN
- 1 TRW THP-60 POWER STEERING
- 1 450MM(18") LK FOUR-SPOKE CHARCOAL STEERING WHEEL
- 1 7075MM (279") WHEELBASE

- 1 5/16" X 3" X 10-1/8" STEEL FRAME 120,000 PSI YIELD
- 1 1-PIECE 14" PTD STL 1/4" HD BUMPER JACK PROVISION
- 1 FRONT FRAME-MOUNTED TOW HOOKS
- 1 STANDARD DUTY HOOD MOUNTING
- 1 FIBERGLASS HOOD
- 1 HOOD MTD CHROMED PLASTIC GRILLE
- 1 ALL LOCKS KEYED THE SAME
- 1 CHROME HOOD MOUNTED AIR INTAKE GRILLE
- 1 CAB FLOOR,TOE BOARD,FIREWALL HEAT SHIELD
- 1 (2) CUPHOLDERS, LEFT HAND AND RIGHT HAND DASH
- 1 REINFORCED NYLON, FABRIC AND WIRE BRAID CHASSIS AIR LINES

### **ELECTRICAL - CHASSIS**

- 1 LN 12 VOLT 270 AMP 4949PA PAD MOUNT ALTERNATOR
- 1 PROG RPM CTRL W A/C OR 12.75V LOW VOLT AUTO HI IDLE, DASH SW
- 1 CRUISE CONTROL-ELEC ENG,W/SWITCHES IN LH SWITCH PANEL
- 1 DIAGNOSTIC INTERFACE CONNECTOR,9-PIN, S
- 1 IGNITION SWITCH CONTROLLED ENGINE STOP
- 1 ALTERNATELY FLASHING HEADLAMP SYSTEM W/BODY BUILDER ENGAGEMENT
- 1 12VOLT POWER SUPPLY LH PANEL
- 1 SOLID STATE CIRCUIT PROTECTION, PDMS WIT
- 1 COLE HERSEE BATTERY CUT-OFF SWITCH, BATTERY BOX MOUNTED
- 1 SELF CANCEL TURN SIGNAL SWITCH W/DIM/WASH&HAZZARD IN HANDLE
- 1 STANDARD FRONT TURN SIGNAL LIGHTS
- 1 PARK LMP SW INTGRAL W/HL SWITCH, ID/MARKER/CLEARANCE/PARK ON
- 1 AMBER LED MIDSHIP TURN SIGNALS
- 1 RED LED OVER REAR WHEELS MTD TURN SIGNALS GUARD
- 1 DAYTIME RUNNING LIGHTS SET @ 100% & EXTERIOR LAMPS W/ENG RUN
- 1 LED HEADLIGHT ASS & INCANDESCENT MARKER/TURN LAMP CHROME
- 1 STOP SIGN PRESENT
- 1 ELECTRONIC STABILITY CONTROL
- 1 AIR OPERATED BATTERY CONTROLLED RH FRONT ENTRANCE DOOR
- 1 BATT POWERED 2-POS INTERNAL DOOR CONTROL SWITCH
- 1 DUAL ELEC HORN, PASSENGER ADVISORY BUZZER ON W/IGN AND WARN
- 1 C/F J1939 RADIO W/PA
- 1 FASTEN SEAT BELT INDICATOR FOR CUSTOMER SUPPLIED SEAT BELT
- 1 LOCATING SYSTEM WITH VEHICLE MONITORING
- 1 ELECTRONIC SPEEDOMETER WITH SECONDARY KPH SCALE, NO ODOMETER
- 1 DRIVER MESSAGE CENTER WITH LCD DISPLAY
- 1 ELECTRONIC 3500 RPM TACHOMETER
- 1 PRE/POST TRIP SYSTEM TEST
- 1 ENGINE AND HOUR METERS INTEGRAL WITH DRIVER DISPLAY
- 1 DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY
- 1 PRIMARY AND SECONDARY AIR PRESSURE GAUGES
- 1 ELECTRIC FUEL GAUGE
- 1 ELECTRIC ENGINE OIL PRESSURE GAUGE
- 1 ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE

### **ENGINE AND EQUIPMENT**

- 1 CUM B6.7 220 HP @ 2400 RPM, 2600 GOV, 600 LB/FT @ 1600 RPM
- 1 ANTI-FREEZE TO -34F, OAT (NITRITE AND SILICATE FREE)EXT LIFE
- 1 ENGINE-MOUNTED OIL CHECK AND FILL
- 1 CUMMINS 18.7 CFM COMPRESSOR
- 1 CUMMINS SPIN ON FUEL FILTER
- 1 STANDARD ENGINE OIL
- 1 FULL FLOW OIL FILTER
- 1 DETROIT F/W SEP W/WIF SENSOR & HAND PRIMER
- 1 CUMMINS INTEGRAL EXHAUST BRAKE WITH VARIABLE TURBO
- 1 ALUMINUM FLYWHEEL HOUSING
- 1 STANDARD OIL PAN
- 1 ELECTRONIC ENGINE INTEGRAL WARNING AND DERATE PROTECTION
- 1 ADDL AUX LINES W/MANIFOLD PLUMBING AND COMBINED SHUTOFF
- 1 GATES BLUE STRIPE COOLANT HOSES
- 1 CONSTANT TORQUE BREEZE CLAMPS ON 1" IN DIA GREATER, SS C
- 1 DONALDSON ONE-STAGE AIR CLEANER
- 1 700 SQUARE INCH ALUMINUM RADIATOR

588

- 1 VISCOUS FAN DRIVE
- 1 DIGITAL TRANS OIL TEMP IN DRIVER DISPLAY

**TRANSMISSION AND EQUIPMENT**

- 1 ALLISON 2500 PTS AUTOMATIC TRANSMISSION
- 1 ALLISON VOCATIONAL PACKAGE 354 - FIFTH GEN
- 1 TRANSMISSION OIL CHECK AND FILL
- 1 SYNTHETIC 50W TRANSMISSION LUBE (TES-295 COMPLIANT)
- 1 WATER TO OIL TRANSMISSION COOLER - IN RADIATOR END TANK
- 1 PRIMARY MODE GEARS, 6 FORWARD

**WHEELS AND TIRES**

- 1 FRONT HANKOOK AH24 11R22.5 14 PLY TIRES
- 1 REAR HANKOOK AH24 11R22.5 14 PLY TIRES
- 1 MAXION 90262 22.5 X 8.25 10 HOLE HUB PILOT 5-HAND
- 1 MAXION 90262 22.5 X 8.25 10 HOLE HUB PILOT 5-HAND
- 1 TIRE/WHEEL BALANCING-LEAD FREE WEIGHTS
- 1 ACCURIDE PK-BLACK21 POWDER BLACK WHEEL (N0001H)- FRONT
- 1 ACCURIDE PKBLK21 POWDER BLACK WHEEL (N0001H) - REAR

**DEALER ADD On's**

**EQUIPMENT**

- 1 Safety Vision DVR and Cameras Plus Install (6cam)
- 1 Motorola 2 WAY plus Install
- 1 Delivery to District
- 1 DOT Vehicle Inspection
- 1 Beltline Lettering (SPLENDORA ISD)
- 0 NO MID-SHIP 3<sup>rd</sup> Evaporator

Meets all FMVSS requirements in effect at the time of manufacture.

**\*Co-op Price Per Each \$ 125,675.00**

**Price for 2 Units: \$251,350.00**

Customer Is Member Following CO-OP:  
TASB / Buyboard

SELECT YOUR CHOICE OF CO-OP:

\*BuyBoard Requires Additional \$800.00 Fee Per PO

Quote Expires: 20 DAYS

Customer Signature:

Date:

Dealer Signature:

Date:

**Additional C2 Warranty Information Below:**

TBB Basic Body (Type C)	3 Years	50,000 mi/80 500 km
TBB A/C System	3 Years	50,000 mi/80 500 km
TBB Manufactured Components	3 Years	50,000 mi/80 500 km
TBB Miscellaneous (Accessories, Compartments, etc.)	3 Years	50,000 mi/80 500 km
TBB Paint	5 Years	Unlimited
TBB Passenger Doors	3 Years	50,000 mi/80 500 km
TBB Seat and Barrier Frames	5 Years	Unlimited
TBB Seats, Barriers, and Stanchions	3 Years	50,000 mi/80 500 km
TBB Storm Glass and Windows	3 Years	50,000 mi/80 500 km
TBB Structure and Sheet Metal	5 Years	Unlimited
TBB Towing	2 Years	Unlimited

Basic Chassis	3 Years	50,000 mi/80 500 km
Battery	1 Year	100,000 mi/161 000 km
Brightwork	6 Months	Unlimited
Corrosion	6 Months	Unlimited
Cowl Corrosion	5 Years	Unlimited
Cowl Structure	5 Years	Unlimited
Crossmembers	5 Years	Unlimited
Diesel Emission 2010 <sup>3</sup>	5 Years	100,000 mi/161 000 km
Frame Rails	5 Years	Unlimited
GHG14 <sup>4</sup> (Light Heavy Duty Trucks)	5 Years	50,000 mi/80 500 km
GHG14 <sup>4</sup> (Medium Heavy Duty to Heavy Heavy Duty Trucks)	5 Years	100,000 mi/161 000 km
GHG14 <sup>4</sup> Tire (File Direct)	2 Years	24,000 mi/38 400 km
Paint, Chassis	6 Months	Unlimited
Paint, Hood and Cowl <sup>5</sup>	5 Years	Unlimited
Towing/Roadside Assistance <sup>6</sup>	2 Years	Unlimited
Transfer Case	4 Years	Unlimited
Transmission	5 Years	Unlimited
Front Axle(s) <sup>7</sup>		
Detroit (File Direct)	5 Years	Unlimited
Non-Detroit	4 Years	Unlimited
Rear Axle(s) <sup>8</sup>		
Detroit (File Direct)	5 Years	Unlimited
Non-Detroit	4 Years	Unlimited





**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: July 18, 2022**

**Submitted Date: July 11, 2022**

**Agenda Business Items:**

- X Consent Agenda Item  
(Board has acted on items such as this previously)
- New Action  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation
- Recognition
- Information

---

**Name of Person Responsible: Kevin Lynch**

**Department or Campus: Business**

**Topic: Consider and Accept Excess Collections for 2021 Debt Service and Certification for Debt Service Collection Rate for 2022-2023.**

**Background Information: To be used in the calculation of the 2022 Rollback Tax Rate Worksheet.**

**Attachments: Tax assessor statement.**

**Superintendent's Resolutions: Recommended**



# Tammy J. McRae

Tax Assessor-Collector  
Montgomery County

July 6, 2022

TO: All Jurisdictions Levying a 2022 Debt Service

RE: Consent Agenda Item for Governing Body

“CONSIDER AND ACCEPT EXCESS COLLECTIONS FOR 2021 DEBT SERVICE AND CERTIFICATION FOR DEBT SERVICE COLLECTION RATE FOR 2022/2023”

Dear Governing Body;

Enclosed is the above information for your agenda. Please contact me should you have questions.

Best Regards,

Tammy McRae, PCAC  
Tax Assessor-Collector



**Tammy J. McRae**  
Tax Assessor-Collector  
Montgomery County

July 6, 2022

SPLENDORA INDEPENDENT SCHOOL DISTRICT  
2022-2023 ANTICIPATED COLLECTION RATE  
2021 EXCESS DEBT TAX COLLECTIONS

In accordance with the certification requirements of Section 26.04(b), Texas Property Tax Code, the following information is provided for use on the Voter Approval Rate Worksheet:

**The anticipated collection rate for 2022 is 100%, as calculated under Sec. 26.04(h)(h-1)(h-2).**

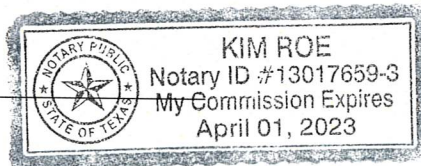
**Excess 2021 debt tax collections are \$0.00. This amount is to be used in the 2022 debt tax rate calculation because the 2021 actual debt tax collection rate met the anticipated 2021 debt collection rate which was equal to 100%, pursuant to Sec. 26.04(e)(3)(C), Texas Property Tax Code.**

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND COMPLIES WITH THE CERTIFICATION REQUIREMENTS OF SECTION 26.04(b), TEXAS PROPERTY TAX CODE.

Tammy McRae  
Montgomery County  
Tax Assessor-Collector

Sworn and subscribed before me this 6<sup>th</sup> day of July 2022.

\_\_\_\_\_  
Notary Public for the State of Texas



*"Committed to providing the citizens of Montgomery County with excellent public service while maintaining the highest level of accountability"*

400 N. San Jacinto St.  
Conroe, Texas 77301

(936) 539-7897  
(281) 354-5511 ext 7897



**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: July 18, 2022**

**Submitted Date: July 12, 2022**

**Agenda Business Items:**

- Consent Agenda Item**  
(Board has acted on items such as this previously)  
**New Action**  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation**
- Recognition  
Information**

---

Name of Person Responsible:

Eric Reimer , Director of Maintenance

Department or Campus: Maintenance

Topic: Greenleaf Elementary roof repair bid

Background Information:

Quote received and Brazos Commercial Roofing Company was selected to complete the repairs on Greenleaf Elementary's roof using ESSER III funds.

Attachments: Link to quotes:

- 📎 Brazos GLE roof RFP DOCUMENTS 2022 (1).pdf
- 📎 Ally RFP-GLE ROOF.pdf
- 📎 Liquatech RFP.pdf
- 📎 Parson Bid .pdf
- 📎 2022 GLE Roof Repair Bid Tab.xlsx [GLE Roof Repair Bid](#)

Superintendent's Resolutions: Recommended



**Splendor ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: July 18, 2022**

**Submitted Date: July 12, 2022**

**Agenda Business Items:**

- ~~Consent Agenda Item~~
- New Action

**Information Only Items:**

- Presentation
- Recognition
- Information

---

Name of Person Responsible:

Dianna Archer

Department or Campus:

Director of Student Services

Topic:

2022-2023 Student Handbook

Background Information:

Annual Update of Student Handbook - The TASB model is used for guidance and updates. There have been a few changes based on those updates from the state.

Attachments:

Handbook Draft

Superintendent's Resolutions: Recommend

# **Splendora Independent School District Student Handbook and Code of Conduct**

**2022-23 School Year**



**Greenleaf Elementary  
Peach Creek Elementary  
Piney Woods Elementary  
Timber Lakes Elementary  
Splendora Junior High  
Splendora High School**

# Splendor Independent School District Student Handbook and Code of Conduct

2022–23 School Year

If you have difficulty accessing the information in this document because of disability, please contact the district at [www.splendoraisd.org](http://www.splendoraisd.org) or 218-689-3128.

## Table of Contents

<b>Student Handbook and Code of Conduct</b>	<b>1</b>
<b>SECTION ONE: PARENTAL RIGHTS</b>	<b>9</b>
Consent, Opt-Out, and Refusal Rights	9
Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction	15
Right of Access to Student Records, Curriculum Materials, and District Records / Policies	17
A Student with Exceptionalities or Special Circumstances	22
<b>SECTION TWO: OTHER IMPORTANT INFORMATION FOR PARENTS AND STUDENTS</b>	<b>28</b>
Absences/Attendance	28
Accountability under State and Federal Law (All Grade Levels)	33
Armed Services Vocational Aptitude Battery Test (Grades 10-12)	34
Bullying (All Grade Levels)	34
Career and Technical Education (CTE) Programs (Secondary Grade Levels Only)	35
Celebrations (All Grade Levels)	36
Child Sexual Abuse, Trafficking and Other Maltreatment of Children (All Grade Levels)	36
Class Rank/Highest-Ranking Student (Secondary Grade Levels Only)	39
Class Schedules (Secondary Grade Levels Only)	39
College and University Admissions and Financial Aid (Secondary Grade Levels Only)	39
College Credit Courses (Secondary Grade Levels Only)	40
Communications—Automated	41
Complaints and Concerns (All Grade Levels)	41
Conduct (All Grade Levels)	42
Counseling	43

## Splendora Independent School District Student Handbook

Course Credit (Secondary Grade Levels Only)	45
Credit by Examination-If a Student Has Taken the Course / Subject (All Grade Levels)	45
Credit by Examination for Advancement / Acceleration-If a Student Has Not Taken the Course /Subject	45
Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)	46
Discrimination	47
Distance Learning All Grade Levels	49
Distribution of Literature, Published Materials, or Other Documents	50
Dress and Grooming (All Grade Levels)	51
Electronic Devices and Technology Resources (All Grade Levels)	53
End-of-Course (EOC) Assessments	55
English Learners (All Grade Levels)	55
Extracurricular Activities, Clubs, and Organizations (All Grade Levels)	56
Fees (All Grade Levels)	57
Fundraising (All Grade Levels)	58
Gang-Free Zones (All Grade Levels)	58
Gender-Based Harassment	58
Grade-Level Classification (Grades 9–12 Only)	59
Grading Guidelines (All Grade Levels)	59
Graduation (Secondary Grade Levels Only)	59
Grievance Procedures for Parents and Students	65
Harassment	65
Hazing (All Grade Levels)	65
Health—Physical and Mental	66
Health-Related Resources, Policies, and Procedures	73
Identification Badges (Secondary Grade Levels)	75
Law Enforcement Agencies (All Grade Levels)	75
Leaving Campus (All Grade Levels)	76
Lost and Found (All Grade Levels)	77
Makeup Work	78
Nondiscrimination Statement (All Grade Levels)	79
Parent and Family Engagement (All Grade Levels)	80

Parking and Parking Permits (Secondary Grade Levels Only)	81
Pledges of Allegiance and a Minute of Silence (All Grade Levels)	81
Prayer (All Grade Levels)	82
Promotion and Retention	82
Release of Students from School	83
Report Cards / Progress Reports and Conferences (All Grade Levels)	83
Retaliation	84
Safety (All Grade Levels)	84
SAT, ACT, and Other Standardized Tests	86
School Facilities	86
School-sponsored Field Trips (All Grade Levels)	88
Searches	88
Sexual Harassment	90
Special Programs (All Grade Levels)	90
Standardized Testing	90
Students in Foster Care (All Grade Levels)	93
Students Who are Homeless (All Grade Levels)	93
Student Speakers (All Grade Levels)	93
Substance Abuse Prevention and Intervention (All Grade Levels)	94
Suicide Awareness and Mental Health Support (All Grade Levels)	94
Tardies (All Grade Levels)	94
Transfers (All Grade Levels)	95
Transportation (All Grade Levels)	95
Vandalism (All Grade Levels)	96
Video Cameras (All Grade Levels)	97
Visitors to the School (All Grade Levels)	97
Volunteers (All Grade Levels)	98
Voter Registration (Secondary Grade Levels Only)	98
Withdrawing from School (All Grade Levels)	98
<b>Glossary</b>	<b>99</b>

<b>SECTION THREE: STUDENT CODE OF CONDUCT</b>	<b>102</b>
Accessibility	103
Purpose	103
<b>School District Authority and Jurisdiction</b>	<b>104</b>
Campus Behavior Coordinator	104
Threat Assessment and Safe and Supportive School Team	104
Searches	104
Reporting Crimes	105
Security Personnel	105
“Parent” Defined	105
Participating in Graduation Activities	105
Unauthorized Persons	105
<b>Standards for Student Conduct</b>	<b>106</b>
<b>General Conduct Violations</b>	<b>106</b>
Disregard for Authority	106
Mistreatment of Others	107
Property Offenses	107
Possession of Prohibited Items	108
Possession of Telecommunications or Other Electronic Devices	108
Illegal, Prescription, and Over-the-Counter Drugs	108
Misuse of Technology Resources and the Internet	109
Safety Transgressions	109
Miscellaneous Offenses	110
<b>Discipline Management Techniques</b>	<b>110</b>
Students with Disabilities	110
Techniques	111
Prohibited Aversive Techniques	112
Notification	112
Appeals	113
<b>Removal From the School Bus</b>	<b>113</b>
<b>Removal From the Regular Educational Setting</b>	<b>113</b>

Routine Referral	113
Formal Removal	114
Returning a Student to the Classroom	114
<b>Out of School Suspension</b>	<b>114</b>
Misconduct	114
Process	115
Coursework During Suspension	116
<b>Disciplinary Alternative Education Program (DAEP) Placement</b>	<b>116</b>
Discretionary Placement: Misconduct That May Result in DAEP Placement	116
Mandatory Placement: Misconduct That Requires DAEP Placement	117
Sexual Assault and Campus Assignments	118
Process	118
Length of Placement	119
Appeals	120
Restrictions During Placement	120
Placement Review	121
Additional Misconduct	121
Notice of Criminal Proceedings	121
Withdrawal During Process	122
Newly Enrolled Students	122
Emergency Placement Procedure	122
Transition Services	122
<b>Placement and/or Expulsion for Certain Offenses</b>	<b>122</b>
Registered Sex Offenders	123
Certain Felonies	123
<b>Expulsion</b>	<b>125</b>
Discretionary Expulsion: Misconduct That May Result in Expulsion	125
Mandatory Expulsion: Misconduct That Requires Expulsion	127
Under Age Ten	128
Process	128
Length of Expulsion	130
Withdrawal During Process	130

# Splendora Independent School District Student Handbook

Additional Misconduct	130
Restrictions During Expulsion	130
Newly Enrolled Students	130
Emergency Expulsion Procedures	131
DAEP Placement of Expelled Students	131
Transition Services	131
<b>Glossary</b>	<b>132</b>

## Preface Parents and Students:

Welcome to the new school year at Splendorra ISD where our mission of “Cultivating Exceptional People” is accomplished by using: The Right People, The Right Things, The Right Way, The Right Resources, and The Right Relationships.

Education is a team effort, and students, parents, teachers, and other staff members working together can make this a successful year.

The Splendorra ISD Student Handbook is a general reference guide that is divided into two sections:

**Section I: PARENTAL RIGHTS** includes notices that the District must provide to all parents, as well as other information to assist you in responding to school-related issues.

**Section II: OTHER IMPORTANT INFORMATION FOR PARENTS AND STUDENTS** is organized alphabetically when searching information on a specific issue. Where applicable, it is divided by age and/or grade level.

**Note:** Unless otherwise noted, the term “parent” refers to the parent, legal guardian, any person granted some other type of lawful control of a student, or any other person who has agreed to assume school-related responsibility for a student.

### **Section III: STUDENT CODE OF CONDUCT**

The Student Handbook is designed to align with board policy and the Student Code of Conduct, a board-adopted document, is intended to promote school safety and an atmosphere for learning. The Student Handbook is **not** meant to be a complete statement of all policies, procedures, or rules in any given circumstance.

In case of conflicts between board policy (including the Student Code of Conduct) and any Student Handbook provision, the district will follow board policy and the Student Code of Conduct.

Therefore, parents and students should become familiar with the Splendorra ISD Student Code of Conduct. To review the Code of Conduct, visit the district’s website at [www.splendorraisd.org](http://www.splendorraisd.org). State law requires that the Code of Conduct be prominently displayed or made available for review at each campus.

A hard copy of either the Student Code of Conduct or Student Handbook can be requested at your campus office.

The Student Handbook is updated annually; however, policy adoption and revisions may occur throughout the year. The district encourages parents to stay informed of proposed policy changes by attending board meetings and reviewing newsletter and other communications explaining changes in policy or other rules that affect Student Handbook provisions. The district reserves the right to modify the Student Handbook at any time. Notice of revisions will be provided as is reasonably practical.

Although the Student Handbook may refer to rights established through law or district policy, it does not create additional rights for parents and students. It does not, nor is it intended to, represent a contract between any parent or student and the district.

For questions about the material in this handbook, please contact your campus principal.

Every year, Splendora ISD parents are required to update Annual Forms through the Skyward Family Access for each child registered in the district. These updates provide critical student information, such as guardians, emergency contacts, and medical information, allowing the district to respond appropriately in case of emergencies.

Annual Forms must be completed prior to receiving your child's schedule, teacher assignment, or participation in any UIL activity.

The annual forms include:

- Acknowledgment of Electronic Distribution of Student Handbook,
- Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information,
- Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education (if you choose to restrict the release of information to these entities), and
- Consent/Opt-Out Form.

[See **Objecting to the Release of Directory Information** on page 13 and **Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation** on page 14 for more information.]

**Note:** References to board policy codes are included for ease of reference. The hard copy of the district's official policy manual is available for review in the district administration office, and an unofficial electronic copy is available at [www.splendoraisd.org](http://www.splendoraisd.org).

## SECTION ONE: PARENTAL RIGHTS

This section describes certain parental rights as specified in state or federal law.

### Consent, Opt-Out, and Refusal Rights

#### *Consent to Conduct a Psychological Evaluation*

Unless required under state or federal law, a district employee will not conduct a psychological examination, test, or treatment without obtaining written parental consent.

**Note:** An evaluation may be legally required under special education rules or by the Texas Education Agency for child abuse investigations and reports.

#### *Consent to Human Sexuality Instruction*

##### Annual Notification

As a part of the district's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the copyright of the materials.
- Remove his or her child from any part of the human sexuality instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the campus principal for details.)
- Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns (All Grade Levels)** on page 41 and FNG(LOCAL).

State law also requires that instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS):

- Present abstinence from sexual activity as the preferred choice in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to abstain from sexual activity before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases; and

- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

[See **Consent to Instruction of Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking** on page 10.]

### ***Consent Before Human Sexuality Instruction***

Before a student receives human sexuality instruction, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction will begin.

### ***Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking***

Before a student receives instruction on the prevention of child abuse, family violence, dating violence and sex trafficking, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction will begin.

### **Annual Notification**

Students in junior high school and high school receive instruction related to the prevention of child abuse, family violence, dating violence, and sex trafficking. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the copyright of the materials. As required by law, any curriculum materials in the public domain used in this instruction will be posted on the district's website at the location indicated above.
- Remove his or her child from any part of this instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the campus principal for details.)
- Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns (All Grade Levels)** on page 41 and FNG for information on the grievance and appeals process.

[See **Consent to Human Sexuality Instruction** on page 9; **Dating Violence** on page 46; and **Child Sexual Abuse, Trafficking, and Other Maltreatment of Children** on page 36]

### ***Consent to Provide a Mental Health Care Service***

The district will not provide a mental health care service to a student except as

permitted by law.

The district has established procedures for providing a parent with a recommendation for an intervention for a student with early warning signs of mental health concerns or substance abuse or who has been identified as at risk of attempting suicide. The district's mental health liaison will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and a possible need for intervention and provide information about available counseling options. The district has also established procedures for staff to notify the mental health liaison regarding a student who may need intervention. The mental health liaison, Loydette Youngblood, can be reached at [lyoungblood@splendoraisd.org](mailto:lyoungblood@splendoraisd.org) and can provide further information regarding these procedures as well as curriculum materials on identifying risk factors, accessing resources for treatment or support on- and off-campus, and accessing available student accommodations provided on campus.

### ***Consent to Display a Student's Original Works and Personal Information***

Teachers may display a student's work in classrooms or elsewhere on campus as recognition of student achievement without seeking prior parental consent. These displays may include personally identifiable student information. Student work includes:

- Artwork,
- Special projects,
- Photographs,
- Original videos or voice recordings, and
- Other original works.

However, the district will seek parental consent before displaying a student's work on the district's website, a website affiliated or sponsored by the district (such as a campus or classroom website), or in district publications, which may include printed materials, videos, or other methods of mass communication. If you do not want SPLENDORA ISD to use your child's Directory Information for District publication and announcements, you must notify the child's campus in writing by the tenth school day of your child's first day of instruction for this school year.

### **Consent to Receive Parenting and Paternity Awareness Instruction if a Student is under Age 14**

A student under age 14 must have parental permission to participate in the district's parenting and paternity awareness program. This program was developed by the Office of the Texas Attorney General and the State Board of Education (SBOE) to be incorporated into health education classes.

### ***Consent to Video or Audio Record a Student when Not Already Permitted by Law***

State law permits the school to make a video or voice recording without parental permission when it:

- Is to be used for school safety,
- Relates to classroom instruction or a co-curricular or extracurricular activity,
- Relates to media coverage of the school, or
- Relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

In other circumstances, the district will seek written parental consent before making a video or voice recording of a student.

Please note that parents and visitors to a classroom, both virtual and in person, may not record video or audio or take photographs or other still images without permission from the teacher or other school official.

### ***Prohibiting the Use of Corporal Punishment***

Corporal punishment—spanking or paddling a student—may be used as a discipline management technique in accordance with the Student Code of Conduct and district policy FO(LOCAL) <https://pol.tasb.org/Home/Index/913>.

However, in accordance with law, the district may not administer corporal punishment if a student's parent submits a signed, written statement prohibiting its use.

A parent who does not want corporal punishment administered to his or her child must submit a written statement to the campus principal stating this decision. This signed statement must be submitted each school year. A parent may revoke this prohibition at any time during the school year by providing a signed statement to the campus principal.

#### **Note:**

- District personnel may use discipline methods other than corporal punishment if a parent requests that corporal punishment not be used.
- If the district knows that a student is in temporary or permanent custody of the state (through foster care, kinship care, or other arrangements), corporal punishment will not be administered, even when the student's caregiver or caseworker has not submitted a signed statement prohibiting its use.

### ***Limiting Electronic Communications between Students and District Employees***

The district permits teachers and other approved employees to use electronic communications with students within the scope of professional responsibilities, as described by district guidelines.

For example, a teacher may create a social networking page for his or her class to relay information regarding class work, homework, and tests. A parent is welcome to such a page.

However, text messages sent to an individual student are only allowed if a district employee with responsibility for an extracurricular activity must communicate with a student participating in that activity.

The employee is required to include the student's parent as a recipient on all text messages.

The employee is required to include his or her immediate supervisor and the student's parent as recipients on all text messages.

A parent who does not want his or her child to receive one-to-one electronic communications from a district employee should contact the campus principal.

### ***Objecting to the Release of Directory Information***

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated "directory information" from a student's education records without written consent.

"Directory information" is information that, if released, is generally not considered harmful or an invasion of privacy. Examples include:

- A student's photograph (for publication in the school yearbook);
- A student's name and grade level (for communicating class and teacher assignments);
- The name, weight, and height of an athlete (for publication in a school athletic program);
- A list of student birthdays (for generating schoolwide or classroom recognition);
- A student's name and photograph (posted on a district-approved and -managed social media platform); and
- The names and grade levels of students submitted by the district to a local newspaper or other community publication (to recognize the A/B honor roll for a specific grading period.)

Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of this information. Any objection must be made in writing to the principal within ten school days of the student's first day of instruction for this school year.

The district requests that families living in a shelter for survivors of family violence or trafficking notify district personnel that the student currently resides in such a shelter. Families may want to opt out of the release of directory information so that the district does not release any information that might reveal the location of such a shelter.

As allowed by state law, the district has identified two directory information lists—one for school-sponsored purposes and a second for all other requests. For district publications and announcements, the district has designated the following as directory information: student name; image in photograph of video/audio; major field of study; degrees, honors, and awards received; grade level; creative works; most recent school previously attended; enrollment status; participation in officially recognized activities and sports; and weight and height of members of athletic teams. If a parent does not object to the use of his or her child's information for these school-sponsored purposes, the school will not ask permission each time the district wants to use the information for these purposes.

For all other purposes, the district has identified the following as directory information: student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level;

most recent school previously attended; enrollment status; participation in officially recognized activities and sports; and weight and height of members of athletic teams. If a parent does not object to the use of the student's information for these purposes, the school must release this information when requested by an outside entity or individual.

**Note:** Review **Authorized Inspection and Use of Student Records** on page 18.

***Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education  
(Secondary Grade Levels Only)***

Unless a parent has advised the district not to release his or her student's information, Every Student Succeeds Act (ESSA) requires the district to comply with requests by military recruiters or institutions of higher education for the student's:

- Name,
- Address, and
- Telephone listing.

Military recruiters may also have access to a student's district-provided email address, unless a parent has advised the district not to release this information.

**Participation in Third-Party Surveys**

***Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation***

A student will not be required to participate without parental consent in any survey, analysis, or evaluation—funded in whole or in part by the U.S. Department of Education—that concerns:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of individuals with whom the student has a close family relationship;
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or parent; or
- Income, except when the information is required by law and will be used to determine the student's eligibility to participate in or receive financial assistance under a program.

A parent can inspect the survey or other instrument and any corresponding instructional materials used in connection with such a survey, analysis, or evaluation. [For more information, see policy EF(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

### ***“Opting Out” of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information***

The Protection of Pupil Rights Amendment (PPRA) requires that a parent be notified when a survey is not funded by the U.S. Department of Education.

A parent has a right to deny permission for his or her child’s participation in:

- Any survey concerning private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information.
- Any non-emergency, invasive physical examination or screening required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student.

Exceptions are hearing, vision, or spinal screenings, or any physical examination or screening permitted or required under state law. [See policies EF and FFAA <https://pol.tasb.org/Home/Index/913> .]

A parent may inspect:

- Protected information surveys of students and surveys created by a third party;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

## **Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction**

### ***Human Sexuality Instruction***

As a part of the district’s curriculum, students may receive instruction related to human sexuality. The School Health Advisory Council (SHAC) makes recommendations for course materials.

State law requires that the district provide written notice before each school year of the board’s decision to provide human sexuality instruction.

State law also requires that instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS):

- Present abstinence from sexual activity as the preferred choice in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;

- Emphasize that abstinence, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to abstain from sexual activity before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

Per state law, here is a summary of the district's curriculum regarding human sexuality instruction:

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 SHAC.

A parent is entitled to review the curriculum materials. In addition, a parent may remove his or her child from such instruction without academic, disciplinary, or other penalties. A parent may also choose to become more involved with the development of this curriculum by becoming a member of the district's SHAC. (See the campus principal for details.)

#### ***Reciting a Portion of the Declaration of Independence in Grades 3–12***

State law designates the week of September 17 as Celebrate Freedom Week and requires all social studies classes provide:

- Instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, and
- A specific recitation from the Declaration of Independence for students in grades 3–12.

Per state law, a student may be excused from recitation of a portion of the Declaration of Independence if:

- A parent provides a written statement requesting that his or her child be excused,
- The district determines that the student has a conscientious objection to the recitation, or
- A parent is a representative of a foreign government to whom the U.S. government extends diplomatic immunity.

[See policy EHBK(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

#### ***Reciting the Pledges to the U.S. and Texas Flags***

A parent may request that his or her child be excused from participation in the daily recitation of the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. The request must be made in writing.

State law, however, requires that all students participate in one minute of silence following recitation of the pledges.

[See **Pledges of Allegiance and a Minute of Silence** on page 81 and policy EC(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

### ***Religious or Moral Beliefs***

A parent may remove his or her child temporarily from the classroom if a scheduled instructional activity conflicts with the parent's religious or moral beliefs.

The removal may not be used to avoid a test and may not extend for an entire semester. Further, the student must satisfy grade-level and graduation requirements as determined by the school and by state law.

### ***Tutoring or Test Preparation***

A teacher may determine that a student needs additional targeted assistance for the student to achieve mastery in state-developed essential knowledge and skills based on:

- Informal observations,
- Evaluative data such as grades earned on assignments or tests, or
- Results from diagnostic assessments.

The school will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible.

In accordance with state law and policy EC <https://pol.tasb.org/Home/Index/913> , without parental permission, districts are prohibited from removing a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the days the class is offered.

Under state law, students with grades below 70 for a reporting period are required to attend tutorial services—if the district offers these services.

[For questions about school-provided tutoring programs, see policies EC and EHBC <https://pol.tasb.org/Home/Index/913> , and contact the student's teacher.]

## **Right of Access to Student Records, Curriculum Materials, and District Records / Policies**

### ***Instructional Materials***

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered.

A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day.

A school must provide printed versions of electronic instructional materials to a student if the student does not have reliable access to technology at home.

### ***Notices of Certain Student Misconduct to Noncustodial Parent***

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to his or her child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See policy FO(LEGAL) <https://pol.tasb.org/Home/Index/913> and the Student Code of Conduct.]

### ***Participation in Federally Required, State-Mandated, and District Assessments***

In accordance with the Every Student Succeeds Act (ESSA), a parent may request information regarding any federal, state, or district policy related to his or her child's participation in required assessments.

### ***Student Records***

#### **Accessing Student Records**

A parent may review his or her child's records. These records include:

- Attendance records,
- Test scores,
- Grades,
- Disciplinary records,
- Counseling records,
- Psychological records,
- Applications for admission,
- Health and immunization information,
- Other medical records,
- Teacher and school counselor evaluations,
- Reports of behavioral patterns,
- Records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, as the term "intervention strategy" is defined by law,
- State assessment instruments that have been administered to the child, and
- Teaching materials and tests used in the child's classroom.

#### **Authorized Inspection and Use of Student Records**

The Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students certain rights regarding student education records.

For purposes of student records, an "eligible" student is anyone age 18 or older or who attends a postsecondary educational institution. These rights, as discussed here and at **Objecting to the Release of Directory Information** on page 13, are the right to:

- Inspect and review student records within 45 days after the day the school receives a request for access;
- Request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA;
- Provide written consent before the school discloses personally identifiable information from the student’s records, except to the extent that FERPA authorizes disclosure without consent; and
- File a complaint with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements. The office that administers FERPA is:

For more information about how to file a complaint, see <https://studentprivacy.ed.gov/file-a-complaint>

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy.

Before disclosing personally identifiable information from a student’s records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance—including grades, test results, and disciplinary records—is considered confidential educational records.

Inspection and release of student records is restricted to an eligible student or a student’s parent—whether married, separated, or divorced—unless the school receives a copy of a court order terminating parental rights or the right to access a student’s education records.

Federal law requires that control of the records goes to the student as soon as the student:

- Reaches the age of 18,
- Is emancipated by a court, or
- Enrolls in a postsecondary educational institution.

However, the parent may continue to have access to the records if the student is a dependent for tax purposes and, under limited circumstances, when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student’s education records without written consent of the parent or eligible student:

- When district officials have what federal law refers to as a “legitimate educational interest” in a student’s records. School officials would include:
  - Board members and employees, such as the superintendent, administrators, and principals;
  - Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);
  - A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party

vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer);

- A parent or student serving on a school committee;
- A parent or student assisting a school official in the performance of his or her duties; or
- A person appointed to serve on a team to support the district's safe and supportive school program

“Legitimate educational interest” in a student’s records includes working with the student; considering disciplinary or academic actions, the student’s case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an educational record to fulfill the official’s professional responsibility to the school and the student; or investigating or evaluating programs.

FERPA also permits the disclosure of personally identifiable information without written consent:

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General’s office, the U.S. Attorney General’s office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture’s office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, district/system, or postsecondary educational institution to which a student seeks or intends to enroll or in which the student already is enrolled.
- In connection with financial aid for which a student has applied or has received.
- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the district discloses directory information-designated details. [To prohibit this disclosure, see **Objecting to the Release of Directory Information** on page 13.]

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The principal is the custodian of all records for currently enrolled students at the assigned school. The principal is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wants to inspect the student’s records should submit a written request to the records custodian identifying the records he or she wants to inspect.

Records may be reviewed in person during regular school hours. The records custodian or designee will be available to explain the record and to answer questions.

A parent or eligible student who submits a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the records requested or make other arrangements for the parent or student to review the records.

The address of the superintendent's office is 23419 FM 2090, Splendora, TX 77372.

The address of the principals' offices are:

Splendora High School	23747 FM 2090 Splendora, TX 77372
Splendora Junior High	23411 FM 2090 Splendora, TX 77372
Greenleaf Elementary School	26275 FM 2090 Splendora, TX 77372
Peach Creek Elementary School	14455 Cox Street Splendora, TX 77372
Piney Woods Elementary School	23395 FM 2090 Splendora, TX 77372
Timber Lakes Elementary School	15450 Harrington Dr. New Caney, TX 77357

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If after the hearing the records are not amended, the parent or eligible student has 30 school days to place a statement in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the complaint process found in policy FNG(LOCAL). A grade issued by a teacher can be changed only if the board of trustees determines that the grade is arbitrary, erroneous, or inconsistent with the district's grading guidelines. [See Finality of Grades at FNG(LEGAL), **Report Cards/Progress Reports and Conferences** on page 83, and **Complaints and Concerns** on page 41.]

The district's student records policy is found at policy FL(LEGAL) and (LOCAL) and is available at the principal's or superintendent's office or on the district's website at <https://pol.tasb.org/Home/Index/913>.

Note: The parent's or eligible student's right of access to and copies of student records does not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student shared only with a substitute teacher—do not have to be made available.

### ***Teacher and Staff Professional Qualifications***

A parent may request information regarding the professional qualifications of his or her child's teachers, including whether the teacher:

- Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
- Has an emergency permit or other provisional status for which state requirements have been waived, and
- Is currently teaching in the field of discipline of his or her certification.

The parent also has the right to request information about the qualifications of any paraprofessional who may provide services to the child.

## **A Student with Exceptionalities or Special Circumstances**

### ***Children of Military Families***

The Interstate Compact on Educational Opportunities for Military Children entitles children of military families to flexibility regarding certain district and state requirements, including:

- Immunization requirements;
- Grade level, course, or educational program placement;
- Eligibility requirements for participation in extracurricular activities;
- Enrollment in the Texas Virtual School Network (TXVSN); and
- Graduation requirements.
- The district will excuse absences related to a student visiting a parent, including a stepparent or legal guardian, who is:
  - Called to active duty,
  - On leave, or
  - Returning from a deployment of at least four months.

The district will permit **no more than five** excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at [Military Family Resources at the Texas Education Agency](#).

### ***Parental Role in Certain Classroom and School Assignments***

#### **Multiple-Birth Siblings**

State law permits a parent of multiple-birth siblings (e.g., twins, triplets) assigned to the same grade and campus to request in writing that the children be placed in either the same classroom or separate classrooms.

Written requests must be submitted by the 14th day after the students' enrollment. [See policy FDB(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

### **Safety Transfers / Assignments**

A parent may:

- Request the transfer of his or her child to another classroom or campus if the district has determined that the child has been a victim of bullying, including cyberbullying, as defined by Education Code 37.0832.
- Consult with district administrators if the district has determined that his or her child has engaged in bullying and the board has decided to transfer the child to another classroom or campus. The board will consult with the parent of a child who has engaged in bullying before deciding to transfer the child to another campus.

Transportation is not provided for a transfer to another campus. See the principal for more information.

[See **Bullying** on page 29, and policies FDB and FFI <https://pol.tasb.org/Home/Index/913> .]

- Request the transfer of his or her child to a safe public school in the district if the child attends a school identified by the Texas Education Agency as persistently dangerous or if the child has been a victim of a violent criminal offense while at school or on school grounds.

[See policy FDE.]

- Request the transfer of his or her child to another district campus or a neighboring district if the child has been the victim of sexual assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for the assault. In accordance with FDE <https://pol.tasb.org/Home/Index/913> , if the victim does not wish to transfer, the district will transfer the assailant.

### ***Student Use of a Service/Assistance Animal***

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible but will do so within ten district business days.

### ***A Student in the Conservatorship of the State (Foster Care)***

A student in the conservatorship (custody) of the state who enrolls in the district after the beginning of the school year will be allowed credit-by-examination opportunities at any point during the year.

The district will assess the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district.

The district will grant partial course credit by semester when the student only passes one semester of a two-semester course.

A student in the conservatorship of the state who is moved outside the district's or school's attendance boundaries—or who is initially placed in the conservatorship of the state and moved outside the district's or school's boundaries—is entitled to remain at the school the student was attending prior to the placement or move until the student reaches the highest grade level at that particular school.

If a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request a diploma from the previous district if the student meets its graduation criteria.

For a student in the conservatorship of the state who is eligible for a tuition and fee exemption under state law and likely to be in care on the day preceding the student's 18th birthday, the district will:

- Assist the student with the completion of applications for admission or financial aid;
- Arrange and accompany the student on campus visits;
- Assist in researching and applying for private or institution-sponsored scholarships;
- Identify whether the student is a candidate for appointment to a military academy;
- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS); and
- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state.

[See **Credit by Examination for Advancement/Acceleration** on page 45, **Course Credit** on page 45, and **Students in Foster Care** on page 93 for more information.]

### ***A Student Who Is Homeless***

Children who are homeless will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement (if the student is unable to provide previous academic records or misses an application deadline during a period of homelessness);
- Credit-by-examination opportunities at any point during the year (if the student enrolled in the district after the beginning of the school year), per State Board of Education (SBOE) rules;
- Assessment of the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district;
- Awarding partial credit when a student passes only one semester of a two-semester course;

- Eligibility requirements for participation in extracurricular activities; and
- Graduation requirements.

Federal law allows a homeless student to remain enrolled in the “school of origin” or to enroll in a new school in the attendance area where the student is currently residing.

If a homeless student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, state law allows the student to request a diploma from the previous district if the student meets the criteria to graduate from the previous district.

A student or parent who is dissatisfied by the district’s eligibility, school selection, or enrollment decision may appeal through policy FNG(LOCAL). The district will expedite local timelines, when possible, for prompt dispute resolution.

[See **Credit by Examination for Advancement/Acceleration** on page 45, **Course Credit** on page 45, and **Homeless Students** on page 93 for more information.]

### ***A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services***

For those students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parents may contact the individuals listed below to learn about the school’s overall general education referral or screening system for support services.

This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine whether the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

### **Special Education Referrals**

If a parent makes a **written request** for an initial evaluation for special education services to the director of special education services or to a district administrative employee of the school district, the district must respond no later than **15 school days** after receiving the request. At that time, the district must give the parent prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the district agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

**Note:** A request for a special education evaluation may be made verbally; it does not need to be made in writing. Districts must still comply with all federal prior-written notices and procedural safeguard requirements as well as the requirements for identifying, locating, and evaluating children who are suspected of having a disability and in need of special education. However, a verbal request does not require the district to respond within the 15 school-day timeline.

If the district decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an **exception** to the 45-school-day timeline. If the district receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30 due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district must give the parent a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled *Parent's Guide to the Admission, Review, and Dismissal Process*.

#### **Contact Person for Special Education Referrals**

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is Jennifer Stewart at 281-689-4357, or [jstewart@splendoraisd.org](mailto:jstewart@splendoraisd.org).

#### **Section 504 Referrals**

Each school district must have standards and procedures in place for the evaluation and placement of students in the district's Section 504 program. Districts must also implement a system of procedural safeguards that includes:

- Notice,
- An opportunity for a parent or guardian to examine relevant records,
- An impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and
- A review procedure.

#### **Contact Person for Section 504 Referrals**

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is Jennifer Stewart at 281-689-4357, or [jstewart@splendoraisd.org](mailto:jstewart@splendoraisd.org). [See **A Student with Physical or Mental Impairments Protected under Section 504** on page 27.]

Visit these websites for information regarding students with disabilities and the family:

- [Legal Framework for the Child-Centered Special Education Process](#)
- [Partners Resource Network](#)
- [Special Education Information Center](#)

- [Texas Project First](#)

### **Notification to Parents of Intervention Strategies for Learning Difficulties Provided to Students in General Education**

In accordance with state law, the district will annually notify parents if their child receives assistance for learning difficulties. Details of such assistance can include intervention strategies. This notice is not intended for those students already enrolled in a special education program.

### ***A Student Who Receives Special Education Services with Other School-Aged Children in the Home***

If a student is receiving special education services at a campus outside his or her attendance zone, state law permits the parent or guardian to request that other students residing in the household be transferred to the same campus—if the grade level for the transferring student is offered on that campus.

The student receiving special education services would be entitled to transportation; however, the district is not required to provide transportation to other children in the household.

The parent or guardian should contact the school principal regarding transportation needs prior to requesting a transfer for other children in the home. [See policy FDB(LOCAL) <https://pol.tasb.org/Home/Index/913> .]

### ***A Student Who Speaks a Primary Language Other than English***

A student may be eligible to receive specialized support if his or her primary language is not English, and the student has difficulty performing ordinary classwork in English.

If the student qualifies for these services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

### ***A Student with Physical or Mental Impairments Protected under Section 504***

A student with a physical or mental impairment that substantially limits a major life activity, as defined by law—and who does not otherwise qualify for special education services—may qualify for protections under Section 504 of the Rehabilitation Act.

Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities.

When an evaluation is requested, a committee will be formed to determine whether the student needs services and supports under Section 504 in order to receive a free appropriate public education (FAPE), as defined in federal law.

[See policy FB.]

[See **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 25 for more information.]

## **SECTION TWO: OTHER IMPORTANT INFORMATION FOR PARENTS AND STUDENTS**

Topics in this section of the Student Handbook contain important information on academics, school activities, and school operations and requirements. Take a moment with your child to become familiar with the various issues addressed in this section. It is organized in alphabetical order to serve as a quick-reference when you or your child has a question about a specific school-related issue. Where possible, the topics are also organized to alert you to the applicability of each topic based on a student's age or grade level. Should you be unable to find the information on a particular topic, please contact Dianna Archer at 281-689-4387.

### **Absences/Attendance**

Regular school attendance is essential for a student to make the most of his or her education—to benefit from teacher-led and school activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences.

Two state laws—one dealing with the required presence of school-aged children in school, e.g., compulsory attendance, the other with how a student's attendance affects the award of a student's final grade or course credit—are of special interest to students and parents. They are discussed below.

#### ***Compulsory Attendance***

##### **Age 19 and Older**

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If a student age 19 or older has more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA <https://pol.tasb.org/Home/Index/913> .]

##### **Between Ages 6 and 18**

State law requires that a student between the ages of 6 and 18 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

State law requires attendance in an accelerated reading instruction program when kindergarten, first grade, or second grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and/or applicable subject area.

## **Prekindergarten and Kindergarten**

Students enrolled in prekindergarten or kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

### ***Exemptions to Compulsory Attendance (All Grade Levels)***

State law allows exemptions to the compulsory attendance requirements for several types of absences if the student makes up all work. These include the following activities and events:

- Religious holy days;
- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Documented health-care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders, if the student comes to school or returns to school on the same day as the appointment. A note from the health-care provider must be submitted upon the student's arrival or return to campus;
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, with certification by a physician;
- For students in the conservatorship (custody) of the state,
  - An activity required under a court-ordered service plan; or
  - Any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

As listed in Section I for **Children of Military Families**, absences of up to five days will be excused for a student to visit with a parent, stepparent, or legal guardian who has been called to duty for, is on leave from, or immediately returned from certain deployments.

Note that documented health-care appointments may include telehealth appointments. Students who are physically on campus will not be allowed to participate in telehealth or other online appointments without specific authorization from an appropriate administrator. Students should not use district-issued technology, including wifi or internet, for telehealth appointments because use of district-owned equipment and its network systems is not private and will be monitored by the district. For more information, see **Telecommunication and Other Electronic Devices** on page 89.

## **Secondary Grade Levels**

The district will excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes: obtaining a driver's license; or obtaining a learner

license. The student will be required to provide documentation of his or her visit to the driver's license office for each absence and must make up any work missed.

In addition, a junior or senior student's absence of up to two days related to visiting a college or university will be considered an exemption, provided this has been authorized by the board under policy FEA(LOCAL) <https://pol.tasb.org/Home/Index/913> , the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed.

An absence will also be considered an exemption if a student 17 years of age or older is pursuing enlistment in a branch of the U.S. armed services or Texas National Guard, provided the absence does not exceed four days during the period the student is enrolled in high school and the student provides verification to the district of these activities.

Absences of up to two days in a school year will also be considered an exemption for a student serving as:

- An early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies his or her teachers, and the student receives approval from the principal prior to the absence; and
- An election clerk, if the student makes up any work missed.

An absence of a student in grades 6–12 for the purpose of sounding "Taps" at a military honors funeral for a deceased veteran will also be excused by the district.

### ***Failure to Comply with Compulsory Attendance (All Grade Levels)***

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action. A student who is more than 30 minutes late to a block class or 10 minutes to a regular class will be considered absent.

### **Students with Disabilities**

If a student with a disability is experiencing attendance issues, the student's ARD committee or Section 504 committee will be notified, and the committee will determine whether the attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

### **Age 19 and Older**

After a student age 19 or older incurs a third unexcused absence, the district will send the student a letter as required by law explaining that the district may revoke the student's enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking a student's enrollment, the district may implement a behavior improvement plan.

### **Between Ages 6 and 18**

When a student between ages 6 and 18 incurs unexcused absences for three or more days or parts of days within a four-week period, the school will send a notice to the student's parent, as required by law, to remind the parent that it is the parent's duty to monitor the student's attendance and to require the student to come to school. The notice will also inform the parent that the district will initiate truancy prevention measures and request a conference between school administrators and the parent. These measures will include a behavior improvement plan, school-based community service, or referrals to either in-school or out-of-school counseling or other social services. Any other measures considered appropriate by the district will also be initiated.

The truancy prevention facilitator for the district is John DeBrock, Director of At Risk Services. If you have questions about your student and the effect of his or her absences from school, please contact the facilitator or any other campus administrator.

A court of law may also impose penalties against a student's parent if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student is absent without excuse from school on ten or more days or parts of days within a six-month period in the same school year.

If a student ages 12–18 incurs unexcused absences on ten or more days or parts of days within a six-month period in the same school year, the district, in most circumstances, will refer the student to truancy court.

[See policies FEA(LEGAL) and FED(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

### ***Attendance for Credit or Final Grade (Kindergarten–Grade 12)***

To receive credit or a final grade in a class, a student in kindergarten–grade 12 must attend at least 90 percent of the days the class is offered. A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit or a final grade for the class if he or she completes a plan, approved by the principal, which allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit or a final grade for the class.

If a student attends less than 75 percent of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade lost because of absences. [See policy FEC <https://pol.tasb.org/Home/Index/913> .]

All absences, whether excused or unexcused, must be considered in determining whether a student has attended the required percentage of days. In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- Whether the student has mastered the essential knowledge and skills and maintained passing grades in the course or subject. ·

- Whether the student has completed makeup work satisfactorily. If the student completes makeup work, absences listed under Compulsory Attendance— Exemptions on page 38 and absences for extracurricular activities will be considered extenuating circumstances.
- Whether the student or the student’s parent had any control over the absences.
- Any information presented by the student or parent to the committee about the absences.

The student or parent may appeal the committee’s decision to the board by following policy FNG(LOCAL) <https://pol.tasb.org/Home/Index/913> .

### ***Official Attendance-Taking Time (All Grade Levels)***

The district must submit attendance of its students to the TEA reflecting attendance at a specific time each day.

Elementary campuses Official Attendance time is 9:30 AM.

Splendora Junior High Official Attendance time is 9:15 AM.

Splendora High School Official Attendance Time is 10:00 AM.

Students who travel to college are on a different Attendance Track and their Official Attendance Time is 12:35 PM.

A student absent for any portion of the day, including at the official attendance-taking time, should follow the procedures below to provide documentation of the absence.

### ***Documentation after an Absence (All Grade Levels)***

When a student is absent from school, the student - upon arrival or return to school must provide documentation within three days as to why the student was absent. The note/excuse must have the student name, date/s of absence/s and reason for absence/s, as well as signature of doctor and or parent. A note signed by the student, even with the parent's permission, will not be accepted unless the student is age 18 or older or is an emancipated minor by state law.

Each campus will excuse 3 parent notes a year. Up to three (3) consecutive absences with one note will be allowed. If students are absent for more than three days, parent must present a doctor's note, or have the parent note excused by the campus administrator. After the 3rd parent note received for the year, the absence/s must be approved by campus administrator or will be marked as unexcused. All absences without excuse will be marked unexcused. **Note:** Unless the absence is for a statutorily allowed reason under compulsory attendance laws, the district is not required to excuse any absence, even if the parent provides a note explaining the absence

### ***Doctor’s Note after an Absence for Illness (All Grade Levels)***

Within 3 days of returning to school, a student absent for more than 3 consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the student’s extended absence from school. Otherwise, the student’s absence may be considered unexcused and, if so, would be considered to be in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school to determine whether the absence or absences will be excused or unexcused.

### **Certification of Absence Due to Severe Illness or Treatment**

If a student is absent because of a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, a parent must provide certification from a physician licensed to practice in Texas specifying the student's illness and the anticipated period of absence related to the illness or treatment.

[See policy FEC(LOCAL) <https://pol.tasb.org/Home/Index/913> .]

### ***Driver License Attendance Verification (Secondary Grade Levels Only)***

For a student between the ages of 16 and 18 to obtain a driver's license, written parental permission must be provided for the Texas Department of Public Safety (DPS) to access the student's attendance records and, in certain circumstances, for a school administrator to provide the student's attendance information to DPS. A verification of enrollment (VOE) and attendance form may be obtained from the office, which the student will need to submit to DPS upon application for a driver's license. When students have excessive absences, the school administration will make the final determination if the VOE will be issued.

### **Accountability under State and Federal Law (All Grade Levels)**

Splendorra ISD and each of its campuses are held to certain standards of accountability under state and federal law. A key component of the accountability requirements is the dissemination and publication of certain reports and information, which include:

- The Texas Academic Performance Report (TAPR) for the district, compiled by TEA, the state agency that oversees public education, based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district compiled by TEA based on academic factors and ratings;
- The district's financial management report, which will include the financial accountability rating assigned to the district by TEA; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.

This information can be found on the district's website at [www.splendorraisd.org](http://www.splendorraisd.org) . Hard copies of any reports are available upon request to the district's administration office.

TEA also maintains additional accountability and accreditation information at [TEA Performance Reporting Division](#) and the [TEA homepage](#).

## **Armed Services Vocational Aptitude Battery Test (Grades 10-12)**

A student in grades 10–12 will be offered an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter. Contact the principal for information about this opportunity

## **Bullying (All Grade Levels)**

Bullying is defined in state law as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyberbullying. Cyberbullying is defined by state law as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

The district is required to adopt policies and procedures regarding:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student’s educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor,

principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. A student may anonymously report an alleged incident of bullying by using the tip line on the school district website, <https://www.splendoraisd.org/Page/458>.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon the recommendation of the administration, the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parents, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that the student be transferred to another classroom or campus within the district. [See **Safety Transfers/Assignments** on page 23.]

A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's website, and is included at the end of this handbook in the form of an appendix. Procedures related to reporting allegations of bullying may also be found on the district's website.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL) <https://www.splendoraisd.org/Page/458>.

[See **Safety Transfers/Assignments** on page 23, **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46, **Hazing** on page 65, policy FFI, the district's Student Code of Conduct, and the district improvement plan, a copy of which can be viewed in the campus office.]

## **Career and Technical Education (CTE) Programs (Secondary Grade Levels Only)**

The district offers career and technical education programs in the following areas:

Agriculture, Food and Natural Resources, Architecture & Construction, Arts, Audio Visual & Communication, Business Marketing & Finance, Manufacturing, Transportation, Distribution & Logistics, Education & Training, Health Science, Hospitality & Tourism, Health Science, Engineering, and Law & Public Service.

Admission to these programs is based on prerequisites, approval from a teacher and/or administrator.

It is the policy of the district not to discriminate on the basis of race, color, national origin, sex, or handicap in its vocational programs, services, or activities as required by Title VI of the Civil

Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

It is the policy of the district not to discriminate on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

The district will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

[See **Nondiscrimination Statement** on page 79 for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator, who will address certain allegations of discrimination.]

### **Celebrations (All Grade Levels)**

Although a parent or grandparent is not prohibited from providing food for a school-designated function or for children in the child's or grandchild's classroom for his or her birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with the child's teacher prior to bringing any food in this circumstance. Occasionally, the school or a class may host certain functions or celebrations tied to the curriculum that will involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers for bringing food products.

### **Child Sexual Abuse, Trafficking and Other Maltreatment of Children (All Grade Levels)**

The district has established a plan for addressing child sexual abuse, trafficking and other maltreatment of children, which may be accessed at the counselor's office at each campus. Trafficking includes both sex and labor trafficking.

#### **Warning Signs of Sexual Abuse**

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has been or is being sexually abused may exhibit physical, behavioral, or emotional warning signs, including:

- Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches;
- Verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior; or
- Withdrawal, depression, sleeping and eating disorders, and problems in school.

Be aware that children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [**See Dating Violence, Discrimination, Harassment, and Retaliation on page 46 and Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence and Sex Trafficking on page 10.**]

### **Warning Signs of Trafficking**

Child trafficking of any sort is prohibited by the Penal Code. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Labor trafficking involves forcing a person, including a child, to engage in forced labor or services.

Traffickers are often trusted members of a child's community, such as friends, romantic partners, family members, mentors, and coaches, although traffickers frequently make contact with victims online.

Possible warning signs of sexual trafficking in children include:

- Changes in school attendance, habits, friend groups, vocabulary, demeanor, and attitude;
- Sudden appearance of expensive items (for example, manicures, designer clothes, purses, technology);
- Tattoos or branding;
- Refillable gift cards;
- Frequent runaway episodes;
- Multiple phones or social media accounts;
- Provocative pictures posted online or stored on the phone;
- Unexplained injuries;
- Isolation from family, friends, and community; and
- Older romantic partners.

Additional warning signs of labor trafficking in children include:

- Being unpaid, paid very little, or paid only through tips;
- Being employed but not having a school-authorized work permit;
- Being employed and having a work permit but clearly working outside the permitted hours for students;
- Owing a large debt and being unable to pay it off;
- Not being allowed breaks at work or being subjected to excessively long work hours;
- Being overly concerned with pleasing an employer and/or deferring personal or educational decisions to a boss;

- Not being in control of his or her own money;
- Living with an employer or having an employer listed as a student's caregiver; and
- A desire to quit a job but not being allowed to do so.

**[See Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking on page 10.]**

### **Reporting and Responding to Sexual Abuse, Trafficking, and Other Maltreatment of Children**

Anyone who suspects that a child has been or may be abused, trafficked, or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Children may be more reluctant to disclose sexual abuse than physical abuse and neglect and may only disclose sexual abuse indirectly. As a parent or trusted adult, it is important to be calm and comforting if your child or another child confides in you. Reassure the child that he or she did the right thing by telling you.

If your child is a victim of sexual abuse, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs.

To find out what services may be available in your county, see [Texas Department of Family and Protective Services, Programs Available in Your County](http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp)([http://www.dfps.state.tx.us/Prevention\\_and\\_Early\\_Intervention/Programs\\_Available\\_In\\_Your\\_County/default.asp](http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp)).

Reports of abuse, trafficking, or neglect may be made to the CPS division of the DFPS at 1-800-252-5400 or on the web at [Texas Abuse Hotline Website](http://www.txabusehotline.org)([www.txabusehotline.org](http://www.txabusehotline.org)).

### **Further Resources on Sexual Abuse, Trafficking, and Other Maltreatment of Children**

The following websites might help you become more aware of child abuse and neglect, sexual abuse, trafficking, and other maltreatment of children:

- [Child Welfare Information Gateway Factsheet](https://www.childwelfare.gov/pubPDFs/whatiscan.pdf)(<https://www.childwelfare.gov/pubPDFs/whatiscan.pdf>)
- [KidsHealth, For Parents, Child Abuse](https://kidshealth.org/en/parents/child-abuse.html) (<https://kidshealth.org/en/parents/child-abuse.html>)
- [Office of the Texas Governor's Child Sex Trafficking Team](https://gov.texas.gov/organization/cjd/childsextrafficking)(<https://gov.texas.gov/organization/cjd/childsextrafficking>)
- [Human Trafficking of School-aged Children](https://tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children)(<https://tea.texas.gov/about-tea/other-services/human-trafficking-of-school-aged-children>)

- [Child Sexual Abuse: A Parental Guide from the Texas Association Against Sexual Assault](https://taasa.org/product/child-sexual-abuse-parental-guide/)(<https://taasa.org/product/child-sexual-abuse-parental-guide/>)
- [National Center of Safe Supportive Learning Environments: Child Labor Trafficking](https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/child-labor-trafficking)(<https://safesupportivelearning.ed.gov/human-trafficking-americas-schools/child-labor-trafficking>)

### **Class Rank/Highest-Ranking Student (Secondary Grade Levels Only)**

Recognition for academic honors shall be given to the following graduating seniors:

1. Valedictorian — highest-ranking student
2. Salutatorian — second highest-ranking student
3. Honor students — all students who are ranked in the top ten percent of their graduating class

Grade point averages (GPA) and class rankings are computed at the end of each semester of high school. The student with the highest GPA in the class has the highest rank. GPA calculations begin in the ninth grade and are cumulative until the end of the 3rd nine weeks of the twelfth grade. High school courses taken in the summer after completion of eighth grade shall be included in a student’s rank, but high school courses taken in the seventh or eighth grade shall not be included. Some courses shall not be included in class ranking. A listing of these courses is found in the course catalog.

For the SISD Board Policy concerning class rank, please see policy EIC <https://pol.tasb.org/Home/Index/913> .]

### **Class Schedules (Secondary Grade Levels Only)**

All students are expected to attend school for the entire school day and maintain a class/course schedule to fulfill each period of the day. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day’s schedule.

### **College and University Admissions and Financial Aid (Secondary Grade Levels Only)**

For two school years following graduation, a district student who graduates in the top ten percent and, in some cases, the top 25 percent, of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program [see Foundation Graduation Program on page 60]; or
- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT.

In addition, the student must submit a completed application for admission in accordance with the deadline established by the college or university. The student is ultimately responsible for

ensuring that he or she meets the admission requirements of the university or college to which the student submits an application.

The University of Texas at Austin may limit the number of students automatically admitted to 75 percent of the University's enrollment capacity for incoming resident freshmen. For students who are eligible to enroll in the University during the summer of 2022 term through the spring 2024 term, the University will admit the top six percent of the high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

If a college or university adopts an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

Upon a student's registration for his or her first course that is required for high school graduation, the district will provide written notice concerning automatic college admission, the curriculum requirements for financial aid, the benefits of completing the requirements for automatic admission and financial aid and The Texas First Early High School Completion Program and the Texas First Scholarship Program.

Parents and students will be asked to sign an acknowledgment that they received this information.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

[See **Class Rank/Highest-Ranking Student** on page 39 for information specifically related to how the district calculates a student's rank in class, and requirements for **Graduation** on page 59 for information associated with the foundation graduation program.]

[See **Students in the Conservatorship of the State (Foster Care)** on page 23 for information on assistance in transitioning to higher education for students in foster care.]

## **College Credit Courses (Secondary Grade Levels Only)**

Students in grades 9–12 have opportunities to earn college credit through the following methods:

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory;
- Enrollment in an AP or dual credit course through the Texas Virtual School Network (TXVSN);
- Enrollment in courses taught in conjunction and in partnership with Lone Star College, Kingwood, which may be offered on or off campus;
- Enrollment in courses taught at other colleges or universities; and
- Certain CTE courses.

A student may be eligible for subsidies based on financial need for AP or IB exam fees. See **Fees (All grade levels)** for more information.

All these methods have eligibility requirements and must be approved prior to enrollment in the course. Please see the school counselor for more information. Depending on the student's grade level and the course, a state-mandated end-of-course assessment may be required for graduation.

It is important to keep in mind that not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

## **Communications—Automated**

### ***Emergency***

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. An emergency purpose may include early dismissal or delayed opening because of severe weather or another emergency, or if the campus must restrict access due to a security threat. It is crucial to notify your child's school when a phone number previously provided to the district has changed.

[See **Safety** on page 84 for information regarding contact with parents during an emergency situation.]

### ***Non Emergency***

Your child's school will request that you provide contact information, such as your phone number and email address, for the school to communicate items specific to your child, your child's school, or the district. If you consent to receive such information through a landline or wireless phone, please ensure that you notify the school's administration office immediately upon a change in your phone number. The district or school may generate automated or pre-recorded messages, text messages, or real-time phone or email communications that are closely related to the school's mission, so prompt notification of any change in the contact information will be crucial to maintain timely communication with you. Standard messaging rates of your phone carrier may apply. If you have specific requests or needs related to how the district contacts you, please contact your child's principal. [See **Safety** on page 84 for information regarding contact with parents during an emergency.]

## **Complaints and Concerns (All Grade Levels)**

Usually student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal. For those complaints and concerns that cannot be handled so easily, the board has adopted a standard complaint policy at FNG(LOCAL) in the district's policy manual, available on the district's website at <https://pol.tasb.org/Home/Index/913> . A copy of the complaint forms may be obtained in the principal's or superintendent's office or at

[https://www.splendoraisd.org/cms/lib/TX02203815/Centricity/Domain/66/9-27-16%20Student\\_Grievance\\_Forms.pdf](https://www.splendoraisd.org/cms/lib/TX02203815/Centricity/Domain/66/9-27-16%20Student_Grievance_Forms.pdf) . Should a parent or student feel a need to file a formal complaint, the parent or student should file a district complaint form within the timelines established in policy FNG(LOCAL). In general, the student or parent should submit the written complaint form to the campus principal. If the concern is not resolved, a request for a conference should be sent to the superintendent. If still unresolved, the district provides for the complaint to be presented to the board of trustees.

## **Conduct (All Grade Levels)**

### ***Applicability of School Rules***

As required by law, the board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior—both on and off campus as well as on district vehicles—and consequences for violation of these standards. The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules. During any periods of instruction during the summer months, the Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

### ***Campus Behavior Coordinator***

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The campus behavior coordinator at each district campus is the principal or designee.

### ***Deliveries***

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

### ***Disruptions of School Operations***

Disruptions of school operations are not tolerated and may constitute a misdemeanor offense. As identified by state law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.

- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.
- Interference with the transportation of students in vehicles owned or operated by the district.

### ***Social Events***

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted.

Please contact the campus principal if you are interested in serving as a chaperone for any school social events.

## **Counseling**

The district has a comprehensive school counseling program that includes:

- A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;
- A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;
- An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and
- Systems to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

The district will make a preview of the program, including all materials and curriculum, available to parents to review during school hours.

### **Academic Counseling**

#### **Elementary and Middle / Junior High School Grade Levels**

The school counselor will provide information to students and parents about college and university admissions and the importance of planning for postsecondary education, including appropriate coursework and financial aid

availability and requirements.

In either grade 7 or 8, each student will receive instruction on how best to prepare for high school, college, and a career.

### **High School Grade Levels**

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures. Each year, high school students will be provided information on anticipated course offerings for the next school year and other information that will help them make the most of academic and CTE opportunities, as well as information on the importance of postsecondary education.

The school counselor can also provide information each year a student is enrolled in high school regarding:

- The importance of postsecondary education;
- The advantages of earning an endorsement and completing the foundation program with the distinguished level of achievement;
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma;
- Financial aid eligibility and how to apply for financial aid;
- Automatic admission to state-funded Texas colleges and universities;
- Eligibility requirements for the TEXAS Grant;
- Availability of district programs that allow students to earn college credit;
- Availability of tuition and fee assistance for postsecondary education for students in foster care; and
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training.

Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

### **Personal Counseling (All Grade Levels)**

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional or mental health issues, or substance abuse. A student who wishes to meet with the school counselor should schedule an appointment through the main office of each campus. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

[See **Substance Abuse Prevention and Intervention** on page 94, **Suicide Awareness and Mental Health Support** on page 94, and **Child Sexual Abuse and Other Maltreatment of Children and Dating Violence** on page(s) 36, 46].

### **Course Credit (Secondary Grade Levels Only)**

A student in grades 9-12, or in a lower grade when a student is enrolled in a high school credit-bearing course, will earn credit for a course only if the final grade is 70 or above. For a two-semester (1 credit) course, the student's grades from both semesters will be averaged and credit will be awarded if the combined average is 70 or above. Should the student's combined average be less than 70, the student will be awarded credit only for the half (semester) with the passing grade.

### **Credit by Examination-*If a Student Has Taken the Course / Subject* (All Grade Levels)**

A student who has previously taken a course or subject—but did not receive credit or a final grade for it—may, in circumstances determined by the principal or attendance committee, be permitted to earn credit or a final grade by passing an examination approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject. Prior instruction may include, for example, incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a nonaccredited school. The opportunity to take an examination to earn credit for a course or to be awarded a final grade in a subject after the student has had prior instruction is sometimes referred to as "credit recovery."

If the student is granted approval to take an examination for this purpose, the student must score at least 70 on the examination to receive credit for the course or subject.

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination.

[For further information, see the school counselor and policy EHDB(LOCAL)

<https://pol.tasb.org/Home/Index/913> .

### **Credit by Examination for Advancement / Acceleration-*If a Student Has Not Taken the Course /Subject***

A student will be permitted to take an examination to earn credit for an academic course or subject area for which the student has had no prior instruction, i.e., for advancement or to accelerate to the next grade level. The examinations offered by the district are approved by the district's board of trustees. The dates on which examinations are scheduled will be published in appropriate district publications and on the district's website. The only exceptions to the published dates will be for any examinations administered by another entity besides the district or if a request is made outside of these time frames by a student experiencing homelessness or by a student involved in the foster care system. When another entity administers an examination, a student and the district must comply with the testing schedule of the other entity. During each testing window provided by the district, a student may attempt a specific examination only once.

If a student plans to take an examination, the student (or parent) must register with the school counselor no later than 30 days prior to the scheduled testing date. [For further information, see policy EHDC <https://pol.tasb.org/Home/Index/913> .]

### ***Students in Grades 1–5***

A student in elementary school will be eligible to accelerate to the next grade level if the student scores at least 80 on each examination in the subject areas of language arts, mathematics, science, and social studies, a district administrator recommends that the student be accelerated, and the student's parent gives written approval of the grade advancement.

### ***Students in Grades 6–12***

A student in grade 6 or above will earn course credit with a passing score of at least 80 on the examination, a scaled score of 50 or higher on an examination administered through CLEP, or a score of 3 or higher on an AP examination, as applicable. A student may take an examination to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

## **Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)**

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and district employees with courtesy and respect, to avoid behaviors known to be offensive, and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. A copy of the district's policy is available in the principal's office and in the superintendent's office or at <https://pol.tasb.org/Home/Index/913> . [See policy FFH.]

### ***Dating Violence***

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to:

- physical or sexual assaults;
- name-calling;
- put-downs;
- threats to hurt the student, the student's family members, or members of the student's household;
- destroying property belonging to the student;
- threats to commit suicide or homicide if the student ends the relationship;
- threats to harm a student's past or current dating partner;
- attempts to isolate the student from friends and family;
- stalking; or encouraging others to engage in these behaviors.

In accordance with law, when the district receives a report of dating violence, a district official will immediately notify the parent of the alleged victim and alleged perpetrator.

The counselor's office has information about the dangers of dating violence and resources for seeking help.

For more information on dating violence, see:

- Texas Attorney General's office [recognizing and responding to dating violence flier](https://www.texasattorneygeneral.gov/sites/default/files/files/child-support/papa/session%2010/recognizing-relationship-violence-en.pdf) (<https://www.texasattorneygeneral.gov/sites/default/files/files/child-support/papa/session%2010/recognizing-relationship-violence-en.pdf>)
- The CDC's [Preventing Teen Dating Violence](https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html) (<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html>).

## Discrimination

Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law.

## Harassment

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

- offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation;

- threatening, intimidating, or humiliating conduct;
- offensive jokes, name-calling, slurs, or rumors;
- physical aggression or assault;
- graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or
- other kinds of aggressive conduct such as theft or damage to property.

In addition to dating violence as described above, two other types of harassment are described below.

### ***Sexual Harassment and Gender-Based Harassment***

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to:

- offensive jokes, name-calling, slurs, or rumors;
- physical aggression or assault;
- threatening or intimidating conduct; or
- other kinds of aggressive conduct such as theft or damage to property.

### ***Retaliation***

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

### ***Reporting Procedures***

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation and any other person who believes that a student has experienced

prohibited conduct should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH(LOCAL) and (EXHIBIT) <https://pol.tasb.org/Home/Index/913> for other appropriate district officials to whom to make a report.]

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

The district will promptly notify the parent of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct involves another student, the district will notify the parent of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH <https://pol.tasb.org/Home/Index/913> .

### ***Investigation of Report***

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume the investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action, and, in some cases, corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL) <https://pol.tasb.org/Home/Index/913> .

### **Discrimination**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46.]

## **Distance Learning All Grade Levels**

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and

alternative methodologies such as mail, satellite, internet, video-conferencing, and instructional television.

If a student wishes to enroll in a correspondence course or a distance learning course that is not provided through the Texas Virtual School Network (TXVSN), as described below, to earn credit in a course or subject, the student must receive permission from the principal prior to enrolling in the course or subject. If the student does not receive prior approval, the district may not recognize and apply the course or subject toward graduation requirements or subject mastery.

### ***Texas Virtual School Network (TXVSN) (Secondary Grade Levels)***

The Texas Virtual School Network (TXVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TXVSN to earn course credit for graduation.

Depending on the TXVSN course in which a student enrolls, the course may be subject to the “no pass, no play” rules. [See **Extracurricular Activities, Clubs, and Organizations** on page 56.] In addition, for a student who enrolls in a TXVSN course for which an end-of-course (EOC) assessment is required, the student must still take the corresponding EOC assessment.

If you have questions or wish to make a request that your child be enrolled in a TXVSN course, please contact the school counselor. Unless an exception is made by the principal, a student will not be allowed to enroll in a TXVSN course if the school offers the same or a similar course.

A copy of policy EHDE will be distributed to parents of middle and high school students at least once each year. If you do not receive a copy or have questions about this policy, please contact the principal.

## **Distribution of Literature, Published Materials, or Other Documents (All Grade Levels)**

### ***School Materials***

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, brochures, flyers, etc.

All school publications are under the supervision of a teacher, sponsor, and the principal.

### ***Non School Materials***

#### **From Students**

Students must obtain prior approval from the campus principal before selling, posting, circulating, or distributing more than 10 copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any nonschool material must include the name of the sponsoring person or organization. The decision regarding approval will be made within two school days.

The principal has designated one bulletin board as the location for approved non school materials to be placed for voluntary viewing or collection by students. [See policy FNAA <https://pol.tasb.org/Home/Index/913> .]

A student may appeal a decision in accordance with policy FNG(LOCAL) <https://pol.tasb.org/Home/Index/913> . Any student who sells, posts, circulates, or distributes nonschool material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See FNG(LOCAL) <https://pol.tasb.org/Home/Index/913> for student complaint procedures.]

### **From Others**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKDA <https://pol.tasb.org/Home/Index/913> . To be considered for distribution, any nonschool material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the principal for prior review. The principal will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA or GF <https://pol.tasb.org/Home/Index/913> ]

The principal has designated one bulletin board as the location for approved non school materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a non curriculum-related student group meeting held in accordance with FNAB(LOCAL) <https://pol.tasb.org/Home/Index/913> .
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All nonschool materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

### **Dress and Grooming (All Grade Levels)**

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. The purpose of the Splendora ISD dress code is to create and maintain an atmosphere that is conducive to learning. Having standards for acceptable behavior and

appearance fosters responsibility and prepares students for real world expectations. The administration and faculty shall have the right to appraise any current fashion or fad and determine whether it is appropriate for school wear. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the following:

**Apparel:**

- Pants, slacks must be worn at the waist.
- Pants may not be made of inappropriately form fitting materials and may not be pajamas.
- Pants may not have holes or tears above mid-thigh, unless worn over leggings and tights.
- Hemlines of skirts, slits in skirts, dresses, shorts, and divided skirts must be no shorter than mid thigh when standing.
- Leggings, spandex, and tights may be worn if covered by a shirt, blouse, skirt and/or shorts that are mid-thigh or longer.
- Shirts with spaghetti straps, halter tops, sleeveless garments, transparent, or those that expose the bare chest are not permitted. Tank tops are allowable, if the straps measure at least two inches in width.
- Necklines that expose any cleavage will not be permitted.
- Shirts with ripped sleeves and backless apparel are prohibited.
- Hoodies will be permitted but the hood may not be worn over the head.
- Any shirt that displays undergarments and/or torso is prohibited.
- Students must be fully clothed with no bare midriff showing when the student goes through normal activities of the school day (bending, stretching, reaching, etc)
- No article of clothing will display vulgar or inappropriate language, violence or obscenities of any kind.
- No article of clothing will refer to or advertise tobacco products, alcoholic beverages, narcotics, and any other prohibited substances.
- Pajamas & sleepwear, including blankets and pillows, will not be permitted with the exception of dress up days designated and approved by campus administration.
- Appropriate undergarments must be worn and should not be visible.

**Footwear:**

- Proper footwear must be worn at all times for health and safety reasons.
- Cleated shoes and wheeled shoes are prohibited.
- Rubber/leather soled shoes are recommended for daily footwear.
- House shoes and/or slippers are prohibited.
- Platform soles over 1 inch high are not recommended.
- Tennis shoes are required for participation in Physical Education class.

**Hair**

- Hair must be neat, clean and well groomed. A student's eyes should be visible.
- Hair color and style may not be distracting, conspicuous or pose a safety hazard.
- Facial hair, while allowed, must be neatly trimmed, well groomed, and a natural color.

**Jewelry:**

- Students may wear earrings and are allowed up to 2 facial piercings (excluding ear piercings).
- Gauges and spacers are not allowed to be worn.
- Jewelry that is considered gang related and/or considered to be a safety hazard or material or is a substantial disruption is not permitted.
- Students may be asked to remove jewelry, earrings etc. if the principal or assistant principals feel they are a distraction or a safety issue.

**Accessories:**

- Face masks are optional within Splendora ISD school facilities.
- Any hats, caps, sport headbands, bandanas, headcovers or scarves shall not be worn indoors except in the interest of religious practices, safety, cleanliness, or with the permission of the principal.
- Sunglasses, unless prescribed by doctor's orders, are not to be worn in the building
- Tattoos, accessories, jewelry and clothing that contain vulgar or inappropriate pictures, works or drawings, or gang related markings are not permitted.

The principal or designee will make the final determination that a student's grooming or clothing violates the school's dress code. The student will be given an opportunity to correct the problem at school. If not corrected, the student may be assigned to in-school suspension for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

Any student refusing to change or unable to change will be placed in OCI for the remainder of the day as well as incur the appropriate consequence as outlined in the above consequence ladder. Counts for dress code offenses will reset at the change of the semester.

**Electronic Devices and Technology Resources (All Grade Levels)**

***Possession and Use of Personal Telecommunications Devices, Including Cell phones and other electronic devices***

For safety purposes, the district permits students to possess personal cell phones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes.

A student must have approval to possess other telecommunications devices such as laptops, tablets, or other portable computers or electronic devices.

Without such permission, teachers will collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The parent may pick up the confiscated telecommunications device from the principal's office for a fee of \$15.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. Confiscated telecommunications devices that are not retrieved by the student or the student's parents will be disposed of after the notice required by law. [See policy FNCE <https://pol.tasb.org/Home/Index/913> .]

In limited circumstances and in accordance with law, a student's personal telecommunications device or personal electronic device may be searched by authorized personnel. [See **Searches** on page 88 and policy FNF <https://pol.tasb.org/Home/Index/913> .]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

### ***Instructional Use of Personal Telecommunications and Other Electronic Devices***

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook). When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

### ***Acceptable Use of District Technology Resources***

District-owned technology resources for instructional purposes may be issued to individual students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding the use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

### ***Unacceptable and Inappropriate Use of Technology Resources***

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as “sexting,” will be disciplined in accordance with the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child, ["Before You Text" Sexting Prevention Course](#), a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district’s computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

## **End-of-Course (EOC) Assessments**

[See **Graduation** on page 59 and **Standardized Testing** on page 90.]

## **English Learners (All Grade Levels)**

A student who is an English learner is entitled to receive specialized services from the district. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both district personnel and at least one parent representative. The student’s parent must consent to any services recommended by the LPAC for an English learner. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student’s level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student’s continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned at **Standardized Testing** on page , may be administered to an English learner for a student up to grade 5. In limited circumstances, a student’s LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to English learners who qualify for services.

If a student is considered an English learner and receives special education services because of a qualifying disability, the student’s ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

## Extracurricular Activities, Clubs, and Organizations (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right.

Participation in some of these activities may result in events that occur off-campus. When the district arranges transportation for these events, students are required to use the transportation provided by the district to and from the events. Exceptions to this may only be made with the approval of the activity's coach or sponsor. [See **Transportation** on page 95.]

Eligibility for initial and continuing participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL)—a statewide association overseeing interdistrict competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all the rules of the UIL organization. Students involved in UIL athletic activities and their parents can access the UIL Parent Information Manual at [UIL Parent Information Manual](#); a hard copy can be provided by the coach or sponsor of the activity on request. To report a complaint of alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov).

[See [UIL Texas](#) for additional information on all UIL-governed activities.]

Student safety in extracurricular activities is a priority of the district. The equipment used in football is no exception. As a parent, you are entitled to review the district's records regarding the age of each football helmet used by the campus, including when a helmet has been reconditioned.

In addition, the following provisions apply to all extracurricular activities:

- All College Board Advanced Placement (AP) courses and dual credit (DC) courses offered through our partnership with Lone Star College Kingwood (LSC-K)
  - A grade of 60-69 renders a student eligible for UIL participation
  - For any AP or DC course with a grade of less than 60, one waiver is allowed per semester.
- Pre-Advanced Placement (Pre-AP)
  - A grade of 60-69 must be earned to qualify for UIL exemption.
  - Only one Pre-AP class waiver is allowed per semester.
- If a student is enrolled in a state-approved course that requires demonstration of the mastery of an essential knowledge and skills in public performance and the student receives a grade below 70 in any course at the end of the grading period, the student may participate in a performance so long as the general public is invited.

- If a student is enrolled in a state-approved music course that participates in UIL Concert and Sight-reading Evaluation, and the student receives a grade below 70 in any course at the end of a grading period, the student may perform with the ensemble during the UIL evaluation performance, but is ineligible for other extracurricular activities for at least three weeks.
- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- A student is allowed in a school year up to 15 absences not related to post-district competition, a maximum of 8 absences for post-district competition prior to state, and a maximum of 5 absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.
- An absence for participation in an activity that has not been approved will receive an unexcused absence.

### ***Standards of Behavior***

Sponsors of student clubs and performing groups such as band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

### ***Offices and Elections***

Certain clubs, organizations, and performing groups will hold elections for student officers. These groups include:

- Student Council
- National Honor Society
- FFA

### **Fees (All Grade Levels)**

Materials that are part of the basic educational program are provided with state and local funds at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
- Security deposits.
- Personal physical education and athletic equipment and apparel.

- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student health and accident insurance.
- Musical instrument rental and uniform maintenance, when uniforms are provided by the district.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses, if offered.
- Fees for optional courses offered for credit that require use of facilities not available on district premises.
- Summer school for courses that are offered tuition-free during the regular school year.
  - A reasonable fee for providing transportation to a student who lives within two miles of the school.
  - A maximum fee of \$50 for costs of providing an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program for the student to meet the 90 percent attendance requirements. The fee will be charged only if the parent or guardian signs a district-provided request form.
  - In some cases, a fee for a course taken through the Texas Virtual School Network (TXVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the principal. [For further information, see policy FP.]

### **Fundraising (All Grade Levels)**

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes in accordance with administrative regulations. [For further information, see policies FJ and GE <https://pol.tasb.org/Home/Index/913> ]

### **Gang-Free Zones (All Grade Levels)**

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

### **Gender-Based Harassment**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46.]

## Grade-Level Classification (Grades 9–12 Only)

After the ninth grade, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6.5	Grade 10 (Sophomore)
13.5	Grade 11 (Junior)
20.5	Grade 12 (Senior)

## Grading Guidelines (All Grade Levels)

Grading guidelines for each grade level or course will be communicated and distributed to students and their parents by the classroom teacher. These guidelines have been reviewed by each applicable curriculum department and have been approved by the campus principal. These guidelines establish the minimum number of assignments, projects, and examinations required for each grading period. In addition, these guidelines establish how the student’s mastery of concepts and achievement will be communicated (i.e., letter grades, numerical averages, checklist of required skills, etc.). Grading guidelines also outline in what circumstances a student will be allowed to redo an assignment or retake an examination for which the student originally made a failing grade. Procedures for a student to follow after an absence will also be addressed.

[See **Report Cards/Progress Reports and Conferences** on page 83 for additional information on grading guidelines.]

## Graduation (Secondary Grade Levels Only)

### *Requirements for a Diploma*

A student must meet the following requirements to receive a high school diploma from the district:

- Complete the required number of credits established by the state and any additional credits required by the district;
- Complete any locally required courses in addition to the courses mandated by the state;
- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law; and
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education(SBOE).
- Complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

### ***Testing Requirements for Graduation***

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on the following EOC assessments: English I, English II, Algebra I, Biology, and U.S. History. A student who has not achieved sufficient scores on the EOC assessments to graduate will have opportunities to retake the assessments. State law and state rules also provide for certain scores on norm-referenced national standardized assessments or on the state-developed assessment used for entrance into Texas public universities to substitute for the requirement to meet satisfactory performance on an applicable EOC assessment, should a student choose this option. [See the school counselor for more information on the state testing requirements for graduation.]

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation to the student in the content area for which the performance standard was not met. This may require participation of the student before or after normal school hours or at times of the year outside normal school operations.

In limited circumstances, a student who fails to demonstrate proficiency on two or fewer of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law, unanimously determines that the student is eligible to graduate.

[See **Standardized Testing** on page 90 for more information.]

### **Foundation Graduation Program**

Every student in a Texas public school who entered grade 9 in the 2014–15 school year and thereafter will graduate under the “foundation graduation program.” Within the foundation graduation program are “endorsements,” which are paths of interest that include Science, Technology, Engineering, and Mathematics (STEM); Business and Industry; Public Services; Arts and Humanities; and Multidisciplinary Studies. Endorsements earned by a student will be noted on the student’s transcript. The foundation graduation program also involves the term “distinguished level of achievement,” which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A **Personal Graduation Plan** will be completed for each high school student, as described on page 63 .

State law and rules generally prohibit a student from graduating solely under the foundation graduation program without an endorsement. However, after the student’s sophomore year, the student and student’s parent may request that the student graduate without an endorsement. The district will advise the student and the student’s parents of the specific benefits of graduating with an endorsement. The student and the student’s parent must then submit written permission to the school counselor for the student to graduate without an endorsement.

A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student’s desired college or university.

A student graduating under the foundation graduation program can also earn performance acknowledgments on his or her transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a license or certificate recognized at the state, national, or international level. The school counselor can provide more information about these acknowledgments.

A student is not required to complete an Algebra II course to graduate under the foundation graduation program, and the district will annually notify a student’s parent of this fact. However, not taking Algebra II will make a student ineligible for automatic admission to four-year public universities and colleges in Texas and for certain financial aid and grants while attending those institutions.

A school district will permit a student to satisfy the curriculum requirements for graduation under the foundation program with the distinguished level of achievement, including an endorsement, by successfully completing courses in the core curriculum of a public Texas institution of higher education. Please see your counselor for more information.

**Credits Required**

The foundation graduation program requires completion of the following credits:

Course Area	Number of Credits: Foundation Graduation Program	Number of Credits: Foundation Graduation Program with an Endorsement
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies, including Economics	3	3
Physical Education	1	1
Languages other than English	2	2
Fine Arts	1	1
Electives, one must be a Technology credit	5	7
<b>Total</b>	<b>22 credits</b>	<b>26 credits</b>

Additional considerations apply in some course areas, including:

- **Mathematics.** To obtain the distinguished level of achievement under the foundation graduation program, which will be included on a student’s transcript and is a requirement to be considered for automatic admission to a Texas four-year college or university, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits.
- **Physical education.** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics,

science, social studies, or other locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.

- **Languages other than English.** Students are required to earn 2 credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits. A student may satisfy one of the two required credits by successfully completing a dual language immersion program in elementary school. In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

### **Available Endorsements**

A student must specify upon entering grade 9 which endorsement he or she wishes to pursue:

- Science, technology, engineering, and mathematics (STEM),
- Business and industry,
- Public services,
- Arts and humanities, or
- Multidisciplinary studies.

### ***Financial Aid Application Requirement***

#### ***FAFSA or TASFA***

Before graduating from high school, each student must complete and submit an application for financial aid for post-secondary education. Students must complete and submit either a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to complete and submit a FAFSA or TASFA if:

- The student's parent submits a form provided by the district indicating that the parent authorizes the student to opt out;
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out; or
- A school counselor authorizes the student to opt out for a good cause.

Please contact the school counselor for more information.

To confirm that a student has completed and submitted a FAFSA or TASFA, the student may submit:

- A screenshot that includes the processed date field of the FAFSA ApplyTexas Counselor Suite;
- Notification, such as a copy of an email, from the United States Department of Education verifying completion of the FAFSA;
- A copy or screenshot of the FAFSA acknowledgment page;
- A screenshot of the TASFA submission acknowledgment page (from those institutions that offer an electronic form);

- An acknowledgment receipt from an institution of higher education (IHE); or
- A copy of a financial aid award letter from an IHE.

### **Personal Graduation Plans**

A personal graduation plan will be developed for each high school student. The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four-year college or university in Texas, depending on his or her rank in class.

The school will review personal graduation plan options with each student entering grade 9 and his or her parents. Before the end of grade 9, a student and his or her parents will be required to sign off on a personal graduation plan that includes a course of study that promotes college and workforce readiness and career placement and advancement, as well as facilitates the transition from secondary to postsecondary education. The student's personal graduation plan will denote an appropriate course sequence based on the student's choice of endorsement.

Please review [TEA's Graduation Toolkit](#).

A student may, with parental permission, amend his or her personal graduation plan after the initial confirmation.

### ***Available Course Options for All Graduation Programs***

Information regarding specific courses required or offered in each curriculum area will be distributed to students each spring to enroll in courses for the upcoming school year.

**Note:** The district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Please be aware that not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at his or her regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for those students to take a course in the required curriculum other than fine arts or career and technical education (CTE), the district will offer the course for the following year either by teleconference or at the school from which the transfers were requested.

### ***Certificates of Coursework Completion***

A certificate of coursework completion will be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

### ***Students with Disabilities***

Upon the recommendation of the admission, review, and dismissal (ARD) committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of his or her individualized education program (IEP) and in accordance with state rules.

A student who receives special education services may earn an endorsement under the foundation program. If the student's curriculum requirements for the endorsement were modified, the student's ARD committee will determine whether the modified curriculum is sufficiently rigorous to earn the endorsement. The ARD committee must also determine whether the student must perform satisfactorily on any end-of-course assessment to earn an endorsement.

A student who receives special education services and has completed four years of high school but has not met the requirements of his or her IEP may participate in graduation ceremonies and receive a certificate of attendance. Even if the student participates in graduation ceremonies to receive a certificate of attendance, he or she may remain enrolled to complete the IEP and earn his or her high school diploma; however, the student will only be allowed to participate in one graduation ceremony.

[See policy FMH(LEGAL) <https://pol.tasb.org/Home/Index/913> ]

### ***Graduation Activities***

Graduation activities will include:

- Senior Awards Night
- Senior Trip
- Graduation Practice
- Graduation Ceremony

Students need to be aware that participation in the Senior Trip, Graduation Practice and Ceremony is a privilege which may be revoked by participation in serious misbehavior toward the end of the school year.

Students who have met coursework requirements for graduation but have not yet demonstrated satisfactory performance on end-of-course assessments and have not been declared eligible to graduate by an individual graduation committee, if applicable, will be allowed to participate in graduation activities. However, please keep in mind that participating in the activities and ceremonies is not synonymous with graduating. Ultimately, the final awarding of a diploma will be contingent upon the student's completion of all applicable requirements for graduation.

### ***Graduation Speakers***

Certain graduating students will be given an opportunity to have speaking roles at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See FNA(LOCAL) <https://pol.tasb.org/Home/Index/913> and the Student Code of Conduct. For student speakers at other school events, see **Student Speakers** on page 93.]

### ***Graduation Expenses***

Because students and parents will incur expenses to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture—both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses are often incurred in the junior year or first semester of the senior year. [See **Fees** on page 57.]

### ***Scholarships and Grants***

Students who have a financial need according to federal criteria and who complete the foundation graduation program, may be eligible under the TEXAS Grant Program and the Teach for Texas Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions.

Contact the school counselor for information about other scholarships and grants available to students.

## **Grievance Procedures for Parents and Students**

[Grievance Procedures for Parents and Students](#) (click link to open forms)

## **Harassment**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46.]

## **Hazing (All Grade Levels)**

Hazing is defined as any intentional, knowing, or reckless act occurring on or off campus directed against a student that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. Examples include:

- Any type of physical brutality;
- Any type of physical activity that subjects the student to an unreasonable risk of physical or mental harm, such as sleep deprivation, exposure to the elements, confinement to small spaces, or calisthenics;
- Any activity involving consumption of food, liquids, drugs, or other substances that subjects the student to unreasonable risk of physical or mental harm;
- Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated;
- Any activity that adversely affects the mental health or dignity of the student, such as ostracism, shame, or humiliation; and

- Any activity that induces, causes, or requires the student to violate the Penal Code.

Hazing will not be tolerated by the district. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[See **Bullying** on page 34 and policies FFI and FNCC <https://pol.tasb.org/Home/Index/913> .]

## **Health—Physical and Mental**

### **Illness (All Grade Levels)**

When your child is ill, please contact the school to let us know he or she will not be attending that day. State rules require schools to exclude students with certain illnesses from school for certain periods of time. For example, if a child has a fever over 100 degrees, he or she must stay out of school until fever-free for 24 hours without use of fever-reducing medications. Students with diarrheal illnesses must stay home until they are diarrhea-free without use of diarrhea-suppressing medications for 24 hours.

A parent should contact the school nurse if a student has been diagnosed with COVID-19.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, he or she must receive permission from the teacher before reporting to the school nurse. If the nurse determines that the child should go home, the nurse will contact the parent.

The district is also required to report certain contagious (communicable) diseases or illnesses to the Texas Department of State Health Services (TDSHS) or our local/regional health authority. The school nurse can provide information from TDSHS on these notifiable conditions.

Contact the school nurse if you have questions or if you are concerned about whether or not your child should stay home.

### **Immunization (All Grade Levels)**

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained online at [Affidavit Request for Exemption from Immunization](#) or by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles, mumps, and rubella
- Hepatitis B
- Varicella (chicken pox)
- Meningococcal
- Hepatitis A

The school nurse can provide information on immunization requirements. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

For information on immunization against bacterial meningitis and college enrollment and attendance, see Bacterial Meningitis on page 71.

[See the DSHS website: [Texas School & Child Care Facility Immunization Requirements](#) and policy FFAB(LEGAL) for more information.]

### ***Head Lice (All Grade Levels)***

Head lice, although not an illness or a disease, is very common among children and is spread very easily through head-to-head contact during play, sports, or nap time, and when children share things like brushes, combs, hats, and headphones. If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to determine whether the student will need to be picked up from school and to discuss a plan for treatment with an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent lice from returning. Students must be free of lice and live nits before they will be allowed to return to school.

Notice will also be provided to parents of elementary school students in the affected classroom without identifying the student with lice.

More information on head lice can be obtained from <https://www.headlice.org/>.

[See policy FFAA <https://pol.tasb.org/Home/Index/913> ]

### **Medicine at School (All Grade Levels)**

Medication that must be administered to a student during school hours must be provided by the student's parent. All medication, whether prescription or nonprescription, must be kept in the nurse's office and administered by the nurse or another authorized district employee, unless the student is authorized to possess his or her own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student. District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

Only authorized employees, in accordance with policy FFAC, may administer:

- Prescription medication, in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container provided by the parent along with a written request.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request. **Note:** Insect repellent is considered a nonprescription medication.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

For students at the elementary level, the student's teacher or other district personnel will apply sunscreen to a student's exposed skin if the student brings the sunscreen to school and requests assistance with the application of the sunscreen. Nothing prohibits a student at this level from applying his or her own sunscreen if the student is able to do so.

For students at the secondary level, a student may possess and apply sunscreen when necessary. If the student will need assistance with this application, please address the need for assistance with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

### **Asthma and Severe Allergic Reactions**

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care

provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

In accordance with a student's individual health plan for the management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

### **Steroids (Secondary Grade Levels Only)**

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for physician-prescribed medical use only.

Bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

### **Mental Health Support (All Grade Levels)**

The district has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention;
- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making;
- Substance abuse prevention and intervention;
- Suicide prevention, intervention, and postvention (interventions after a suicide in a community);
- Grief, trauma, and trauma-informed care;
- Positive behavior interventions and supports;
- Positive youth development; and
- Safe, supportive, and positive school climates.

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the district has procedures to support the student's return to school. Please contact the district's mental health liaison for further information.

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend the use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical

practitioner, if appropriate. [For further information, see policy FFEB  
<https://pol.tasb.org/Home/Index/913> ]

For related information, see:

- **Consent to Conduct a Psychological Evaluation or Provide a Mental Health Care Service** on page 9 for the district’s procedures for recommending a mental health intervention and the mental health liaison’s contact information;
- **Counseling** on page 43 for the district’s comprehensive school counseling program;
- **Physical and Mental Health Resources** on page 73 for campus and community mental and physical health resources; and
- **Policies and Procedures that Promote Student Physical and Mental Health** on page 73 for board-adopted policies and administrative procedures that promote student health.

[See policies FB, FFH, and GKD for more information  
<https://pol.tasb.org/Home/Index/913> ]

## **Physical Activity Requirements**

### **Elementary School**

In accordance with policies at EHAB, EHAC, EHBG, and FFA,  
<https://pol.tasb.org/Home/Index/913> the district will ensure that students in full-day prekindergarten–grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week.

For additional information on the district’s requirements and programs regarding elementary school student physical activity requirements, please see the principal.

### **Junior High / Middle School**

In accordance with policies at EHAB, EHAC, EHBG, and FFA,  
<https://pol.tasb.org/Home/Index/913> the district will ensure that students in middle or junior high school will engage in at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters.

For additional information on the district’s requirements and programs regarding junior high and middle school student physical activity requirements, please see the principal.

### **Temporary Restriction from Participation in Physical Education**

Students who are temporarily restricted from participation in physical education will remain in the class and shall continue to learn the concepts of the lessons but not actively participate in the skill demonstration.

### **Physical Fitness Assessment (Grades 3–12)**

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to the

superintendent or his designee to obtain the results of his or her child's physical fitness assessment conducted during the school year.

### ***Physical Health Screenings/Examinations***

#### ***Athletics Participation (Secondary Grade Levels Only)***

For certain extracurricular activities, a student must submit certification from an authorized health-care provider. The certification must state that the student has been examined and is physically able to participate in the relevant program, including:

- A district athletics program.
- District marching band.
- Any district extracurricular program identified by the superintendent.

This examination is required to be submitted annually to the district.

Students should be aware of the rare possibility of sudden cardiac arrest, which in athletes is usually caused by a previously unsuspected heart disease or disorder. A student may request an electrocardiogram (ECG or EKG) to screen for such disorders, in addition to his or her required physical examination.

See the UIL's explanation of [sudden cardiac arrest](https://www.uil texas.org/health/info/sudden-cardiac-death) (<https://www.uil texas.org/health/info/sudden-cardiac-death>) for more information.

### ***Spinal Screening Program***

School-based spinal screening helps identify adolescents with abnormal spinal curvature and refer them for appropriate follow-up by their physician. Screening can detect scoliosis at an early stage, when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, see policy FFAA(LEGAL)<https://pol.tasb.org/Home/Index/913> or contact the superintendent.

Spinal screening is non-invasive and conducted following the most recent, nationally accepted and peer-reviewed standards for spinal screening.

[See policy FFAA <https://pol.tasb.org/Home/Index/913> ]

### ***Special Health Concerns (All Grade Levels)***

#### ***Bacterial Meningitis (All Grade Levels)***

Please see the district's website at [www.splendoraisd.org](http://www.splendoraisd.org) for information regarding meningitis.

**Note:** Entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[See **Immunization** on page 66.]

### ***Diabetes***

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL) <https://pol.tasb.org/Home/Index/913> for more information.]

### ***Food Allergies (All Grade Levels)***

Parents should notify the district when a student has been diagnosed with a food allergy, especially an allergy that could result in dangerous or life-threatening reactions either by breathing, eating or touching the particular food. It is important to disclose the food to which the student is allergic as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, based on the Texas Department of State Health Services' (DSHS) "Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis" found on the DSHS website at [Allergies and Anaphylaxis](#).

When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, an individual care plan will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed by contacting Nancy Montalbo, Child Nutrition Director at 281-689-3124.

[See **Celebrations** on page 36 and policy FFAF <https://pol.tasb.org/Home/Index/913> for more information.]

### ***Seizures (All Grade Levels)***

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the district before the beginning of the school year or upon enrollment of the student, or as soon as practicable following a diagnosis of a seizure disorder for the student. For more information, contact the school nurse.

For more information, see "**A Student with Physical or Mental Impairments Protected under Section 504**" on page 27.

### **Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)**

Students are prohibited from possessing or using any type of tobacco product, electronic cigarettes (e-cigarettes), or any other electronic vaporizing device, while on school property at any time or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device, by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCD and GKA <https://pol.tasb.org/Home/Index/913> ]

## **Health-Related Resources, Policies, and Procedures**

### **Physical and Mental Health Resources (All Grade Levels)**

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources:

- The campus nurse;
- The campus school counselor;
- The local public health authority, Montgomery County Public Health District, which may be contacted at 936-523-5020.
- The local mental health authority, TriCounty Behavioral Healthcare, which may be contacted at 936-521-6100.

### **Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)**

The district has adopted board policies that promote student physical and mental health. (LOCAL) policies on the topics below can be found in the district's policy manual, available at <https://pol.tasb.org/Home/Index/913>

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Physical Examinations: FFAA
- Immunizations: FFAB
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- School-Based Health Centers: FFAE
- Care Plans: FFAF
- Crisis Intervention: FFB

- Trauma-informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

In addition, the District Improvement Plan details the district's strategies to improve student performance through evidence-based practices that address physical and mental health.

The district has developed administrative procedures as necessary to implement the above policies and plans.

For further information regarding these procedures and access to the District Improvement Plan, please contact:

Troy Reynolds  
Director of Federal Programs and Compliance  
23419 FM 2090  
Splendora, TX 77372  
832-689-4002

#### **School Health Advisory Council (SHAC) (All Grade Levels)**

During the preceding school year, the district's School Health Advisory Council (SHAC) held 4 meetings. Additional information regarding the district's SHAC is available from the Communications Department at 281-689-4358.

Notification of upcoming SHAC meetings will be posted at each campus administrative office at least 72 hours before the meeting. Notification of upcoming SHAC meetings, meeting minutes, and a recording of each meeting will be posted on the district website at <https://www.splendoraisd.org/Page/165>.

**[See Consent to Human Sexuality Instruction on page 9, Consent to Instruction on Prevention of Child Abuse, Family Violence, Dating Violence, and Sex Trafficking on page 10, and policies BDF and EHAA. for more information.]**

#### **Student Wellness Policy/Wellness Plan (All Grade Levels)**

To encourage healthy habits in our students, the district has developed a board-adopted wellness policy at FFA(LOCAL) <https://pol.tasb.org/Home/Index/913> and corresponding plans and procedures to implement it. For questions about the content or implementation of the district's wellness policy and plan, please contact:

*Lisa Foster*

*SHAC Facilitator*

281-689-4358.

## **Identification Badges (Secondary Grade Levels)**

All students are required to display a school issued identification badge above their waist at all times during school hours. At the beginning of the school year, each student shall be issued an identification badge at no cost. If a student does not have a badge, a temporary one day badge will be issued at a cost of \$1. A new permanent badge will be issued at a cost of \$5.

## **Law Enforcement Agencies (All Grade Levels)**

### ***Questioning of Students***

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, including without parental consent, if necessary, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

### ***Students Taken into Custody***

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation.
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity, where the child may have engaged in conduct indicating a need for supervision, such as running away.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive from a juvenile court to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will most likely be after the fact.

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, o

### ***Notification of Law Violations***

The district is required by state law to notify:r referred to the juvenile court for any felony offense or for certain misdemeanors.

- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses or who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors.
- All appropriate district personnel regarding a student who is required to register as a sex offender.

[For further information, see policy FL(LEGAL) <https://pol.tasb.org/Home/Index/913> ]

### **Leaving Campus (All Grade Levels)**

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a student early on a regular basis results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The district has put the following procedures in place to document parental consent:

- For students in elementary and middle school, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other areas unescorted to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

- For students in high school, the same process will be followed. If the student's parent will authorize the student to leave campus unaccompanied, a note provided by the parent must be submitted to the main office in advance of the absence, no later than two hours prior to the student's need to leave campus. A phone call received from the parent may be accepted, but the school may ultimately require a note to be submitted for documentation purposes. Once the office has received information that the student's parent consents to the student leaving campus, a pass will be issued to the student to hand to his or her teacher with the necessary information. The student must sign out through the main office and sign in upon his or her return, if the student returns the same day. If a student is 18 years of age or is an emancipated minor, the student may produce a note on his or her own behalf. Documentation regarding the reason for the absence will be required.
- If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school. Unless directed by the parent to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures as listed above. If a student is allowed to leave campus by himself or herself, as permitted by the student's parent, or if the student is age 18 or is an emancipated minor, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied by a parent or adult authorized by the parent.

### ***During Lunch***

All Splendora ISD campuses are closed; no students are allowed to leave at lunch without a parent.

### ***At Any Other Time during the School Day***

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

### **Lost and Found (All Grade Levels)**

A "lost and found" collection box is located in the campus office. If your child has lost an item, please encourage him or her to check the lost and found box. The district discourages students from bringing to school personal items of high monetary value, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

## **Makeup Work**

### ***Makeup Work Because of Absence (All Grade Levels)***

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student will be responsible for obtaining and completing makeup work in a satisfactory manner and within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

A student is encouraged to speak with his or her teacher if the student knows of an absence ahead of time, including absences for extracurricular activities, so that the teacher and student may plan any work that can be completed before or shortly after the absence. Please remember the importance of student attendance at school and that, even though absences may be excused or unexcused, all absences account for the 90 percent threshold regarding the state laws surrounding “attendance for credit or final grade.”

A student involved in an extracurricular activity must notify his or her teachers ahead of time about any absences.

A student will be permitted to make up tests and to turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the principal and previously communicated to students.

### ***DAEP Makeup Work***

#### **Elementary and Middle / Junior High School Grade Levels**

A student removed from the regular classroom to in-school suspension or another setting will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

#### **Grades 9–12**

A high school student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, a foundation curriculum course in which the student was enrolled at the time of removal. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA(LEGAL) <https://pol.tasb.org/Home/Index/913> ]

### ***In-School Suspension (ISS) Makeup Work (All Grade Levels)***

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The

district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO(LEGAL) <https://pol.tasb.org/Home/Index/913> .]

## **Nondiscrimination Statement**

In its efforts to promote nondiscrimination and as required by law, Splendora ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs, including CTE programs, and provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Brian Kroeger, Director of Human Resources, 281-689-4422, [bkroeger@splendoraisd.org](mailto:bkroeger@splendoraisd.org) .

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL) <https://pol.tasb.org/Home/Index/913> .

The following district representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator:

Dianna Archer  
Special Services Coordinator  
23419 FM 2090  
Splendora, TX 77372  
281-689-3128

- For all other concerns regarding discrimination, see the superintendent:

Dr. Jeff Burke  
23419 FM 2090  
Splendora, TX 77372  
281-689-3128.

[See policies FB, FFH, and GKD for more information  
<https://pol.tasb.org/Home/Index/913> ]

## Parent and Family Engagement (All Grade Levels)

### *Working Together*

Both experience and research tell us that a child's education succeeds best when there is good communication and a strong partnership between home and school. Your involvement and engagement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all your child's school activities and with the academic programs, including special programs, offered in the district.
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See **Academic Counseling** on page 43.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school. [See **Report Cards/Progress Reports and Conferences** on page 83.]
- Becoming a school volunteer. [For further information, see policy GKG and **Volunteers** on page 98.]
- Participating in campus parent organizations. Parent organizations include: PTO's and Booster Clubs.
- Serving as a parent representative on the district-level or campus-level planning committees, assisting in the development of educational goals and plans to improve student

achievement. [For further information, see policies at BQA and BQB <https://pol.tasb.org/Home/Index/913> , and contact your campus principal.

- Serving on the School Health Advisory Council (SHAC), assisting the district in ensuring local community values are reflected in health education instruction and other wellness issues. [See policies at BDF, EHAA, FFA, <https://pol.tasb.org/Home/Index/913> and information in this handbook at **School Health Advisory Council (SHAC)** on page 74.]
- Being aware of the school’s ongoing bullying and harassment prevention efforts.
- Contacting school officials if you are concerned with your child’s emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are held on the third Monday of each month at 6:30 PM at the SISD Administration Building at 23419 FM 2090. An agenda for a regular or special meeting is posted no later than 72 hours before each meeting at the SISD Administration Building and online at [www.splendoraisd.org](http://www.splendoraisd.org) . [See policies at BE and BED for more information <https://pol.tasb.org/Home/Index/913> ]

### **Parking and Parking Permits (Secondary Grade Levels Only)**

A student must present a valid driver’s license and proof of insurance to be eligible for a parking permit. Students must request a parking permit and pay a fee of \$35.00 to park in a school parking lot. So long as space is available, parking permits may be issued throughout the year.

Students will not be permitted to:

- Speed.
- Double-park.
- Park across a white or yellow line.
- Park in a fire lane.
- Sit in parked cars during school hours.

Students may be subject to disciplinary action for violation of these rules. The district may tow cars that are parked in violation of these rules.

### **Pledges of Allegiance and a Minute of Silence (All Grade Levels)**

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags** on page 16.]

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others. In addition, state law requires that each campus provide for the observance of one minute of silence at the beginning

of the first class period when September 11 falls on a regular school day in remembrance of those who lost their lives on September 11, 2001.

[See policy EC for more information <https://pol.tasb.org/Home/Index/913> ]

### **Prayer (All Grade Levels)**

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt instructional or other activities of the school. The school will not encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

### **Promotion and Retention**

A student will be promoted only on the basis of academic achievement or proficiency. In making promotion decisions, the district will consider:

- Teacher recommendation,
- Grades,
- Scores on criterion-referenced or state-mandated assessments, and
- Any other necessary academic information as determined by the district.

#### **Prekindergarten —Grade 3**

A parent may request in writing that a student repeat prekindergarten, kindergarten, or grade 1, 2, or 3. Before granting the request, the district may convene a retention committee to meet and discuss the request, and will invite the parent to participate.

In addition, at certain grade levels a student—with limited exceptions—will be required to pass the State of Texas Assessments of Academic Readiness (STAAR) if the student is enrolled in a public Texas school on any day between January 1 and the date of the administration of the STAAR.

#### **Elementary and Middle / Junior High Grade Levels**

In determining promotion, a district shall consider:

1. The recommendation of the student’s teacher;
2. The student’s grade in each subject or course;
3. The student’s score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district. Education Code 28.021(a), (c)[See policy EIE <https://pol.tasb.org/Home/Index/913> ]

For any student who does not pass the STAAR test in grade 3, 5, or 8 in math or reading:

- An Accelerated Learning Plan is created for each student

- 30 hours of tutoring is provided for each subject
- An Accelerated Learning Committee is conducted for each student

A personal graduation plan (PGP) will be prepared for any student at the middle school or junior high level who did not perform satisfactorily on a state-mandated assessment or is determined by the district as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a school counselor, teacher, or other staff member designated by the principal. The plan will, among other items, identify the student's educational goals, address the parent's educational expectations for the student, and outline an intensive instruction program for the student. [For additional information, see the school counselor and policy EIF(LEGAL).] For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

### **High School Grade Levels**

To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards.

A student in grades 9–12 will advance to a grade level based on the number of course credits earned. [See **Grade Level Classification** on page 59.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** on page 59 and **Standardized Testing** on page 90 for more information about EOC assessments.]

### **Release of Students from School**

[See **Leaving Campus** on page 76.]

### **Report Cards / Progress Reports and Conferences (All Grade Levels)**

Report cards with each student's grades or performance and absences in each class or subject are issued at least once every 9 weeks.

At the end of each three weeks of a grading period, an electronic progress report or report card will be generated and available through the Skyward Family Access portal. If the student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be requested to schedule a conference with the teacher of that class or subject. [See **Working Together** on page 80 for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the principal pursuant to the board-adopted policy and are designed to reflect each student's relative mastery of each assignment for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy. [See policy EIA(LOCAL) <https://pol.tasb.org/Home/Index/913> and **Grading Guidelines** on page 59.]

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL) <https://pol.tasb.org/Home/Index/913>.

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70 in a class or subject.

The district may use an electronic program to communicate academic information about your child, including for report cards and progress reporting purposes. An electronic signature of the parent will be accepted by the district, but you are entitled to request the option to provide a handwritten signature of acknowledgment instead.

## **Retaliation**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46.]

## **Safety (All Grade Levels)**

Student safety on campus, at school-related events, and in district vehicles is a high priority of the district. Although the district has implemented safety procedures, the cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by district employees.
- Remain alert to any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member, and promptly report any incidents to a district employee. A student may make anonymous reports about safety concerns by filing a report
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

### ***Accident Insurance***

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

### ***Insurance for Career and Technical Education (CTE) Programs***

If the board purchases accident, liability, or automobile insurance coverage for students or businesses involved in the district's CTE programs, the district will notify the affected students and parents.

### ***Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies***

Occasionally, students, teachers, and other district employees will participate in preparedness drills of emergency procedures. When the command is given or alarm is sounded, students

need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

***Preparedness Training: CPR and Stop the Bleed***

The district will annually offer instruction in CPR at least once to students enrolled in grades 7–12. The instruction can be provided as part of any course and is not required to result in CPR certification.

The district will annually offer students in grades 7–12 instruction on the use of bleeding control stations to respond to traumatic injury. For more information, see Homeland Security’s Stop the Bleed and Stop the Bleed Texas.

***Emergency Medical Treatment and Information***

All parents are asked each year to complete a medical care authorization form, providing written parental consent to obtain emergency treatment and information about allergies to medications or drugs. Parents should contact the school nurse to update emergency care information (name of doctor, emergency phone numbers, allergies, etc.).

The district may consent to medical treatment, which includes dental treatment, if necessary, for a student if:

- The district has received written authorization from a person having the right to consent;
- That person cannot be contacted; and
- That person has not given the district actual notice to the contrary.

The emergency care authorization form will be used by the district when a student’s parent or authorized designee is unable to be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the district to consent to medical treatment, district employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

***Emergency School-Closing Information***

Each year, parents are asked to complete an emergency release form to provide contact information in the event that school is dismissed early or opening is delayed because of severe weather or another emergency, or if the campus must restrict access due to a security threat. **Schools may also be closed in the event of a community wide health condition. If at any time during the school year a COVID-19 case is confirmed on a school campus, the school board has the ability to close the campus for up to 5 days to sanitize the campus.**

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child’s school when a phone number previously provided to the district has changed.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will also alert the community in the following ways:

1. District Facebook/Twitter
2. District website
3. Parent Notification System
4. Local New Stations

[See **Communications-Automated, Emergency** on page 41 for more information.]

## **SAT, ACT, and Other Standardized Tests**

[See **Standardized Testing** on page 90.]

## **School Facilities**

### **Asbestos Management Plan (All Grade Levels)**

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's asbestos management plan is available in the central administrative office. If you have any questions or would like to examine the district's plan in more detail, please contact the district's designated asbestos coordinator:

Eric Reimer  
Maintenance Director  
26267 FM 2090  
281-689-4446

### **Food and Nutrition Services (All Grade Levels)**

The district participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law.

Some students are eligible for free and reduced-price meals based on financial need. Information about a student's participation is confidential. The district may share information such as a student's name and eligibility status to help enroll eligible children in Medicaid or the state children's health insurance program (CHIP) unless the student's parent requests the student's information not be disclosed.

Participating students will be offered the same meal options as their peers and will not be treated differently from their peers.

To apply for free or reduced-price meal services, contact:

Nancy Montalbo  
Child Nutrition Director  
26267 FM 2090  
281-689-4451

[See policy CO <https://pol.tasb.org/Home/Index/913> for more information.]

Parents should continually monitor their child's meal account balance. When a student's meal account is depleted, the district will notify the parent. The student may continue to purchase meals according to the grace period set by the school board. The district will present the parent with a schedule of repayment for any outstanding account balance and an application for free or reduced meals.

If the district is unable to work out an agreement with the student's parent on replenishment of the meal account and payment of any outstanding balance, the student will receive a meal. The district will make every effort to avoid bringing attention to the student.

### ***Vending Machines (All Grade Levels)***

The district has adopted and implemented the state and federal policies for food service, including guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, see the principal. [See policy FFA <https://pol.tasb.org/Home/Index/913> for more information.]

### ***Pest Management Plan (All Grade Levels)***

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, periodic indoor and outdoor pesticide use is sometimes necessary to ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area.

Parents who have questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact the district's IPM coordinator:

Eric Reimer  
Maintenance Director  
26267 FM 2090  
281-689-4446

### ***Use by Students Before and After School (All Grade Levels)***

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

After dismissal of school in the afternoon, unless a student is involved in an activity under the supervision of a teacher or other authorized employee or adult, or unless students are granted

permission to remain on campus in accordance with policy FNAB <https://pol.tasb.org/Home/Index/913> , students must leave campus immediately.

### ***Conduct Before and After School (All Grade Levels)***

Teachers and administrators have full authority over student conduct at before- or after-school activities on district premises and at school-sponsored events off district premises, such as play rehearsals, club meetings, athletic practices, and special study groups or tutorials. Students must follow the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

### ***Use of Hallways during Class Time (All Grade Levels)***

Loitering or standing in the halls during class is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

### ***Library (All Grade Levels)***

The library is a learning laboratory with books, computers, magazines, and other materials available for classroom assignments, projects, and reading or listening pleasure. The library is open for independent student use throughout the school day with a teacher permit.

### ***Meetings of Non Curriculum-Related Groups (Secondary Grade Levels Only)***

Student-organized, student-led non curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL) <https://pol.tasb.org/Home/Index/913> .

A list of these groups is available in the principal's office.

## **School-sponsored Field Trips (All Grade Levels)**

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage, and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need.

## **Searches**

### ***District Property (All Grade Levels)***

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to

search or inspection at any time without notice. Students have no expectation of privacy in district property.

Students are responsible for any item—found in district property provided to the student—that is prohibited by law, district policy, or the Student Code of Conduct.

### ***Searches in General (All Grade Levels)***

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may occasionally conduct searches.

District officials may conduct searches of students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion, voluntary consent, or pursuant to district policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

### ***Metal Detectors (All Grade Levels)***

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

### ***Trained Dogs (All Grade Levels)***

The district will use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

### ***Telecommunications and Other Electronic Devices (All Grade Levels)***

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ <https://pol.tasb.org/Home/Index/913> for more information.]

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See policy FNF(LEGAL) <https://pol.tasb.org/Home/Index/913> and **Electronic Devices and Technology Resources** on page 53 for more information.]

### **Trained Dogs (All Grade levels)**

The district may use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials

### **Drug Testing (Secondary Grade Levels Only)**

The district's policy FNF(LOCAL) <https://pol.tasb.org/Home/Index/913> addresses board authorization for drug testing of students as described in the policy.

[See **Steroids** on page 69 .]

### **Vehicles on Campus(Secondary Grade Levels Only)**

If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the district will contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the district may turn the matter over to law enforcement. The district may contact law enforcement even if permission to search is granted.

### **Sexual Harassment**

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 46.]

### **Special Programs (All Grade Levels)**

The district provides special programs for gifted and talented students, homeless students, students in foster care, bilingual students, migrant students, English learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact Carrie Garza at (281) 689-4449.

### **Standardized Testing**

#### ***Secondary Grade Levels***

#### **SAT/ACT (Scholastic Aptitude Test and American College Test)**

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. Students are encouraged to talk with the school counselor early during their junior year to determine the appropriate examination to take; these examinations are usually taken at the end of the junior year. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT, and more information can be obtained on these assessments from the school counselor.

**Note:** Participation in these assessments may qualify a student to receive a performance acknowledgment on his or her transcript under the foundation graduation program and may qualify as a substitute for end-of-course testing requirements in certain circumstances. A student's performance at a certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

### **TSI (Texas Success Initiative) Assessment**

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The purpose of the TSI assessment is to assess the reading, mathematics, and writing skills that first year students should have if they are to perform effectively in undergraduate certificate or degree programs in Texas public colleges and universities. This assessment may be required before a student enrolls in a dual credit course offered through the district as well. Achieving certain benchmark scores on this assessment for college readiness may also waive certain end-of-course assessment requirements in limited circumstances.

### **STAAR (State of Texas Assessments of Academic Readiness)**

#### **Grades 3–8**

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Writing, including spelling and grammar, in grades 4 and 7
- Science in grades 5 and 8
- Social Studies in grade 8

#### **Failure to Perform Satisfactorily on STAAR Reading or Math**

If a student in grades 3–8 does not perform satisfactorily on the state assessment, the district will provide accelerated instruction for the student. A student who does not attend accelerated instruction may violate school attendance requirements.

For a student who does not perform satisfactorily on the math or reading assessment in grades 3, 5, or 8, the district will establish an accelerated learning committee (ALC), which includes the student's parent, to develop an educational plan for accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the next school year. The district will document the educational plan in writing and provide a copy to the student's parent.

The parent of a student in grades 3, 5, or 8 who fails to perform satisfactorily on the math or reading assessment may:

- Request that the district consider assigning the student to a particular classroom teacher in the applicable subject area, if more than one classroom teacher is available.

- File a grievance or complaint regarding the content or implementation of the ALC's educational plan. See **Complaints and Concerns (All Grade Levels)** on page 41 and FNG(LOCAL).

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

### **Personal Graduation Plans - Middle or Junior High School Students**

A personal graduation plan (PGP) will be prepared for any student at the middle school or junior high level who did not perform satisfactorily on a state-mandated assessment or is determined by the district as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a school counselor, teacher, or other staff member designated by the principal. The plan will, among other items, identify the student's educational goals, address the parent's educational expectations for the student, and outline an intensive instruction program for the student. [For additional information, see the school counselor and policy EIF(LEGAL).] For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

### **High School Courses—End-of-Course (EOC) Assessments**

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments will be required for graduation, unless otherwise waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment, which will occur during the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have additional opportunities to retake the assessment.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PGP).

[See **Graduation** on page 59 for additional information.]

### **Failure to Perform Satisfactorily on an EOC**

If a student does not perform satisfactorily on an EOC, the district will provide accelerated instruction.

Failure of a student to attend accelerated instruction may result in violations of required school attendance.

### **Students in Foster Care (All Grade Levels)**

In an effort to provide educational stability, the district will assist any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state, sometimes referred to as substitute care) with the enrollment and registration process, as well as other educational services throughout the student's enrollment in the district.

Please contact Troy Reynolds, who has been designated as the district's foster care liaison, at 281-689-3128 with any questions.

[See **Students in the Conservatorship of the State** on page 23 for more information.]

### **Students Who are Homeless (All Grade Levels)**

A parent is encouraged to inform the district if his or her child is experiencing homelessness. District staff can share resources that may be able to assist families.

For more information on services for students who are homeless, contact the district's homeless education liaison:

Troy Reynolds, Director of Federal Programs and Compliance  
23419 FM 2090 Splendora, TX 281-689-3128  
281-689-4002  
[treynolds@splendoraisd.org](mailto:treynolds@splendoraisd.org)

[See **A Student Who is Homeless** on page 24.]

### **Student Speakers (All Grade Levels)**

The district provides students the opportunity to introduce the following school events: High School varsity home football games, pep rallies. If a student meets the eligibility criteria and wishes to introduce one of the school events listed above, the student should submit his or her name in accordance with policy FNA(LOCAL <https://pol.tasb.org/Home/Index/913>).

[See policy FNA(LOCAL) <https://pol.tasb.org/Home/Index/913> regarding other speaking opportunities and **Graduation** on page 59 for information related to student speakers at graduation ceremonies.]

### **Substance Abuse Prevention and Intervention (All Grade Levels)**

If you are worried that your child may be using or is in danger of experimenting, using, or abusing illegal drugs or other prohibited substances, please contact the school counselor. The school counselor can provide you with a list of community resources that may be of assistance to you. The Texas Department of State Health Services (DSHS) maintains information regarding children's mental health and substance abuse intervention services on its website: [Mental Health and Substance Abuse](#).

### **Suicide Awareness and Mental Health Support (All Grade Levels)**

The district is committed to partnering with parents to support the healthy mental, emotional, and behavioral development of its students. If you are concerned about your child, please visit [Texas Suicide Prevention](#) or contact the school counselor for more information related to suicide prevention services available in your area.

You may also contact the National Suicide Prevention Lifeline at 1-800-273-8255.

### **Tardies (All Grade Levels)**

A student who is tardy to class minutes may be assigned to detention hall or given another appropriate consequence.

#### **SISD Tardy Guidelines**

It is very important that students proceed to class in a timely manner. In order to prompt student attendance the following guidelines will be used regarding campus tardy policies. Campus tardy policies will adhere to the following guidelines:

1. Tardy policies will be reviewed with parents, teachers and students at the beginning of the year and again at the beginning of a semester.
2. Tardy policies will be included in the campus handbooks and posted clearly for students, parents and staff members to see.
3. At the principal's discretion, "Tardy Sweeps" will be announced. At that time, any student who is tardy will be assigned to detention regardless of how many tardies have been accumulated.
4. Students will not be suspended (out of school suspension) for tardiness or truancy. Tardy counts start over every 9 weeks.
5. The campus tardy plan will include all staff responsibilities for monitoring students during passing periods. Areas to monitor will include: restrooms, gymnasiums, hallways, classrooms and all common areas.
6. Teachers should not "hold over" any students from a previous class period or allow them

to be late without issuing a written permit. All staff members will be involved in encouraging students to get to class on time.

7. Campus administration will monitor tardiness weekly. Consequences will be issued for excessive tardiness. All students with excessive tardiness will be subject to disciplinary action.
8. All student tardiness will be documented. Teachers and attendance clerks will mark all tardies on the computer and keep a log sheet for attendance snapshot time (Secondary: 2nd period/Elementary: 9:15 a.m.).

Campus administration will use discretion on a case-by-case basis for the need to excuse tardiness and assign consequences. Administrators may choose from each level a consequence to issue for tardiness.

### **Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)**

Instructional materials are any resources used in classroom instruction as part of the required curriculum, such as textbooks, workbooks, computer software, or online services. The district selects instructional materials in accordance with state law and policy EFA. The district provides approved instructional materials to students free of charge for each subject or class. Students must treat instructional materials with care as directed by the teacher. A student who is issued a damaged item should report the damage to the teacher. Any student failing to return an item in acceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

### **Transfers (All Grade Levels)**

The principal is authorized to transfer a student from one classroom to another.

The Superintendent is authorized to investigate and approve transfer between schools.

[See **Bullying** on page 34, and **Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services** on page 25, for other transfer options.]

### **Transportation (All Grade Levels)**

#### ***School-sponsored Trips***

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. As approved by the principal, a coach or sponsor of an extracurricular activity may establish procedures related to making an exception to this requirement when a parent requests that the student be released to the parent or to another adult designated by the parent. [See **School-sponsored Field Trips** on page 88 for more information.]

### ***Buses and Other School Vehicles***

The district makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students.

Bus routes and stops will be designated annually, and any subsequent changes will be posted at the school and on the district's website. For the safety of the operator of the vehicle and all passengers, students must board buses or other vehicles only at authorized stops, and drivers must unload passengers only at authorized stops.

A parent may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, you may contact 281-689-4322

[See the Student Code of Conduct for provisions regarding transportation to the DAEP.]

Students are expected to assist district staff in ensuring that buses and other district vehicles remain in good condition and that transportation is provided safely. When riding in district vehicles, including buses, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Enter and leave the vehicle in an orderly manner at the designated stop.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the vehicle or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle.
- Not possess or use any form of tobacco or e-cigarettes in any district vehicle.
- Observe all usual classroom rules.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a district vehicle, including a school bus, may be suspended or revoked.

### **Vandalism (All Grade Levels)**

To ensure that school facilities can serve those for whom they are intended—both this year and for years to come—littering, defacing, or damaging school property is not tolerated. Students

will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

## **Video Cameras (All Grade Levels)**

For safety purposes, video and audio recording equipment is used to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice before placing a video camera in a classroom or other setting in which your child receives special education services. For more information or to request the installation and operation of this equipment, speak with the principal who the district has designated to coordinate the implementation of and compliance with this law.

[See EHBAF(LOCAL) <https://pol.tasb.org/Home/Index/913> .]

[For video and other recording by parents or visitors to virtual or in-person classrooms, see **Consent to Video or Audio Record a Student when Not Already Permitted by Law** on page 11.]

## **Visitors to the School (All Grade Levels)**

### ***General Visitors***

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and must comply with all applicable district policies and procedures. When arriving on campus, all parents and other visitors should be prepared to show identification.

Visits to individual classrooms during instructional time are permitted only with approval of the principal and teacher and only so long as their duration or frequency does not interfere with the delivery of instruction or disrupt the normal school environment. Even if the visit is approved prior to the visitor's arrival, the individual must check in at the main office first.

All visitors are expected to demonstrate the highest standards of courtesy and conduct; disruptive behavior will not be permitted.

### ***Unauthorized Persons***

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer has the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL) <https://pol.tasb.org/Home/Index/913> .

[See the Student Code of Conduct.]

### ***Visitors Participating in Special Programs for Students***

#### **Business, Civic, and Youth Groups**

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

#### **Volunteers (All Grade Levels)**

We appreciate the efforts of parent and grandparent volunteers that are willing to serve our district and students. If you are interested in volunteering, please contact Lisa Foster 281-689-4358 for more information and to complete an application.

Subject to exceptions in accordance with state law and district procedures, the district requires a state criminal history background check for each volunteer, including parents, guardians, or grandparents of a child enrolled in the district.

#### **Voter Registration (Secondary Grade Levels Only)**

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

#### **Withdrawing from School (All Grade Levels)**

When a student under age 18 withdraws from school, the parent or guardian must submit a written request to the principal, specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school at least three days' notice of withdrawal so that records and documents may be prepared.

## Glossary

**Accelerated instruction** is an intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level and/or as a result of a student not meeting the passing standard on a state-mandated assessment.

**Accelerated learning committee (ALC)** is a committee that must be established when a student does not perform satisfactorily on the math or reading assessment in grades 3, 5, or 8. The committee includes district personnel and the student's parent and develops an educational plan for accelerated instruction to enable the student to perform at the appropriate grade level by the end of the next school year

**ACT**, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

**ACT-Aspire** refers to an assessment that took the place of ACT-Plan and is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

**ARD** stands for admission, review, and dismissal. The ARD committee convenes for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and his or her parents are members of the committee.

**Attendance review committee** is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

**CPS** stands for Child Protective Services.

**DAEP** stands for a disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

**DFPS** is the Texas Department of Family Protective Services.

**DPS** stands for the Texas Department of Public Safety.

**EOC (end-of-course) assessments** are state-mandated and are part of the STAAR program. Successful performance on EOC assessments are required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and U.S. History.

**ESSA** is the federal Every Student Succeeds Act passed in December 2015.

**FERPA** refers to the federal Family Educational Rights and Privacy Act, which grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

**IEP** stands for individualized education program and is the written record prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP

contains several parts, such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; accommodations for state or district wide tests; whether successful completion of state-mandated assessments is required for graduation, etc.

**IGC** is the individual graduation committee, formed in accordance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

**ISS** refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

**PGP** stands for personal graduation plan, which is required for high school students and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

**PSAT** is the preparatory and readiness assessment for the SAT. It also serves as the basis for the awarding of National Merit Scholarships.

**SAT** refers to the Scholastic Aptitude Test, one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

**SHAC** stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to assist the district in ensuring that local community values and health issues are reflected in the district's health education instruction, along with providing assistance with other student and employee wellness issues.

**Section 504** is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

**STAAR** is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

**STAAR Alternate 2** is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee.

**STAAR Spanish** is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

**State-mandated assessments** are required of students at certain grade levels and in specified subjects. Successful performance sometimes is a condition of promotion and passing the STAAR EOC assessments is a condition of graduation. Students have multiple opportunities to take the tests if necessary for promotion or graduation.

**Student Code of Conduct** is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle. It also sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP. It outlines conditions for out-of-school suspension and expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

**TAC** stands for the Texas Administrative Code.

**TELPAS** stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English language learners make in learning the English language and is administered for those who meet the participation requirements in kindergarten–grade 12.

**TSI** stands for the Texas Success Initiative, an assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

**TXVSN** stands for the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors, and courses are equivalent in rigor and scope to a course taught in a traditional classroom setting.

**UIL** refers to the University Interscholastic League, the statewide, voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

## **SECTION THREE: SPLENDORA ISD STUDENT CODE OF CONDUCT**

2022-23 School Year

If you have difficulty accessing the information in this document because of disability, please contact Dianna Archer, Director of Student Services at 281-689-4387 or [darcher@splendoraisd.org](mailto:darcher@splendoraisd.org).

## Student Code of Conduct

### Accessibility

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### Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Splendorra ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.

**Please note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

## **School District Authority and Jurisdiction**

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

## **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at [www.splendoraisd.org](http://www.splendoraisd.org). Include link to the student handbook

## **Threat Assessment and Safe and Supportive School Team**

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

## **Searches**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) <https://pol.tasb.org/Home/Index/913> for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

### **Reporting Crimes**

The principal and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

### **Security Personnel**

To ensure sufficient security and protection of students, staff, and property, the board employs police officers. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to those officers. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL) <https://pol.tasb.org/Home/Index/913>.

### **“Parent” Defined**

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

### **Participating in Graduation Activities**

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

### **Unauthorized Persons**

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or

2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** on page 120, for information regarding a student assigned to DAEP at the time of graduation.

## Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes regularly and on time.
- Prepare for each class; bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page 114, **DAEP Placement** on page 116, **Placement and/or Expulsion for Certain Offenses** on page 122 and **Expulsion** on page 125, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed in that section on page 113.

### Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.

- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### **Mistreatment of Others**

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 122.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### **Property Offenses**

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 122.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 122.)
- Enter, without authorization, district facilities that are not open for operations.

### Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun or taser;
- Knuckles;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

\*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 122. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

### Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

### Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 116 and **Expulsion** on page 125 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.

## Splendora Independent School District Student Handbook

- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

### **Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### **Safety Transgressions**

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.

- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

### **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating, copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

### **Discipline Management Techniques**

Discipline shall be designed to improve conduct and to encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

### **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law . For more information regarding discipline of students with disabilities, see policy FOF(LEGAL) <https://pol.tasb.org/Home/Index/913> .

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see **glossary**) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 114.
- Placement in a DAEP, as specified in **DAEP** on page 116.
- Placement and/or expulsion in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 122.
- Expulsion, as specified in **Expulsion** on page 125.

- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

### **Prohibited Aversive Techniques**

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL) <https://pol.tasb.org/Home/Index/913> .]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

### **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written

notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy On Line at the following address: <https://pol.tasb.org/Home/Index/913> .

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district shall comply with the applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL). <https://pol.tasb.org/Home/Index/913> .

### **Removal from the School Bus**

A bus driver may refer a student to the principal's office or a designated administrator to maintain effective discipline on the bus. The principal or designated administrator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or designated administrator may restrict or revoke a student's transportation privileges, in accordance with law.

### **Removal from the Regular Educational Setting**

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

#### **Routine Referral**

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ

alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

### **Formal Removal**

A teacher may also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

### **Returning a Student to the Classroom**

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

## **Out-of-School Suspension**

### **Misconduct**

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

### **Process**

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

### **Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

### **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

Students below 6th grade should only be placed for mandatory reasons as listed on page 117 or after review by the campus behavior committee.

For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student may be placed in a DAEP for the following conduct violations:

#### **Misconduct Identified in State Law**

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.

- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student’s consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury. **Deliberately coughing, sneezing, or spitting on others, or acting like it, may be considered an assault.**
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent’s designee has reasonable belief (see **glossary**) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student’s presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The campus behavior coordinator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

#### **Mandatory Placement: Misconduct That Requires DAEP Placement**

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in **Expulsion** on page 125.) (See **glossary** for “under the influence.”)
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion** on page 125.)

- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Uses or possesses any type of electronic smoking (vaping) device that contains THC.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page 125.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see glossary),
  - A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  - The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

### **Sexual Assault and Campus Assignments**

If a student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### **Process**

Removals to a DAEP shall be made by the campus behavior coordinator.

### **Conference**

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

### **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

- Self-defense (see **glossary**),
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history,
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, or
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

### **Placement Order**

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

### **Coursework Notice**

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

### **Length of Placement**

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

### **Exceeds One Year**

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

### **Exceeds School Year**

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
- The student has engaged in serious or persistent misbehavior (see **glossary**) that violates the district's Code.

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at the following address: <https://pol.tasb.org/Home/Index/913>.

Appeals shall begin at Level I with the campus principal.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

### **Restrictions During Placement**

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Additional Misconduct**

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

### **Notice of Criminal Proceedings**

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parents may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parents may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### **Withdrawal During Process**

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

### **Newly Enrolled Students**

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

### **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA (LEGAL) <https://pol.tasb.org/Home/Index/913> for more information.

## **Placement and/or Expulsion for Certain Offenses**

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

### **Registered Sex Offenders**

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

### **Review Committee**

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

### **Newly Enrolled Student**

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

### **Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;

## Splendora Independent School District Student Handbook

- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

- The date on which the student's conduct occurred,
- The location at which the conduct occurred,
- Whether the conduct occurred while the student was enrolled in the district, or
- Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

### **Length of Placement**

The student is subject to the placement until:

- The student graduates from high school,
- The charges are dismissed or reduced to a misdemeanor offense, or
- The student completes the term of the placement or is assigned to another program.

### **Placement Review**

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

### **Newly Enrolled Students**

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

## Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page 116.)

#### Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Breach of computer security. (See **glossary**)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

### **At School, Within 300 Feet, or at a School Event**

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

### **Within 300 Feet of School**

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child
- aggravated kidnapping
- manslaughter
- criminally negligent homicide
- aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

### **Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the

student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in DAEP**

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

7. Deliberate violent behavior that poses a direct threat to the health or safety of others;
8. Extortion, meaning the gaining of money or other property by force or threat;
9. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
10. Conduct that constitutes the offense of:
  - Public lewdness under Penal Code 21.07;
  - Indecent exposure under Penal Code 21.08;
  - Criminal mischief under Penal Code 28.03;
  - Hazing under Education Code 37.152; or
  - Harassment under Penal Code 42.07(a)(1) of a student or district employee.

### **Mandatory Expulsion: Misconduct That Requires Expulsion**

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

#### **Under Federal Law**

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See **glossary**.)

**Note:** Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

#### **Under the Penal Code**

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.)

**Note:** A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL) <https://pol.tasb.org/Home/Index/913> .]
  - A location-restricted knife, as defined by state law. (See **glossary**.)

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See **glossary**.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### **Under Age Ten**

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### **Process**

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parents shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

### **Hearing**

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,

2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.
4. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The hearing shall be conducted by the board of trustees and the decision to expel shall be made by the board.

### **Board Review of Expulsion**

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

### **Expulsion Order**

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the superintendent shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

### **Length of Expulsion**

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

- The student is a threat to the safety of other students or to district employees, or
- Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

### **Withdrawal During Process**

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

### **Additional Misconduct**

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator or the board may issue an additional disciplinary order as a result of those proceedings.

### **Restrictions During Expulsion**

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

### **Newly Enrolled Students**

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

- The out-of-state district provides the district with a copy of the expulsion order, and
- The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

- The student is a threat to the safety of other students or district employees, or
- Extended placement is in the best interest of the student.

### **Emergency Expulsion Procedures**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

### **Transition Services**

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

## Glossary

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

- Causes serious bodily injury to another;
- Uses or exhibits a deadly weapon; or
- Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - 65 years of age or older, or
  - A disabled person.

**Armor-piercing ammunition** is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - Any vegetation, fence, or structure on open-space land; or
  - Any building, habitation, or vehicle:
    - 1) Knowing that it is within the limits of an incorporated city or town,
    - 2) Knowing that it is insured against damage or destruction,
    - 3) Knowing that it is subject to a mortgage or other security interest,
    - 4) Knowing that it is located on property belonging to another,
    - 5) Knowing that it has located within it property belonging to another, or
    - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - Recklessly damages or destroys a building belonging to another, or
  - Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes

school district property or information; or commits a breach of any other computer, computer network, or computer system.

**Bullying** is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Chemical dispensing device** is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is defined by Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text

messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

- Cause action by an official or volunteer agency organized to deal with emergencies;

- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm** is defined by federal law (18 U.S.C. 921(a)) as:

- Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
- The frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

**Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Handgun** is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** includes:

- Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
- Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
- Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
  - Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
  - Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

**Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a

student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality;
- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student’s mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

**Hit list** is defined in Section 37.001(b)(3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Improvised explosive device** is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person’s anus or any part of the person’s genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person’s intimate parts exposed or engaged in sexual conduct. “Visual material” means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Location-restricted knife** is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

**Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Look-alike weapon** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**Machine gun** as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk.

**Prohibited weapon** under Penal Code 46.05(a) means:

- The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - An explosive weapon;
  - A machine gun;
  - A short-barrel firearm;
- Armor-piercing ammunition;
- A chemical dispensing device;
- A zip gun;
- A tire deflation device; or
- An improvised explosive device.

**Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior means:**

- Deliberate violent behavior that poses a direct threat to the health or safety of others;
- Extortion, meaning the gaining of money or other property by force or threat;
- Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
- Conduct that constitutes the offense of:
  - Public lewdness under Penal Code 21.07;
  - Indecent exposure under Penal Code 21.08;

- Criminal mischief under Penal Code 28.03;
- Hazing under Education Code 37.152; or
- Harassment under Penal Code 42.07(a)(1) of a student or district employee.

**Serious or persistent misbehavior** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 felonies** are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06;
- Assault under Section 22.01;

## Splendora Independent School District Student Handbook

- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

[See FOC(EXHIBIT) <https://pol.tasb.org/Home/Index/913> .]

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one’s body, by any means, a prohibited substance.

**Zip gun** is defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.





**Splendoria ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date: July 18, 2022**

**Submitted Date: July 12, 2022**

**Agenda Business Items:**

- ~~Consent Agenda Item~~
- New Action

**Information Only Items:**

- Presentation
- Recognition
- Information

---

Name of Person Responsible:

Brian Kroeger

Department or Campus:

Human Resources

Topic:


2022-2023 Employee Handbook

Background Information:

Here is the link to all of the changes from the previous year:

<https://www.tasb.org/services/hr-services/mytasb/model-employee-handbook/documents/meh-guide.pdf>

Attachments:

 2022 Employee Handbook

Superintendent's Resolutions: Recommend



# Splendora ISD

## 2022–2023 Employee Handbook

If you have difficulty accessing the information in this document because of a disability, please email [bkroeger@splendoraisd.org](mailto:bkroeger@splendoraisd.org).



# Table of Contents

<b>Employee Handbook Receipt</b>	<b>4</b>
<b>Introduction</b>	<b>6</b>
<b>District Information</b>	<b>7</b>
Description of the District	7
Mission Statement, Goals, and Objectives	7
Board of Trustees	7
Board Meeting Schedule	8
Administration	8
School Calendar	8
Helpful Contacts	8
School Directory	8
<b>Employment</b>	<b>9</b>
Equal Employment Opportunity	9
Job Vacancy Announcements	9
Employment after Retirement	9
Contract and Non Contract Employment	10
Certification and Licenses	11
Recertification of Employment Authorization	11
Searches and Alcohol and Drug Testing	12
Health Safety Training	12
Reassignments and Transfers	13
Workload and Work Schedules	13
Breaks for Expression of Breast Milk	14
Notification to Parents Regarding Qualifications	15
Outside Employment and Tutoring	15
Performance Evaluation	15
Employee Involvement	16
Staff Development	16
<b>Compensation and Benefits</b>	<b>17</b>
Salaries, Wages, and Stipends	17
Paychecks	17
Automatic Payroll Deposit	17
Payroll Deductions	18
Overtime Compensation	18
Travel Expense Reimbursement	19
Health, Dental, and Life Insurance	19
Supplemental Insurance Benefits	20
Cafeteria Plan Benefits (Section 125)	20
Workers' Compensation Insurance	21

Unemployment Compensation Insurance	21
Teacher Retirement	21
Other Benefit Programs	21
<b>Leaves and Absences</b>	<b>22</b>
Personal Leave	23
State Sick Leave	24
Local Leave	24
Extended Leave	24
Vacation	24
Sick Leave Bank (or Pool)	25
Family and Medical Leave Act (FMLA)—General Provisions	25
Local Procedures for Implementing Family and Medical Leave Provisions	27
Temporary Disability Leave	28
Workers’ Compensation Benefits	29
Assault Leave	30
Bereavement Leave	30
Jury Duty	30
Compliance with a Subpoena	31
Truancy Court Appearances	31
Religious Observance	31
Military Leave	31
Leave for Peace Officers	32
Payment for Accumulated Leave Upon Separation	32
<b>Employee Relations and Communications</b>	<b>33</b>
Employee Recognition and Appreciation	33
District Communications	33
<b>Complaints and Grievances</b>	<b>34</b>
<b>Employee Conduct and Welfare</b>	<b>35</b>
Standards of Conduct	35
Discrimination, Harassment, and Retaliation	39
Harassment of Students	39
Reporting Suspected Child Abuse	40
Sexual Abuse and Maltreatment of Children	41
Reporting Crime	41
Scope and Sequence	42
Technology Resources	42
Personal Use of Electronic Communications	42
Electronic Communications between Employees, Students, and Parents	44
Public Information on Private Devices	47
Criminal History Background Checks	47
Employee Arrests and Convictions	47

Alcohol and Drug-Abuse Prevention	48
Tobacco Products and E-Cigarette Use	48
Fraud and Financial Impropriety	49
Conflict of Interest	49
Gifts and Favors	50
Copyrighted Materials	50
Associations and Political Activities	50
Charitable Contributions	51
Safety	51
Possession of Firearms and Weapons	52
Visitors in the Workplace	52
Asbestos Management Plan	52
Pest Control Treatment	52
Other Topics	53
<b>General Procedures</b>	<b>54</b>
Emergency School Closing	54
Emergencies	54
Purchasing Procedures	54
Name and Address Changes	54
Personnel Records	55
Facility Use	55
<b>Termination of Employment</b>	<b>56</b>
Resignations	56
Dismissal or Nonrenewal of Contract Employees	56
Dismissal of Noncontract Employees	57
Discharge of Convicted Employees	57
Exit Interviews and Procedures	58
Reports to Texas Education Agency	58
Reports Concerning Court-Ordered Withholding	59
<b>Student Issues</b>	<b>60</b>
Equal Educational Opportunities	60
Student Records	60
Parent and Student Complaints	60
Administering Medication to Students	60
Dietary Supplements	60
Psychotropic Drugs	60
Student Conduct and Discipline	60
Student Attendance	60
Bullying	60
Hazing	60
Employee Dress Code	60



Please sign and date this receipt and forward it to the Human Resources Department.

# Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. Those that are, have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Human Resources Department.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of non contract employees in any way. Rather, it is a guide to and a brief explanation of district policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can be accessed Online at [www.splendoraisd.org](http://www.splendoraisd.org).

# District Information

## Description of the District

Splendora ISD encompasses an area of 79 square miles and has a student population of 4,200. While we are the smallest school district in Montgomery County, we offer big opportunities for our students. Our high school is a designated Early College High School where students can become core complete or earn an Associate of Arts or Science degree and our career-minded students have 23 career pathways to choose from. Our elementary schools offer bilingual and dual language to our youngest students and Pre-AP classes to sixth graders. Junior high students have Pre AP, career and technical education classes, and numerous extracurricular classes. Splendora ISD has embraced the Capturing Kids' Hearts processes and in 2020, earned the distinction of being 1 out of 6 districts across the nation to be named a CKH "National Showcase District." All of our staff and students are using the CKH processes to build better relationships, schools, and communities. We are #CultivatingExceptionalPeople

## Mission Statement, Goals, and Objectives

*Policy AE*

### District Mission, Vision, Core Principles, and Learner Profile

#### Mission:

Cultivating Exceptional People

#### Vision:

- Right People
- Right Things
- Right Way
- Right Resources
- Right Relationships

#### Core Principles:

- Create a Dynamic Learning Environment
- Ensure a Safe, Physical, Emotional, and Social Environment
- Be Accountable
- Value Each Other
- Live with Integrity
- Develop Servant Leaders
- Focus on Student Needs

#### Learner Profile:

- Self-motivated
- confident
- an adaptable learner
- a critical thinker
- productive citizen

## **Board of Trustees**

*Policies BA, BB series, BD series, and BE series*

Texas law grants the board of trustees the power to govern and oversee the management of the district's schools. The board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the district's children. Board members are elected annually and serve 3-year terms. Board members serve without compensation, must be qualified voters, and must reside in the district.

Current board members include:

- Suzanne Soto, President
- Allen Wells, Vice-President
- Jackie Knott, Secretary
- Dan Muirhead, Ast. Secretary
- Jason Sessum
- Barry Welch
- Kim Klepcyk

The board usually meets the third Monday of the month at 6:30 pm. In the event that large attendance is anticipated, the board may meet at Splendora Junior High. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district website and the Splendora ISD Administration Building at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a one-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session from which the public and others are excluded. Closed sessions may occur

for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

## **Board Meeting Schedule**

- August 15, 2022
- September 19, 2022
- October 17, 2022
- November 14, 2022
- December 12, 2022
- January 17, 2023
- February 21, 2023
- March 20, 2023
- April 17, 2023
- May 15, 2023
- June 19, 2023
- July 17, 2023

## **Administration**

- Dr. Jeff Burke, Superintendent
- Dr. Glenn Barnes, Assistant Superintendent of Leadership and Culture
- Mr. Kevin Lynch, C.F.O.
- Ms. Carrie Garza, Executive Director of Teaching and Learning
- Mr. Brian Kroeger, Executive Director of Human Resources
- Mr. Troy Reynolds, Director of Federal Programs and Compliance
- Ms. Deana Eubanks, Athletic Director
- Mr. Adam Lira, Director of Career and Technology
- Ms. Jennifer Stewart, Director of Special Services
- Dr. Susan Hoisington, Director of Advanced Academics and College Readiness
- Ms. Deitra Johnson, Director of Communications
- Ms. Dianna Archer, Director of Student Services

- Mr. John DeBrock, Director of At Risk Populations
- Ms. Laura Wildman, Director of Professional Learning
- Colin Weatherly, Chief of Police
- Ms. Loydette Youngblood, Director of Counseling and Wellness

## School Calendar

[https://docs.google.com/viewerng/viewer?url=https://www.splendoraisd.org//cms/lib/TX02203815/Centricity/Domain/62/SISD+2022-2023+Academic+Calendar\\_approved+2022-02-28.pdf](https://docs.google.com/viewerng/viewer?url=https://www.splendoraisd.org//cms/lib/TX02203815/Centricity/Domain/62/SISD+2022-2023+Academic+Calendar_approved+2022-02-28.pdf)

## Helpful Contacts

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed below.

Payroll –	Laura Daniels - 4015
Custodial –	Veronica Castille – 4302
Child Nutrition –	Nancy Montalbo – 4451
Community Education and Communications –	Lisa Foster – 4358
Maintenance –	Erich Reimer – 4446
Personnel –	Brian Kroeger - 4462
Police –	Colin Weatherly – 4340
Technology –	Buddy Denman – 4356
Transportation –	Darcas Moody – 4335
Warehouse –	Darla Baker - 4351

## School Directory

Greenleaf Elementary School - 281-689-8020

Peach Creek Elementary School - 281-689-3114

Piney Woods Elementary School - 281-689-3073

Timber Lakes Elementary School - 281-689-4375

Splendora Junior High - 281-689-6343

Splendora High School - 281-689-8008

# Employment

## Equal Employment Opportunity

*Policies DAA, DIA*

In its efforts to promote nondiscrimination and as required by law, Splendora ISD does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

In accordance with Title IX, the district does not discriminate on the basis of sex and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to employment. Inquiries about the application of Title IX may be referred to the district's Title IX coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The district designates and authorizes the following employee as the Title IX coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: *For Students -Dianna Archer, Director of Student Services, 23419 FM 2090, Splendora, TX 77372, [darcher@splendoraisd.org](mailto:darcher@splendoraisd.org), 281-689-4387. For Employees - Brian Kroeger, Executive Director of Human Resources, 23419 FM 2090, Splendora, TX 77372, [bkroeger@splendoraisd.org](mailto:bkroeger@splendoraisd.org), 281-689-4462.* Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The district designates and authorizes the following employee as the ADA/Section 504 coordinator for employees for concerns regarding discrimination on the basis of a disability: Brian Kroeger, Executive Director of Human Resources, 23419 FM 2090, Splendora, TX 77372, [bkroeger@splendoraisd.org](mailto:bkroeger@splendoraisd.org), 281-689-4462 .

Questions or concerns relating to discrimination for any other reason should be directed to the Superintendent.

## Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the district's website.

## **Employment after Retirement**

### *Policy DC*

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Website ([www.trs.texas.gov](http://www.trs.texas.gov)).

## **Contract and Non Contract Employment**

### *Policy DC series*

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

**Probationary Contracts.** Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

**Term Contracts.** Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed Online or copies will be provided upon request.

**Noncertified Professional and Administrative Employees.** Employees in professional and administrative positions that do not require SBEC certification (such as non instructional administrators) are employed by a Chapter 21 probationary or term contract.

**Paraprofessional and Auxiliary Employees.** All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

## **Certification and Licenses**

*Policies DBA, DF*

Professional employees whose positions require SBEC certification or a professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Human Resources Department in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify the Human Resources Department when there is action against, or revocation of, their license.

A certified employee's contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Human Resources Department if you have any questions regarding certification or licensure requirements.

## **Recertification of Employment Authorization**

*Policy DC*

At the time of hire all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources Department if you have any questions regarding reverification of employment authorization.

## **Searches and Alcohol and Drug Testing**

*Policy CQ, DHE*

Non Investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to

conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district business.

**Employees Required to Have a Commercial Driver's License.** Any employee whose duties require a commercial driver's license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs.

Employees with questions or concerns relating to alcohol and drug testing policies and related educational material should contact the Human Resources Department.

## **Health Safety Training**

### *Policies DBA, DMA*

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), concussion, and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to the Human Resources Department by September 1, 2022.

School nurses and employees with regular contact with students must complete a Texas Education Agency approved, Online training regarding seizure disorder awareness, recognition, and related first aid.

## **Reassignments and Transfers**

### *Policy DK*

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA(Local).

An employee with the required qualifications for a position may request a transfer to another campus or department. A written request for transfer must be completed and signed by the employee and the employee's supervisor. A teacher requesting a transfer to another campus before the school year begins must submit his or her request by writing a written request and submitting it to the Human Resources Department . Requests for transfer during the school year will be considered only when the change will not adversely affect students and after a replacement has been found. All transfer requests will be coordinated by the Human Resources office and must be approved by the receiving supervisor.

## **Workload and Work Schedules**

### *Policies DEAB, DK, DL*

**Professional Employees.** Professional employees and academic administrators are exempt from overtime pay and are employed on a 10-, 11-, or 12-month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

**Paraprofessional and Auxiliary Employees.** Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See Overtime Compensation on page 19 for additional information.

## **Breaks for Expression of Breast Milk**

*Policies DEAB, DG*

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

## **Notification to Parents Regarding Qualifications**

*Policies DK, DBA*

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements.

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can call the Human Resources Department.

## **Outside Employment and Tutoring**

*Policy DBD*

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

## **Performance Evaluation**

*Policy DN series*

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

## **Employee Involvement**

*Policies BQA, BQB*

At both the campus and district levels, Splendora ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or from the Human Resources Department.

## **Staff Development**

*Policy DMA*

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Staff development for non instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.

# Compensation and Benefits

## Salaries, Wages, and Stipends

*Policies DEA, DEAA, DEAB*

Employees are paid in accordance with administrative guidelines and an established pay structure. The district’s pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*, page 19.)

Stipends are not guaranteed yearly.

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district’s extra-duty pay schedule.

Employees should contact the Payroll Department for more information about the district’s pay schedules or their own pay.

## Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid every two weeks. Paychecks will not be released to any person other than the district employee named on the check without the employee’s written authorization.

The schedule of pay dates for the 2022–2023 school year follows:

SEPTEMBER	09/12/22
	09/26/22
OCTOBER	10/12/22
	10/26/22
NOVEMBER	11/10/22
	11/25/22
DECEMBER	12/12/22
	12/23/22
JANUARY	01/12/23
	01/26/23

FEBRUARY	02/10/23
	02/24/23
MARCH	03/10/23
	03/24/23
APRIL	04/12/23
	04/26/23
MAY	05/12/23
	05/26/23
JUNE	06/12/23
	06/26/23
JULY	07/12/23
	07/26/23
AUGUST	08/11/23
	08/25/23

## Automatic Payroll Deposit

Employees can have their paychecks electronically deposited into a designated account. A notification period of two weeks is necessary to activate this service. Contact the Payroll Department for more information about the automatic payroll deposit service.

## Payroll Deductions

### *Policy CFEA*

The district is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees may elect include deductions for the employee's share of premiums for health, dental, life, and vision insurance; annuities; and higher education savings plans or prepaid tuition programs. Employees also may request payroll deduction for payment of membership dues to professional organizations and certain charitable contributions approved by the Board. Salary deductions are automatically made for unauthorized or unpaid leave.

## **Overtime Compensation**

*Policies DEAB, DEC*

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. For the purpose of calculating overtime, a workweek begins at 12:01 am Sunday and ends at 12 pm Saturday .

Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at a time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee is required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

## **Travel Expense Reimbursement**

*Policy DEE*

Before any travel expenses are incurred by an employee, the employee's supervisor and the Chief Financial Officer must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the district. Employees must submit receipts, to the extent possible, to be reimbursed for allowable expenses other than mileage.

## **Health, Dental, and Life Insurance**

### *Policy CRD*

Group health insurance coverage is available to all employees. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees in a separate booklet entitled <http://www.mybenefitshub.com/splendoraisd>.

The health insurance plan year is from September 1 through August 31. New employees must complete enrollment forms within the first 30 days of employment. Current employees can make changes in their insurance coverage at <http://www.mybenefitshub.com/splendoraisd>. Employees should contact the Benefits and Leave Specialist for more information.

## **Supplemental Insurance Benefits**

### *Policy CRD*

At their own expense, employees may enroll in supplemental insurance programs for Group Long Term Care. Premiums for these programs can be paid by payroll deduction. Employees should contact the Benefits and Leave Specialist for more information.

## **Cafeteria Plan Benefits (Section 125)**

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

## **Workers' Compensation Insurance**

### *Policy CRE*

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Texas Association of School Boards, , effective upon employment.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to an employee's immediate supervisor. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits*, page 29 for information on use of paid leave for such absences.

## **Unemployment Compensation Insurance**

### *Policy CRF*

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Benefits and Leave Specialist.

## **Teacher Retirement**

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are eligible to purchase a year of creditable service in TRS. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify the Human Resources Department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web ([www.trs.texas.gov](http://www.trs.texas.gov)). See page 11 for information on restrictions of employment of retirees in Texas public schools.

# Leaves and Absences

## *Policies DEC, DECA, DECB*

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than five days should call the Benefits and Leave Specialist for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Paid leave must be used in ½ day increments. Earned comp time must be used before any available paid state and local leave. Unless an employee requests a different order, available paid state and local leave will be used in the following order:

- Local leave earned prior to July 1, 2010.
- Local leave earned after July 1, 2010, and thereafter.
- State sick leave accumulated before the 1995-96 school year.
- State personal leave.

Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification. Any unapproved absences or absences beyond accumulated or available paid leave shall result in deduction from the employee's pay.

**Immediate Family.** For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
- Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
- Sibling, stepsibling, and sibling-in-law
- Grandparent and grandchild
- Any person residing in the employee's household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA(LEGAL).

**Medical Certification.** Any employee, who is absent more than 3 days because of a personal or family illness, must submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee’s fitness to return to work.

The district may require medical certification due to an employee’s questionable pattern of absences or when deemed necessary by the supervisor or superintendent. The district may also request medical certification when an employee requests FMLA leave for the employee’s serious health condition, a serious health condition of the employee’s spouse, parent, or child, or for military caregiver leave.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Continuation of Health Insurance.** Employees, on an approved leave of absence other than family and medical leave, may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

Under TRS-Active Care rules, an employee is no longer eligible for insurance through the district after six months of unpaid leave other than FML. If an employee’s unpaid leave extends for more than six months, the district will provide the employee with notice of COBRA rights.

## **Personal Leave**

State law entitles all employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee’s usual assignment, whether full-time or part-time. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. Personal leave may be used for two general purposes: non discretionary and discretionary.

**Nondiscretionary.** Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered non discretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Nondiscretionary may be used in the same manner as state sick leave.

**Discretionary.** Leave taken at an employee’s discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor 5 days in advance of the anticipated absence. The effect of the employee’s absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

**Leave Proration.** If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee’s final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

## **State Sick Leave**

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. State sick leave may be used for the following reasons only:

- Employee illness
- Illness in the employee’s immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

## **Local Leave**

Splendora ISD provides 5 days of Local Leave per school year to all full time employees.

- For those employees who retire in a school year, Splendora ISD can buy back Local Leave days. To be eligible for a buy back, December retirees must notify their immediate supervisor by September 19th of that year. For those retiring at the end of the year, notification must be given before Spring Break of that school year.

## **Vacation**

### *Policy DED*

Non Contractual, full-time employees in positions that normally require 240 days or more of service shall be eligible for paid vacation. Vacation time shall be calculated annually from June 1 to May 31 and must be used by September 1. Any vacation time not used before this deadline shall be forfeited. When an employee retires, resigns, or is released, the employee shall be eligible to receive reimbursement for unused vacation time accrued prior to termination. The Superintendent shall develop specific procedures for implementing this policy

## **Sick Leave Bank (or Pool)**

See Policy at <http://pol.tasb.org/Home/Index/913>

## **Family and Medical Leave Act (FMLA)—General Provisions**

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the district has adopted to implement the FMLA follows this general notice.

### **Leave Entitlements**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child(Leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

### **Benefits and Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave\*; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### **Requesting Leave**

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

### **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## **Local Procedures for Implementing Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period.

- measured backward from the date an employee uses FMLA

**Use of Paid Leave.** FMLA runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The district will designate the leave as FMLA, if applicable, and notify the employee that accumulated leave will run concurrently.

**Combined Leave for Spouses.** Spouses who are employed by the district are limited to a combined total of 12 weeks of FMLA to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

**Intermittent Leave.** When medically necessary or in the case of a qualifying emergency, an employee may take leave intermittently or on a reduced schedule. The district does not permit

the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious health condition, the certification must address the employee's ability to perform essential job functions. The district shall provide a list of essential job functions (e.g., job description) to the employee with the FMLA designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

**Reinstatement.** An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FMLA entitlement, and the district will maintain the employees group health insurance and reinstate the employee at the end of the leave according to the procedures outlined in policy (see DECA(LEGAL)).

**Failure to Return.** If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid.

**District Contact.** Employees that require FML or have questions should contact the Benefits and Leave Specialist for details on eligibility, requirements, and limitations.

## **Temporary Disability Leave**

**Certified Employees.** Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave must be taken as a continuous block of time. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave. The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days.

If an employee is placed on temporary disability leave involuntarily, he or she has the right to request a hearing before the board of trustees. The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, the Benefits and Leave Specialist should be notified at least 30 days in advance. The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school year.

## **Workers' Compensation Benefits**

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use available, partial-day increments of sick leave or any other paid leave benefits to make up the difference between wage benefits and pre-injury or -illness wages. While an employee is receiving workers' compensation wage benefits, the district will charge available leave proportionately so that the employee receives an amount equal to the employee's regular salary.

## **Assault Leave**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An incident involving an assault is a work-related injury and should be immediately reported to an employee's immediate supervisor.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person nonresponsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days

of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## **Jury Duty**

*Policies DEC, DG*

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The district will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or documentation of time spent at the court may be required.

## **Compliance with a Subpoena**

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

## **Truancy Court Appearances**

An employee who is a parent, guardian of a child, or a court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

## **Religious Observance**

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

## **Military Leave**

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to 15 days of paid leave per fiscal year when engaged in authorized training or duty orders by proper authority. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

**Reemployment after Military Leave.** Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact the Human Resources Department. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Benefits and Leave Specialist for details on eligibility, requirements, and limitations.

# **Employee Relations and Communications**

## **Employee Recognition and Appreciation**

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the district newsletter, and through special events and activities. Recognition and appreciation activities also include the Employee of the Year Banquet .

## **District Communications**

Throughout the school year, the Communications office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials. These publications offer employees and the community information pertaining to school activities and achievements. They include the following:

*District Academic Calendar*

*Wildcat Quarterly*

*Annual Report*

# Complaints and Grievances

## *Policy DGBA*

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees. For ease of reference, the district's policy concerning the process of bringing concerns and complaints is reprinted as follows:

***[https://pol.tasb.org/Policy/Download/913?filename=DGBA\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=DGBA(LOCAL).pdf)***

# Employee Conduct and Welfare

## Standards of Conduct

### *Policy DH*

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC no later than the seventh day after the superintendent knew of the incident. See *Reports to the Texas Education Agency*, page 55 for additional information.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

## *Texas Educators' Code of Ethics*

### **Purpose and Scope**

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

### **Enforceable Standards**

#### **1. Professional Ethical Conduct, Practices, and Performance**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. Ethical Conduct toward Professional Colleagues**

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

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

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

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

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

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

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

**Standard 2.8** The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

## **3. Ethical Conduct toward Students**

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

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

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

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

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

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

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

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

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

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and

- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## **Discrimination, Harassment, and Retaliation**

### *Policies DH, DIA*

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees, unpaid interns, student teachers, or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action.

Individuals who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal, supervisor, or district official is the subject of a complaint, the complaint should be made directly to the superintendent. A complaint against the superintendent may be made directly to the board.

Any district employee who believes that he or she has experienced prohibited conduct based on sex, including sexual harassment, or believes that another employee has experienced such prohibited conduct, should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, the campus principal, the Title IX coordinator, or the superintendent. The district's Title IX coordinator's name and contact information is listed in the Equal Employment Opportunity section of this handbook.

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

**[https://pol.tasb.org/Policy/Download/913?filename=DIA\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=DIA(LOCAL).pdf)**

## **Harassment of Students**

### *Policies DH, DHB, FFG, FFH, FFI*

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. Any district employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct based on sex, including sexual harassment, of a student shall immediately notify the district's Title IX coordinator, the

ADA/Section 504 coordinator, or superintendent and take any other steps required by district policy.

All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See *Reporting Suspected Child Abuse*, page 38 and *Bullying*, page 59 for additional information.

The district's policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:

[https://pol.tasb.org/Policy/Download/913?filename=DHB\(LEGAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=DHB(LEGAL).pdf)

[https://pol.tasb.org/Policy/Download/913?filename=FFH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=FFH(LOCAL).pdf)

## **Reporting Suspected Child Abuse**

*Policies DG, FFG, GRA*

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect, as defined by Texas Family Code §261.001, are required by state law to make a report to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering the facility) within 48 hours of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to Child Protective Services can be made Online at <https://www.txabusehotline.org/Login/Default.aspx> or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from taking an adverse employment action against a certified or licensed professional who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to make the required report may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state jail felony if it is

shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report may result in disciplinary procedures by SBEC for a violation of the Texas Educators' Code of Ethics.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency.

Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## **Sexual Abuse and Maltreatment of Children**

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed at [https://pol.tasb.org/Policy/Download/913?filename=FFG\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=FFG(LOCAL).pdf). As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect following the procedures described above in *Reporting Suspected Child Abuse*.

## **Reporting Crime**

### *Policy DG*

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

## **Scope and Sequence**

### *Policy DG*

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

## **Technology Resources**

### *Policy CQ*

The district's technology resources, including its networks, computer systems, email accounts, devices connected to its networks, and all district-owned devices used on or off school property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district's technology resources.
- Has no adverse effect on job performance or on a student's academic performance.

Electronic mail transmissions and other use of the technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the district's acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Technology Director.

## **Personal Use of Electronic Communications**

### *Policy CQ, DH*

Electronic communications include all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic communications also include all forms of telecommunication such as landlines, cell phones, and web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic communications as they are for any

other public conduct. If an employee's use of electronic communications interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic communications for personal purposes shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, mealtimes, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- The employee shall not use the district's logo or other copyrighted material of the district without express written consent.
- An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy FL]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See DH(EXHIBIT)]
  - Confidentiality of district records, including educator evaluations and private email addresses. [See Policy GBA]
  - Copyright law [See Policy CY]

- Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See DH(EXHIBIT)]

See *Electronic Communications between Employees, Students, and Parents*, below, for regulations on employee communication with students through electronic media.

## **Electronic Communications between Employees, Students, and Parents**

### *Policy DH*

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may use electronic communications with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. Electronic communications between all other employees and students who are enrolled in the district are prohibited. Employees are not required to provide students with their personal phone number or email address.

An employee is not subject to the provisions regarding electronic communications with a student to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol;
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

The following definitions apply for the use of electronic media with students:

- *Electronic communications* means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes email, text messages, instant messages, and any communication made through an Internet website, including a social media website or a social networking website.
- *Communicate* means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an

employee that is not targeted at students (e.g., a posting on the employee’s personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not communication.

- *Certified or licensed employee* means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who communicates electronically with students shall observe the following:

- The employee is prohibited from knowingly communicating with students using any form of electronic communications, including mobile and web applications, that are not provided or accessible by the district unless a specific exception is noted below.
- Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging, and then only to communicate with students who participate in the extracurricular activity over which the employee has responsibility. An employee who communicates with a student using text messaging shall comply with the following protocol:
  - The employee shall include at least one of the student’s parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message;
  - The employee shall include his or her immediate supervisor as a recipient on each text message to the student so that the student and supervisor receive the same message; or
  - For each text message addressed to one or more students, the employee shall send a copy of the text message to the employee’s district email address.
- The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.

- The employee shall not communicate directly with any student between the hours of 10 p.m. and 6 a.m. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- The employee does not have a right to privacy with respect to communications with students and parents.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educators' Code of Ethics including:
  - Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
  - Copyright law [Policy CY]
  - Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district's record retention policy.
- An employee shall notify his or supervisor in writing within one business day if a student engages in improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

## **Public Information on Private Devices**

*Policy DH, GB*

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will

take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

## **Criminal History Background Checks**

### *Policy DBAA*

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on certain employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the district and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history.

## **Employee Arrests and Convictions**

### *Policy DH*

An employee must notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any of the other offenses listed below:

- Crimes involving school property or funds
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator
- Crimes that occur wholly or in part on school property or at a school-sponsored activity
- Crimes involving moral turpitude

Moral turpitude includes the following:

- Dishonesty
- Fraud
- Deceit
- Theft
- Misrepresentation

- Deliberate violence
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DWI)
- Acts constituting abuse or neglect under the Texas Family Code.

If an educator is arrested or criminally charged, the superintendent is also required to report the educator’s criminal history to the Division of Investigations at TEA.

## **Alcohol and Drug-Abuse Prevention**

*Policy DH*

Splendora ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. The district’s policy regarding employee drug use follows:

[https://pol.tasb.org/Policy/Download/913?filename=DH\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=DH(LOCAL).pdf)

## **Tobacco Products and E-Cigarette Use**

*Policies DH, FNCD, GKA*

State law prohibits smoking, using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking, using tobacco products, or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## **Fraud and Financial Impropriety**

*Policy CAA*

All employees should act with integrity and diligence in duties involving the district’s financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district, except as otherwise permitted by law or district policy
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by federal, state, or local entities
- Failure to disclose conflicts of interest as required by law or district policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

## **Conflict of Interest**

### *Policy CB, DBD*

Employees are required to disclose in writing to the district any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship

- Non-school employment

Employees should contact their supervisor for additional information.

## **Gifts and Favors**

### *Policy DBD*

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks, electronic textbooks, instructional materials or technological equipment may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials such as maps or worksheets that convey information to students or contribute to the learning process.

## **Copyrighted Materials**

### *Policy CY*

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

## **Associations and Political Activities**

### *Policy DGA*

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of district resources including work time for political activities is prohibited.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must communicate with their immediate supervisor prior to the absence.

## **Charitable Contributions**

### *Policy DG*

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

## **Safety**

### *Policy CK series*

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See Emergencies on page 51 for additional information.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

While driving on district business, employees are required to abide by all state and local traffic laws. Employees driving on district business are prohibited from texting and using other electronic devices that require both visual and manual attention while the vehicle is in motion. Employees will exercise care and sound judgment on whether to use hands-free technology while the vehicle is in motion.

Employees with questions or concerns relating to safety programs and issues can contact the Human Resources Department.

## **Possession of Firearms and Weapons**

### *Policies DH, FNCG, GKA*

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, knives, clubs, or other prohibited weapons onto school

premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. A person, including an employee, who holds a license to carry a handgun may transport or store a handgun or other firearm or ammunition in a locked vehicle in a parking lot, garage, or other district-provided parking area, provided the handgun or firearm or ammunition is properly stored, and not in plain view. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapons policy should report it to their supervisor or call the Splendora ISD Police Department immediately.

## **Visitors in the Workplace**

### *Policy GKC*

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

## **Asbestos Management Plan**

### *Policy CKA*

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the district's management plan is kept in the Maintenance office and is available for inspection during normal business hours.

## **Pest Control Treatment**

### *Policies CLB, DI*

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located in the front entrance of a building. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written, or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

# General Procedures

## Emergency School Closing

The district may close schools because of severe weather, epidemics, or other emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will post a notice on the district's website and notify the following radio and television stations:

- the SISD website
- Twitter @SplendoralSD
- Facebook /SplendoralSD
- [SplendoralSD app](#)
- Blackboard phone and email messaging system
- Local Television and Radio Stations

## Emergencies

*Policies CKC, CKD*

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.

## Purchasing Procedures

*Policy CH*

All requests for purchases must be submitted to the Business department on an official district purchase order (PO) form with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the district can be made without a PO number. The district will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the district's business office. Contact the Chief Financial Officer for additional information on purchasing procedures.

## **Name and Address Changes**

It is important that employment records be kept up to date. Employees must notify the Human Resources office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. The form to process a change in personal information can be obtained from the HR office.

## **Personnel Records**

*Policy DBA, GBA*

Most district records, including personnel records, are public information and must be released upon request. In most cases, an employee's personal email address is confidential and may not be released without the employee's permission.

Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change an existing choice may be made at any time by submitting a written request to the Human Resources Department. New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information may be released to the public until a request to withhold the information is submitted or another exception for release of information under law applies. An employee is responsible for notifying the district if he or she is subject to any exception for disclosure of personal or confidential information.

## **Facility Use**

*Policies DGA, GKD*

Employees who wish to use district facilities after school hours must follow established procedures. The Chief Financial Officer is responsible for scheduling the use of facilities after school hours. Contact the CFO to request to use school facilities and to obtain information on the fees charged.

# Termination of Employment

## Resignations

*Policy DFE, DHB*

**Contract Employees.** Contract employees may resign their position without penalty at the end of any school year if written notice is received at least 45 days before the first day of instruction of the following school year. A written notice of resignation should be submitted to the superintendent or other persons designated by the board of trustees, which includes the Assistant Superintendent. Supervisors who have not been designated by the board to accept resignations shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in *Reports to Texas Education Agency* on page 55. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

**Noncontract Employees.** Noncontract employees may resign their position at any time. A written notice of resignation should be submitted to the employee's immediate supervisor at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or of knowing about an employee's resignation or termination following an alleged incident of misconduct described above.

## Dismissal or Nonrenewal of Contract Employees

*Policies DF Series, DHB*

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be nonrenewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a

suspension, termination, or nonrenewal occurs will be provided when a written notice is given to an employee.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page 55. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or when the employee's certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available Online.

## **Dismissal of Noncontract Employees**

*Policies DCD, DP*

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the district to dismiss any employee for reasons of race, color, religion, sex, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*, page 32.)

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

## **Discharge of Convicted Employees**

*Policy DF*

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction the requirement to discharge does not apply.

## Exit Interviews and Procedures

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All district keys, books, property, including intellectual property, and equipment must be returned upon separation from employment.

## Reports to Texas Education Agency

*Policies DF, DHB, DHC*

**Certified Employees.** The resignation or termination of a certified employee must be reported to the Division of Investigations at TEA if there is evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged in conduct violating the assessment security procedures established under TEC §39.0301. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

**Non Certified Employees.** The voluntary or involuntary separation of a noncertified employee from the district must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

## **Reports Concerning Court-Ordered Withholding**

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and address of the employee's new employer, if known

# Student Issues

## Equal Educational Opportunities

*Policies FB, FFH*

In an effort to promote nondiscrimination and as required by law, Splendora ISD does not discriminate on the basis of race, color, religion, national origin, age, sex, or disability in providing education services, activities, and programs, including Career and Technical Education (CTE) programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to *[Dianna Archer, Director of Student Services, 23419 FM 2090, Splendora, TX 77372, darcher@splendoraisd.org, 281-689-4387]* .

## Student Records

*Policy FL*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student: The rights of parents transfer to a student who turns 18 or is enrolled in an institution of post-secondary education. A district is not prohibited from granting the student access to the student's records before this time.
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance.

## Parent and Student Complaints

*Policy FNG*

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling

complaints on different issues. Any campus office or the superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## **Administering Medication to Students**

### *Policy FFAC*

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. Exceptions apply to the self-administration of asthma medication, medication for anaphylaxis (e.g., EpiPen<sup>®</sup>), and medication for diabetes management, if the medication is self-administered in accordance with district policy and procedures. A student who must take any other medication during the school day must bring a written request from his or her parents and the medicine in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

## **Dietary Supplements**

### *Policies DH, FFAC*

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

## **Psychotropic Drugs**

### *Policy FFAC*

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis

- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

## **Student Conduct and Discipline**

### *Policies in the FN series and FO series*

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal.

## **Student Attendance**

### *Policy FEB*

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must bring a note signed by the parent that describes the reason for the absence.. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## **Bullying**

### *Policy FFI*

Bullying is defined by §TEC 37.0832. All employees are required to report student complaints of bullying, including cyberbullying, to a school administrator. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

***[https://pol.tasb.org/Policy/Download/913?filename=FFI\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/913?filename=FFI(LOCAL).pdf)***

## **Hazing**

### *Policy FNCC*

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, engaging in or permitting "hazing" is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student

intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

## Employee Dress Code

### Employee Dress Code

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent. As professionals and role models for all students, District employees are expected to support and adhere to the District's dress code standards. The standards adopted for students and outlined in the student handbook shall serve as minimum requirements for all employees, with the exceptions noted below:

1. Employees shall dress in a professional manner. T-shirts or other clothing with slogans, symbols, or advertisements may not be worn, except for District-approved spirit shirts. ***Spirit shirts must be campus/District specific and may include college shirts as approved by the administration.***
2. Jeans are allowed on a daily basis as part of professional attire.
3. All employees shall be required to wear an approved District identification badge in a standardized manner visible on the upper part of their clothing.

### Hair

- Hair shall be kept neat, clean, and well groomed. Hair must not cause a disruption of the educational environment and the campus Principal has the final discretion.

### Apparel

- Hemlines of skirts, slits in skirts, dresses, shorts, and divided skirts must be no shorter than mid thigh when standing.
- Shirts with spaghetti straps, halter tops, sleeveless garments, transparent, or those that expose the bare chest are not permitted. Tank tops are allowable, if the straps measure at least two inches in width.
- Clothing must be worn at proper waist level and should cover the undergarments at all times.
- Holes are not allowed that show the skin in jeans or pants.
- Leggings, spandex, and tights may be worn if covered by apparel that is mid-thigh or longer.
- Staff shall wear proper undergarments. Undergarments shall not be worn as outerwear or be visible.
- Apparel shall not be excessively tight.
- No bare midriff should show at any time.
- Necklines that expose any cleavage will not be permitted.
- Muscle shirts, off the shoulder shirts, shirts with ripped off sleeves, backless apparel, or shirts that have had the hem removed are not allowed. Vest style tops

must have a shirt underneath.

- Hoodies will be permitted but the hood may not be worn over the head.
- Trench coats, duster coats, or any like garments will not be permitted.
- Pajamas & sleepwear, including blankets and pillows, will not be permitted.
- Pictures, emblems, or writings on clothing that are in violation of the following guidelines are prohibited:
  - Lewd, offensive, vulgar, obscene and/or imply gang affiliation.
  - Advertise or depict tobacco products, alcoholic beverages, or drugs.

### **Shoes**

- Staff are required to wear shoes.
- Cleated shoes, wheeled shoes, and house shoes are prohibited due to safety reasons.
- Rubber soled shoes are recommended for daily footwear.
- Tennis shoes may be worn in Physical Education classes.

### **Accessories/Facial Hair**

- All staff may wear earrings. Staff are allowed up to 2 facial piercings (excluding ear piercings). Gauges and spacers are not allowed to be worn. Staff may be asked to remove jewelry, earrings etc. if the principal feels they are a distraction or a safety issue.
- Hats, caps, sweatbands, or bandanas may not be worn as headwear.
- Sunglasses, unless prescribed by doctor's orders, are not to be worn in the building
- Males may not wear makeup.
- *Facial hair, while allowed, must be neatly trimmed, well groomed, and a natural color.*
- No inappropriate tattoos that are visible including depicting nudity, violence, drugs, alcohol, etc. Principal has discretion on what is deemed inappropriate. Staff in violation must cover it up while on campus or school field trip or event
- Large chains used to keep wallets in pockets cannot be worn. No chain that could be used as a weapon will be allowed. No non jewelry chains will be permitted.

# Index

- Administering medication, 61
- Administration, 8
- Alcohol and drug
  - abuse prevention, 48
  - testing, 12
- Arrests and convictions, 47
- Asbestos management plan, 52
- Assault leave, 30
- Associations and political activities, 50
- At-will employment, 11
- Automatic payroll deposits, 17
- Background checks, 47
- Bad weather closing, 54
- Benefits
  - cafeteria plan, 20
  - health insurance, 19
  - leave, 22
  - retirement, 21
  - supplemental insurance, 20
  - workers' compensation, 21, 29
- Bereavement leave, 30
- Board of Trustees
  - information, 7
  - meeting schedule, 8
  - members, 7
- Breaks, 14
- Breast milk, 14
- Bullying, 62
- Cafeteria plan benefits, 20
- Certification
  - health and safety training, 12
  - maintaining, 11
  - parent notification, 15
- Change of address, 54
- Charitable contributions, 51
- Child abuse
  - reporting, 40
  - sexual, 41
- Code of ethics, 36
- Committees, 16
- Compensation, 17
- Complaints
  - employee, 34
  - parent and student, 61
- Compliance coordinators, 9, 60
- Compliance with a subpoena, 31
- Conduct and welfare, 35
- Conflict of interest, 49
- Contract
  - employment, 10
  - non certified employees, 10
  - nonrenewal, 56
- Copyright materials, 50
- Court appearances, 31
- Court-ordered withholding, 59
- Crime reporting, 41
- Criminal history, 47
- Dietary supplements, 61
- Directories
  - helpful contacts, 8
  - school, 8
- Discrimination
  - employee, 39
  - student, 60
- Dismissal
  - contract employees, 56
  - noncontract employees, 56
- District
  - communications, 33
  - description, 7
  - information, 7
  - map, 7
  - mission statement, 7
- Drug
  - abuse prevention, 48
  - psychotropic, 62
  - testing, 12
- E-cigarettes, 48
- Electronic communications, 42, 44
- Emergencies, 54
- Employee
  - conduct and welfare, 35

- involvement, 16
- recognition, 33
- Employment
  - after retirement, 9
  - at-will, 11
  - authorization documents, 11
  - contract, 10
  - noncontract, 10
  - outside, 15
- Equal opportunity
  - educational, 60
  - employment, 9
- Every Student Succeeds Act, 15
- Exit interviews, 58
- Facility use, 55
- Family and medical leave, 25
- Firearms, 52
- Form I-9, 11
- Fraud, 49
- General procedures, 54
- Gifts and favors, 50
- Grievances, 34
- Harassment, 39
- Hazing, 63
- Health insurance, 19
- Health safety training, 12
- Helpful contacts, 8
- Insurance
  - health, 19
  - supplemental, 20
  - unemployment, 21
- Internet use, 42, 44
- Job vacancy announcements, 9
- Jury duty, 30
- Leave
  - assault, 30
  - bank, 25
  - bereavement, 30
  - court appearance, 31
  - discretionary, 24
  - extended, 24
  - family and medical, 25
  - jury duty, 30
  - local, 24
  - medical certification, 23
  - military, 31
  - nondiscretionary, 23
  - payment upon separation, 32
  - peace officers, 32
  - personal, 23
  - pool, 25
  - proration, 24
  - religious observance, 31
  - sick, 24
  - temporary disability, 28
  - truancy court appearance, 31
  - workers' compensation, 29
- Maltreatment of children, 41
- Medications, 61
- Military leave, 31
- Mission statement, 7
- Name and address changes, 54
- Non Renewals, 56
- Nursing mothers, 14
- Outside employment, 15
- Overtime, 18
- Parent and student complaints, 61
- Parent notification, 15
- Paychecks, 17
- Payroll
  - automatic deposits, 17
  - deductions, 18
  - schedule, 17
- Peace officer leave, 32
- Performance evaluation, 15
- Personal leave, 23
- Personnel records, 55
- Pest control treatment, 52
- Political activities, 50
- Possession of firearms and weapons, 52
- Psychotropic drugs, 62
- Public information, 47
- Purchasing procedures, 54
- Qualifying exigency, 28
- Reassignments, 13
- Religious observance, 31
- Resignations, 56
  - contract employees, 56

- noncontract employees, 56
- Retaliation, 39
- Retirement
  - benefits, 21
  - employment after, 9
- Safety, 51
- Salaries, 17
- School
  - calendar, 8
  - closing, 54
  - directory, 8
- Scope and sequence, 42
- Searches, 12
- Sexual harassment, 39
- Sick leave, 24
- Staff development, 16
- Standards of conduct, 35
- Student
  - attendance, 62
  - bullying, 62
  - complaints, 61
  - dietary supplements, 61
  - discipline, 62
  - equal educational opportunities, 60
  - harassment, 39
  - hazing, 63
  - medication, 61
  - records, 60
- Supplemental insurance, 20
- TEA reports, 58
- Teacher retirement, 21
- Technology resources, 42
- Temporary disability leave, 28
- Termination
  - discharge of convicted employees, 57
  - dismissal during the contract term, 56
  - exit interviews, 58
  - noncontract employees, 57
  - nonrenewal, 56
  - reports to TEA, 56, 58
  - resignation, 56
- Texas Mother-Friendly Worksite, 14
- Text messaging, 44
- Tobacco
  - products, 48
  - use, 48
- Training
  - health and safety, 12
  - staff development, 16
- Transfers, 13
- Travel expenses, 19
- Truancy court appearances, 31
- Tutoring, 15
- Unemployment insurance, 21
- Vacancy announcements, 9
- Vacation, 24
- Visitors, 52
- Wages, 17
- Weapons, 52
- Whistleblower Act, 41
- Work schedule, 13
- Workers' compensation benefits, 21, 29
- Workload, 13



**Splendor ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date:** July 18, 2022

**Submitted Date:** July 13, 2020

**Agenda Business Items:**

- X Consent Agenda Item  
(Board has acted on items such as this previously)  
New Action  
(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

- Presentation  
 Recognition  
 Information

---

**Name of Person Responsible:** Kevin Lynch

**Department or Campus:** Administration Office

**Topic:** Set Date for the 2022-23 TAX RATE Public Hearing

**Background Information:** Action to set the date for the Public Hearing over the 2022-2023 TAX RATE. This is a required mandate by Education and Government code. Recommended date and time is 6:30pm, August 15, 2022. To occur in the Board Room unless it is deemed necessary to be a virtual meeting.

**Attachments:** None

**Superintendent's Resolutions:** Recommended



**Splendor ISD Board of Trustees  
Agenda Item Information Form**

**Board Meeting Date:** July 18, 2022

**Submitted Date:** July 13, 2020

**Agenda Business Items:**

Consent Agenda Item

(Board has acted on items such as this previously)

X New Action

(Board has not seen information previously and allows for more time to discuss)

**Information Only Items:**

Presentation

Recognition

Information

---

**Name of Person Responsible:** Kevin Lynch

**Department or Campus:** Maintenance

**Topic:** Approval of Emergency Gas Line Repairs to the Junior High

**Background Information:** Multiple gas leaks were discovered on the main, rooftop gas supply lines to the Junior High resulting in the need for those lines to be replaced. Under guidance of district counsel, repairs were scheduled in advance of board approval due to the emergency need and timeliness of the repairs. This action serves as notice and need for approval by the board.

**Attachments:** Comparative bids.

**Superintendent's Resolutions:** Recommended



Texas State Board of Plumbing  
 P.O. Box 4200  
 Austin, TX 78765

<b>Company:</b>	Splendora ISD	<b>Building Name:</b>	Splendora JR. High
<b>Bill to Address:</b>	23411 FM 2090 Splendora, TX	<b>Building Address:</b>	23411 FM -2090 Splendora, Texas
<b>Contact:</b>	Eric Reimer	<b>Job Name:</b>	Demo & Reinstall new rooftop Gas Line
<b>Phone:</b>	936-200-6207	<b>Date:</b>	6/22/2022
<b>Email:</b>	ereimer@splendoraisd.org	<b>Quote No:</b>	000023415

TDIndustries, Inc. is very pleased to have the opportunity to provide pricing for the above referenced property. Please find listed below the scope of work that will be performed.

**Scope of Work:** Demo & re-install new rooftop gas lines from the 4" main line to the roof top penetrations and At each air handler unit connection.

**NCPA Co-Op – 02-54**

1. Perform pre-task safety plan.
2. Demo gas piping to (22) AHU union connections and reconnect.
3. Demo back to roof penetrations (not below).
4. Install isolation valves before each penetration.
5. Install (7) new regulators.
6. Use galvanized pipe valves and fittings.
7. Work to be performed on the weekend business hours (Sat. – Sun from 7:00AM – 5:30PM).

**Notes:**

- This proposal does not include after-hours labor
- Additional repairs will be quoted separately

Total Price for Labor and Materials (Excluding Sales Tax)
<b>Option 1: Gas Piping without painting--- \$89,180.00</b>
<b>Option 2: Gas Piping with painting-----\$94,060.00</b>

\* Net due upon receipt of invoice. Remit to P.O. Box 300008, Dallas, TX 75303-0008



Thank you very much for the opportunity to provide pricing for the work listed above. Please contact me at the numbers listed below if you have any questions or need further information.

Respectfully submitted,

**April Garza**  
**Account Manager**  
**TDIndustries**  
**April.GarzaTDIndustries.com**  
**C: 832-309-8649**

\_\_\_\_\_  
Accepted by

\_\_\_\_\_  
Date

## Clarifications

- Following our core value to “Fiercely Protect”, our employees are empowered to stop work at any time where they deem the safety of themselves or anyone else is in jeopardy. We will immediately seek to resolve any concerns by engaging with our customer and safety department to elevate the issue which will allow work to resume.
- This proposal is based on performing work during normal working hours and at normal wage rates paid by TDIndustries, Inc.
- Price is based on the assumption that the structure is of sufficient strength that all piping, duct and equipment can be supported from it.
- Proposal is inclusive of all permits and inspections as required by local and state agencies. Where work is being performed under a General Contractor, we will validate under Contractors Building Code permit.
- All pricing is based on award of contract and work commence not later than 60 days from the date of this proposal with pricing subject to review after 30 days from the date of proposal.
- TDIndustries, Inc. assumes no responsibility for existing services / conditions, their quality and/or performance.
- Existing valves must close and hold.
- TDIndustries, Inc. assumes no responsibility for condition of utilities or parking lots/roadways above or below grade.
- TDIndustries disclaims any responsibility for incorrect data contained in the plan, specs and/or engineering data.
- Proposal is based on use of building elevators.

## Exclusions:

- Direct or indirect cost/availability impacts, if any, related to the anticipated tariff on steel and aluminum.
- Sheetrock or concrete cutting, removal or patching of any nature.
- Cleaning or painting of existing grilles.
- Ceiling removal or replacement.
- Cutting or patching of drywall or block walls.
- Cutting or patching of existing pavement for incoming services.
- Smoke dampers or smoke ventilation other than stair pressurization.
- Insulation of existing un-insulated ductwork.
- Modifications of existing ductwork and piping due to conflict with new lighting fixtures or new structural/architectural modifications.
- Repairs or modifications of existing mechanical equipment or systems.
- Roof cutting and patching unless specified by owner
- Roofing work.
- Cutting roof deck.
- Leveling roof curbs.
- Gas piping.
- Any pre-existing conditions (gas pressure, electrical, structural).
- Any hot water problems that exist outside the scope of the boiler room (mixing).
- Additional work required to meet OSHA or ADA standards.
- Temp air.
- Fire alarm communications.
- Air Balancing.

**Any additional work not listed in the scope above will require written authorization by the customer before TDIndustries, Inc. can proceed.**



**LIMITED WARRANTY**

1	EQUIPMENT, GOODS, MATERIAL PURCHASED AND INSTALLED BY TDINDUSTRIES: TDIndustries, Inc. shall use its best efforts to obtain from each manufacturer, in accordance with the manufacturer's warranty (copies of which will be furnished upon request) or customary practice, the repair or replacement of equipment, goods, or material that are defective in material or workmanship. The foregoing shall constitute the exclusive remedy of the customer and sole obligation of TDIndustries, Inc. THERE ARE NO WARRANTIES, EITHER WRITTEN OR ORAL, IMPLIED OR STATUTORY RELATING TO THE EQUIPMENT, GOODS, OR MATERIAL, PROVIDED WHICH EXTEND BEYOND THAT DESCRIBED IN THIS PARAGRAPH. NO IMPLIED STATUTORY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE SHALL APPLY.
2	Workmanship - Repair Installation - TDIndustries, Inc. warrants its workmanship to be free from defects for a period of 12-months from the date of completion of the above equipment, goods, and material. Sewer and Drain Cleaning - TDIndustries, Inc. warrants its workmanship for sewer and drain cleaning for a period of 24 hours from the date of completion. Any foreign material retrieved from sewer or drain will discharge warranty and incur additional costs for clearing stoppage.
3	This proposal is submitted for customer's consideration with the understanding that it must be approved by TDIndustries, Inc. after its acceptance by the customer and is not binding upon TDIndustries, Inc. until so approved in writing.
4	Your acceptance of this proposal is expressly limited to the terms of this document. Any additional or different terms or conditions set forth in your purchase order or in any similar such communication are hereby objected to by TDIndustries, Inc. and shall not be binding nor effective unless assented to in writing by an authorized representative of TDIndustries, Inc. Any order or any statement of intent to proceed with installation or any direction to proceed with installation or acceptance of this proposal or payment in full or part for any of the work or equipment furnished shall constitute customer's assent to the terms and conditions of this proposal.
	THIS PROPOSAL IS EXPRESSLY CONDITIONED UPON THE TERMS AND CONDITIONS CONTAINED OR REFERRED TO HEREIN, INCLUDING THOSE CONTAINED IN ANY ATTACHMENT HERETO.

**STANDARD TERMS AND CONDITIONS**

	THIS PROPOSAL IS EXPRESSLY CONDITIONED UPON THE TERMS AND CONDITIONS CONTAINED OR REFERRED TO HEREIN, INCLUDING THOSE CONTAINED IN ANY ATTACHMENT HERETO.
1	TDIndustries, Inc. liability or any claim for loss or damage arising out of this contract or from the performance or breach thereof or connected with the supplying of any labor, equipment, goods or material hereunder, or their sale, resale, operation or use, whether based on contract, warranty, tort (including negligence) or other grounds, shall not exceed the price allowable to such labor, equipment, goods or material, or part thereof involved in the claim. TDIndustries, Inc. shall not, under any circumstances, be liable for any labor charges without the prior written consent of TDIndustries, Inc. TDIndustries, Inc. shall not, in any event, be liable, whether as a result of breach of contract, warranty, tort (including negligence) or other grounds, for special, consequential, incidental or penal damages including, but not limited to, loss of profits, revenues, loss of the product or any associated product, cost of capital, cost of substitute products, facilities or services, downtime costs or claims of the Customer for such damages. If TDIndustries, Inc. furnishes Customer with advice or other assistance which concerns labor, equipment, goods, or material furnished hereunder, or any systems or equipment in which of such equipment, goods, or material may be installed, and which is not pursuant to this contract, the furnishing of such advice or assistance will not subject TDIndustries, Inc. to any liability, whether based on contract, warranty, tort (including negligence) or other grounds.
2	If TDIndustries, Inc. encounters asbestos, polychlorinated Biphenyl (PCB) or other hazardous substances on the site, TDIndustries, Inc. will stop work and report the condition to the owner or owners' representative. TDIndustries, Inc. will not resume work in the affected area until the asbestos, PCB's or other hazardous substances have been removed or otherwise controlled so that it does not pose a health or safety threat.
3	Any installation dates given in advance are estimated. Installation will be subject to prior orders with TDIndustries, Inc. TDIndustries, Inc. shall not be liable for failure to perform or delay in performance hereunder resulting from fire, labor difficulties, delays in usual sources of supply, major changes in economic conditions, or, without limitation by the foregoing, any cause beyond TDIndustries, Inc. reasonable control.
4	On arrival of any equipment, goods and material at the shipping address specified on the reverse side hereof, Customer shall assume all risk or loss or damage to such equipment, goods, or material.
5	In the event Customer requires TDIndustries, Inc. to delay shipment or completion of the work under this proposal, payment pursuant to this proposal shall not be withheld or delayed on such account. TDIndustries, Inc. shall have the right to deliver any portion of the equipment, goods or material to be furnished hereunder and to bill Customer therefore, and Customer agrees to pay for the same in accordance with terms of the payment hereof upon notification that such shipment is ready for delivery, notwithstanding the fact that Customer may be unable to receive or provide suitable storage space for any such partial delivery. In such event, such portion of the equipment, TDIndustries, Inc. may store goods or material ready for shipment at Customer's risk and expense.
6	The amount of any past, present or future occupation, sales, use, service, excise or other similar tax which TDIndustries, Inc. shall be liable for, either on its own behalf or on behalf of Customer, or otherwise, with respect to any equipment, goods, material or service covered by this proposal, shall be in addition to the prices set forth herein and shall be paid by Customer.
7	If the equipment, goods or material furnished hereunder requires the use of water or steam, recirculated or otherwise, TDIndustries, Inc. shall not be liable for the effect of its physical or chemical properties upon said equipment, goods or material.
8	All skilled or common labor which may be furnished by the Customer shall be considered and treated as Customer's own employees, and Customer agrees to fully protect and indemnify TDIndustries, Inc. against all claims for accidents or injuries to such employees in the course of the work, or to any person or persons through the negligence of such employees.
9	No oral representations are binding upon TDIndustries, Inc. unless reduced to writing and signed by an authorized representative of TDIndustries, Inc. All changes to this contract must be in writing.

Revised 05-09-2008

**9525 Derrington Road, Houston TX 77064 – 713-939-1986, Fax #713-996-2457**

License # A/C TA CL-A60764A HOU, Plumbing M-35508 HOU, Sanitary Sewer N/A

TABULATION						
Jr Gas line Replacment						
Splendora ISD						
Project Name	Jr High Gas line Replacment					
Date	6/24/2022					
Location	SISD Jr High					
Project Manager	Eric Reimer					
Scope of work	Base Bid: Remove existing gas piping, install new, new regulators, add sectional valves, paint and lable as required.					
Vendor Pool	TDI	Charles Plumbing	Gowan Mechanical	AMS		
Contract No.	Buyboard/Choice	Buyboard	TIPS	Buyboard		
Base Bid	\$ 94,060.00	\$ 106,304.74	\$ 120,000.00	\$ 124,048.00	\$ -	\$ -
Subtotal	\$ 94,060.00	\$ 106,304.74	\$ 120,000.00	\$ 124,048.00	\$ -	\$ -
TOTAL	\$ 94,060.00	\$ 106,304.74	\$ 120,000.00	\$ 124,048.00	\$ -	\$ -
Comment	Winning bid	Quote	Quote	Quote		





**GOWAN-GARRETT INC.** (AN EMCOR CO.)  
MECHANICAL | PLUMBING

06.22.2022

**PROJECT NAME:** SPLENDORA JR. HIGH SCHOOL  
**PROJECT ADDRESS:** 23411 FM 2090 | SPLENDORA TX. 77372  
**ARCHITECT | MEP ENGINEER:** N/A – FACILITES PROJECT

DEAR ERIC/ SPLENDORA ISD,

THANK YOU FOR INVITING US TO BID YOUR PROJECT. WE'VE BEEN PROVIDING HOUSTON W/ QUALITY CRAFTSMANSHIP FOR 100+ YEARS. OUR GOAL IS TO ASSSIT YOU IN STANDING OUT FROM YOUR COMPETITION.

**PLUMBING (BASE BID)**

**\$120,000.00 (W/OUT TAX)**

**SCHEDULING (OPTIONS)**

\*\*\*\* (EXCLUDES: AFTER-HOURS | NIGHT SHIFTS | SUNDAYS | HOLIDAYS) \*\*\*\*

- (1) MON.-FRI. (8 HRS. PER DAY)
- (2) MON.-THUR. (10 HRS. PER DAY)

**SCOPE (PLEASE READ)**

-INCLUDES LABOR FOR DEMOLITION & NEW INSTALLATION OF NEW ROOF-TOP GAS PIPING, ALONG W/MATERIALS, TESTING, & PERMITS IN ACCORDANCE W/ PLUMBING PLANS & INDUSTRY STANDARDS.

**TRADE WORK EXCLUSIONS (PRICING MAY BE AVAILBLE FOR AN ADDITIONAL COST)**

CONCRETE WORK | CONCRETE SCANNING | SPRINKLER SYSTEMS | ELECTRICAL | CONTROLS (BAS) | WATER BALANCING | LEAK-DETECTION | WATERPROOFING | BIM OR COORDINATED DWGS. | ROOFING | TILING | SHEET-ROCK | LEAD-LINED WALLS | PAINTING | CONCRETE WORK (EXCEPT CORES) | CIVIL (GREATER THAN 5FT OUTSIDE) | ENGINEERED COMPACTION TESTING | FIRE-WRAPPING PVC

**TYPICAL EXCLUSIONS (PRICING MAY BE AVAILBLE FOR AN ADDITIONAL COST)**

3<sup>RD</sup> PARTY BILLING FEES (EX: TEXTURA, CREDIT CARDS, ETC...) | SCHEDULE COMPRESSIONS | LIQUIDATED DAMAGES | MOBILE/ ROOM CONTAINMENT (EX: ICRA) | HAZARDOUS MTRL. (HANDLING/ ABATEMENT) | CONDENSATE DRAINS | DRAIN PANS | DUMPSTERS | ATTIC-STOCK | STABILIZER BREAKUP (GROUNDWORK) | GRADE-BEAMS (BREAK-UP OR CORING) | STORM WATER CONTROL | TRAFFIC CONTROL

THANKS FOR THE INVITE,

***BROOKS***

**JASON A "BROOKS" | PLUMBING BUSINESS DEVELOPMENT MGR.**

**D:** 713.696.5456

**M:** 281.726.3858

**[JBROOKS@GOWANINC.COM](mailto:JBROOKS@GOWANINC.COM)**



# Charlie's Plumbing, Inc.

# Proposal

10114 Thermon St.  
Houston, TX 77075  
Phone 713-941-3162 Fax 713-941-7203  
charliesplumbing.com  
MPL#43063

DATE	Phone #	Quote #
6/17/2022	281-689-4445	0000106618

### Project Address

Splendora Independent School  
23419 FM 2090  
Splendora TX 77372

Splendora Junior High  
23411 FM 2090  
Splendora TX 77372

Contact	TERMS	Estimator	
	NET 30	Gary	
QUANTITY	DESCRIPTION	PRICE EACH	AMOUNT
	<p>Quote for the replacement of the total replacement of the gas lines on the roof of the building except the drops to the interior of the building.</p> <p>1-Demo all gas lines from the meter to all the roof top and clean roof of all material from existing lines.</p> <p>2- Replacement of the lines will be sch 40 galvanized pipe and Mega Press fittings to the units with new valves and regulators.</p> <p>3- All new lines will be installed and secured to Mifab c-10 blocks and all new lines to be painted with enamel safety yellow paint.</p> <p>4- Adding 1 valve to split the system</p> <p>5- Increasing gas line size to the front heater as existing line is undersized for the unit.</p> <p>6-Test the complete school when complete.</p> <p>7- Quote excludes any repairs that maybe needed internally in the school to complete the test</p>		

### We keep your business flowing.

Exclusions: Unless otherwise stated this proposal excludes nights, weekends, and holidays, repairs to existing plumbing not included in proposal, concrete repairs, sheetrock, fire prevention, tile repairs, condensate lines or leaks caused by water shutdown. This quote does not include any costs associated with initial visits unless specified in the description above.

All material is guaranteed to be as specified and to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will become an extra charge over and above this proposal. All agreements are contingent upon strikes, accidents and delays beyond our control. Owner is responsible for fire, storm and other necessary insurance. Our workers are fully covered by worker's compensation insurance. Unforeseen underground obstacles will be the responsibility of the owner and/or owner's agent for repairs. Non payment will void any and all warranties. Visit [www.charliesplumbing.com](http://www.charliesplumbing.com) for full warranty information.

**We may withdraw this proposal if not accepted within 30 days.**

RMP Logan Whitt

**WE ACCEPT ALL MAJOR CREDIT CARDS.**

The above prices, specifications and conditions are satisfactory and hereby accepted. I authorize Charlie's Plumbing, Inc to perform the work as specified. Payment will be made as outlined above.

Signature and Date \_\_\_\_\_  
Texas State Board of Plumbing Examiners PO Box 4200 Austin, TX 78765-4200 800-845-6584

<b>SUBTOTAL</b>	<b>\$106,304.74</b>
<b>SALES TAX</b>	<b>\$0.00</b>
<b>TOTAL</b>	<b>\$106,304.74</b>



June 14, 2022

Splendora ISD | 23419 FM 2090, Splendora, TX 77372

Attention: Eric Reimer

Subject: Gas Pipe Replacement

Location: Splendora ISD JR High-School Roof 23411 FM 2090, Splendora, TX 77372

**We are pleased to propose Labor and material to provide the tasks listed below for \$ 124,048.00**

**Scope:**

- Establish a safe working environment
- Demo and remove approx. 900 feet of compromised gas piping on roof.
- Furnish and install new galvanized piping with Mega Press fittings and valves.
- Furnish and install new rubber pipe supports with a galvanized channel.
- Furnish and install 7 new regulators.
- Paint and label all gas lines safety yellow.
- Adjust regulators and tune as required.
- Provide gas test for annual state inspection.
- Clean up and remove debris
- Test and start up

**This proposal does not include any**, overtime, pipe painting or epoxy coating, permit fees, or any special handling charges that may be applicable.

This proposal will remain in effect for a period of thirty days (30) upon receipt.

If you have any questions, please CALL Kisiel!.

Sincerely,

Brian J Kisiel  
Senior Account Manager

**AMS of Houston, LLC**



Building Maintenance, Repair, Operations Supplies  
and Equipment #577-18

HVAC Equipment, Supplies, and Installation of HVAC Equipment, #631-20  
Trade Services #638-21

Yes. We do accept this proposal \_\_\_\_\_

Print Name: \_\_\_\_\_ (Date) \_\_\_\_\_

Signature: \_\_\_\_\_

Regulated by the Texas Department of Licensing and Regulation  
P.O. Box 12157 Austin, TX 78711  
1-800-803-9208, 512-463-6599  
TACLA 020690E RMP#40092



Regulated by the Texas Department of Licensing and Regulation  
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13627 Stafford Rd. Stafford, TX 77477 Tel: (281) 403-1701 Fax: (281) 403-1201

Possible Agenda Items for Next Regular Meeting (August)

- A. Curriculum Management Plan Presentation
- B. Monthly Police Report
- C. Board Self Evaluation
- D. CTE Audit Presentation
- E. Tax Rate Hearing
- F. Set 2022-23 Tax rate
- G. JJAEP Memorandum of Understanding