Agenda of Special Meeting and Budget Workshop #2

The Board of Trustees
San Elizario ISD

A Special Meeting and Budget Workshop #2 of the Board of Trustees of San Elizario ISD will be held in person on Tuesday, June 13, 2023, beginning at 5:30 PM SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849.

Although one or more board members may participate by videoconference call, a quorum of the Board of Trustees will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act. All persons in physical attendance must comply with current state and local public health orders, including those regarding face masks/coverings, maintain at least 3 feet of social distance from one another, and remain in compliance with any other state and local public health orders issued in connection with the Covid-19 Pandemic. One or more of the vendors being considered at this meeting may appear through video conference call / Microsoft Teams / Zoom. Any such presentation will be visible and audible to anyone attending the open meeting.

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to acardonajr@seisd.net at any time prior to the board meeting time.

Public comment shall occur at the beginning of the meeting and shall follow all other requirements and limitations under SEISD Board Policy BED (Local).

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice. All items on the consent agenda shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration.

1. **GENERAL FUNCTIONS**
   Mrs. Sandra Licon, Board President
   A. Call Meeting to Order
   B. Roll Call
   C. Pledge of Allegiance
   D. **San Elizario ISD Mission Statement**
      San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.
      Mrs. Sandra Licon, Board President
2. **OPEN FORUM** (five-minute limit)
3. **DISTRICT RECOGNITIONS**
   A. Board of Trustees - Team of 8 Training Completion 6
      Dr. Jeannie Meza-Chavez, Superintendent

4. **NEW BUSINESS / BOARD ACTION ITEMS**
   - A. Discussion and possible action to elect Officers for the San Elizario Independent School District Board of Trustees — 7
     Board of Trustees
     1. Board President
     2. Board Vice-President
     3. Board Secretary
   - B. Board of Trustees to name a delegate and an alternate to attend TASB Delegate Assembly during the TASA | TASB Convention in Dallas, TX on September 30, 2023 — 9
     Board of Trustees
   - C. Report on the Intruder Detection Audit Findings and Corrective Action Required — 11
     Dr. Rogelio Segovia, Associate Superintendent, and Mr. Jesus Martinez, Support Services Director
   - D. Discussion and Presentation/Update on the Elementary and Secondary School Emergency Relief Fund (ESSER III) — 12
     Mr. Edgar Ponce, ESSER Programs Coordinator
   - E. Public comment and input on the Elementary and Secondary School Emergency Relief Fund (ESSER III)
     Mr. Edgar Ponce, ESSER Programs Coordinator
   - F. Budget Workshop #2 for the 2023-2024 fiscal year — 25
     Mr. Norberto Rivas, Chief Financial Officer
   - G. Resolution regarding Four Day Work Week — 57
     Mr. Steve Blanco, Legal Counsel, and Mrs. Blanca Cruz, Human Resources Director
   - H. Consider and possible Board action on approval of Salaries and Stipends for Teachers and Employees for the 2023-2024 School Year — 59
     Ms. Blanca Cruz, Human Resources Director
5. **CONSENT AGENDA** - Consider and possible Board action on
   - A. Financial Reports
     Mr. Norberto Rivas, Chief Financial Officer
     1. Tax Report — 85
     2. Financial Statements — 87
     3. Investment Report — 93
     4. Purchase Orders exceeding $25,000 — 105
        PO # 48255 - WANRack Holdings, LLC - $118,692.10
   - B. Consider and possible Board action to approve interlocal agreement with Region 19 Education Service Center for USDA/TDA products and services — 107
     Mr. Norberto Rivas, Chief Financial Officer
   - C. Authorization to participate in purchasing cooperatives for the 2023 - 2024 school year — 109
     Mr. Norberto Rivas, Chief Financial Officer
   - D. Consider and possible Board action to approve resolution designating the person responsible for calculating the no-new-revenue tax rate and voter-approved tax rate for the District — 111
     Mr. Norberto Rivas, Chief Financial Officer
   - E. Consider and possible action to approve the American Heart Association Healthy, Client Choice Pantry Letter of Agreement — 113
     Dr. Jeannie Meza-Chavez, Superintendent

F. Consider and possible Board action to approve the Board Operating Procedures Revision Update 122
Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent

G. Consider and possible Board action to approve the Roster of T-TESS Second Appraisers for 2023 - 2024 School Year 172
Dr. Rogelio Segovia, Associate Superintendent

H. Consider and possible Board action to approve the Student Code of Conduct 2023 - 2024 174
Dr. Rogelio Segovia, Associate Superintendent

I. Consider and possible Board action to approve the Leadership Academy, Instructional Specialist Academy, Teacher Orientation, & Professional Development Week 278
Dr. Rogelio Segovia, Associate Superintendent and Ms. Susana Frescas, Instructional Programs Administrator

J. Consider and possible Board action to approve the changes to the 2023 - 2024 District Calendar 282
Ms. Lisa Renegar, Research and Evaluation Administrator

K. Discussion and possible board action to approve the revised Student Outcome Goals and Goal Progress Measures for the 2023 - 2024 school year 284
Ms. Lisa D. Renegar, Research and Evaluation Administrator

L. Consider and possible Board action to approve Emergent Bilingual Early Childhood Summer School Hours 288
Ms. Susana Frescas, Instructional Programs Administrator

M. Policy Update 121 (First Reading)
Board of Trustees

1. (LEGAL) Policies - Review Only 290
2. (LOCAL) Policies - adopt, revise or repeal 696

CFB(LOCAL): ACCOUNTING - INVENTORIES

CKE(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - SECURITY PERSONNEL

CKEC(LOCAL): SECURITY PERSONNEL - SCHOOL RESOURCE OFFICERS

CLB(LOCAL): BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT - MAINTENANCE

CRF(LOCAL): INSURANCE AND ANNUITIES MANAGEMENT - UNEMPLOYMENT INSURANCE

CVA(LOCAL): FACILITIES CONSTRUCTION - COMPETITIVE BIDDING

CVB(LOCAL): FACILITIES CONSTRUCTION - COMPETITIVE SEALED PROPOSALS

DEA(LOCAL): COMPENSATION AND BENEFITS - COMPENSATION PLAN

FD(LOCAL): ADMISSIONS

FFI(LOCAL): STUDENT WELFARE - FREEDOM FROM BULLYING

N. Consider approval of minutes for the following:
Board of Trustees
1. May 17, 2023 - Board Instructional Workshop 715
2. May 23, 2023 - Special Board Meeting 720

O. Consider disposal of surplus property declared obsolete and unnecessary by Superintendent or her Designee, to include disposal of broken furniture and technology equipment according to Administrative discretion and by any reasonable means.
1. Support Services Department 731
Jesus Martinez, Support Services Director
2. Technology Department 733
Mr. Horacio Hernandez, Technology Director

6. **PRESENTATION / REPORTS / INFORMATION**

A. Dual Language Program Update (Presentation) 737
Ms. Susana Frescas, Instructional Programs Administrator, and Mr. Josue Palomino, Instructional Officer

B. Goal Progress Monitoring (Report)
Ms. Lisa Renegar, Research and Evaluation Administrator
1. GPM 1.1 - Math Progress in Grade PK - 2 765
2. GPM 2.1 - Reading Progress in Grades PK - 2 768

C. Texas Lone Star Magazine - Leadership TASB Visit to San Elizario ISD (Information) 771
Dr. Jeannie Meza-Chavez, Superintendent

D. 2023 - 2024 Board Meeting Dates (Information) 773
Dr. Jeannie Meza-Chavez, Superintendent

E. Board Training (Information)
Dr. Jeannie Meza-Chavez, Superintendent
1. Local District Orientation Training - Wednesday, August 2, 2023 at 5:30 pm
2. Mexican American School Board Association 2023 Annual Conference - September 14 - 16, 2023 in San Antonio, TX 774
3. TASA | TASB Convention txEDCON23 - September 29 - October 1, 2023 in Dallas, TX 776

F. San Elizario ISD Safe to Return In-Person and Continuity of Services Plan (Information) 779
Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, Mrs. Blanca Cruz, Human Resources Director, Mr. Jesus Martinez, Support Services Director, Mr. Horacio Hernandez, Technology Director

G. Meal Service Update (Information) 840
Ms. Agueda Reyes, Child Nutrition Services Director

7. **EXECUTIVE SESSION**

The Board will enter into a closed meeting to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:

A. Discussion on Employee / Board / Superintendent Communication
B. Discussion regarding the Administration's recommendation for the Principal position at Alfonso Borrego Sr. Elementary School
C. Discussion regarding the Administration's recommendation for the Assistant Principal position at Alfonso Borrego Sr. Elementary School
D. Discussion with Legal Counsel regarding process for detachment and annexation of school district territory
E. Discussion on the Intruder Detection Audit Fidings and Corrective Action Required

8. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**
   A. Discussion and possible action to approve the Administration's recommendation for the Principal position at Alfonso Borrego Sr. Elementary School
   B. Discussion and possible action to approve the Administration's recommendation for the Assistant Principal position at Alfonso Borrego Sr. Elementary School
   C. Discussion and possible action regarding process for detachment and annexation of school district territory
   D. Discussion and possible action on the Intruder Detection Audit Fidings and Corrective Action Required
9. **NEXT MEETING DATE:**
   Special Meeting (Budget Adoption): Wednesday, June 21, 2023 at 5:30 p.m.
   No Board Meeting for the month of July 2023
   Regular Board Meeting: Wednesday, August 9, 2023 at 5:30 p.m.
10. **ADJOURNMENT**

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:	
551-071	Private consultation with the board's attorney.
551-072	Discussing purchases, exchange, leases, or value of real property.
551-073	Discussing negotiated contracts for prospective gifts or donations.
551-074	Discussing personnel or to hear complaints against personnel
551-076	Deliberation regarding security devices
551-082	Considering discipline of a public school child, or complaint or charge against personnel
551-083	Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.
551-084	Excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

Texas Association of School Boards

Continuing Education Credit Reporting Service
Credit Entry - Non-TASB Training

myTASB (/apps/ContinuingEducation/Home/BackToCA)
Home (/apps/ContinuingEducation/)
Log Off (/apps/ContinuingEducation/Home/LogOff)

Session Title: Team Building

Session Date: 5/25/2023

Session Location: Starlight Event Center

Topic: Topic 2 – Team Building

Credit Units: 3.00

Training Provider: ESC Region 19, ESC19

The summary below is a complete record of credits recorded for this session, to date.

People with checks have credit recorded for this session. Others do not.

Credit Earned					Units Earned
✔	Jeannie Meza-Chavez	Superintendent	078990	San Elizario ISD	3.00
✔	Guadalupe Caro	Board Member	132302	San Elizario ISD	3.00
✔	Monica Chavez	Board Member	132301	San Elizario ISD	3.00
✔	Eduardo Chavez	Board Member	123268	San Elizario ISD	3.00
✔	Myrna Hernandez	Board Vice President	123270	San Elizario ISD	3.00
✔	Sandra Licon	Board President	100311	San Elizario ISD	3.00
✔	Axel Lopez	Board Member	129653	San Elizario ISD	3.00
✔	Lorenzo Luevano	Board Member	131710	San Elizario ISD	3.00

Return

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San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Jeannie Meza-Chavez, Superintendent
Subject: Discussion and possible action to elect Officers for the San Elizario Independent School District Board of Trustees
Date: June 13, 2023

HISTORY: Re-elected, Newly Elected, and appointed board members were sworn in on Tuesday, May 23, 2023.

RATIONALE: Per BDAA (LOCAL) Officers and Officials Duties and Requirements of Board Officers, the board shall elect a President, a Vice-President, and a Secretary who shall be members of the Board.

BUDGET: There is no budget impact.

ADMINISTRATIVE RECOMMENDATION: The administration recommends the board to elect Officers for the San Elizario Independent School District Board of Trustees as is customary after May Elections.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Board Officers

The Board shall elect a President, a Vice President, and a Secretary who shall be members of the Board. The Board may assign a District employee to provide clerical assistance to the Board. Officers shall be elected by majority vote of the members present and voting.

Vacancy

A vacancy among officers of the Board shall be filled by majority action of the Board.

Term and Duties

Board officers shall serve for a term of two years or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.

President

In addition to the duties required by law, the President of the Board shall:

1. Preside at all Board meetings unless unable to attend.
2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.

Vice President

The Vice President of the Board shall:

1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.
2. Become President only upon being elected to the position.

Secretary

The Secretary of the Board shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.
3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.
4. Sign or countersign documents as directed by action of the Board.

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San Elizario, TX 79849
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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Jeannie Meza-Chavez, Superintendent
Subject: Board of Trustees to name a delegate and an alternate to attend TASB Delegate Assembly during the TASA | TASB Convention in Dallas, TX
Date: June 13, 2023

HISTORY: The 2023 Delegate Assembly will be held on September 30, 2023, during the txEDCON23 TASA | TASB Convention in Dallas, TX

RATIONALE: For the Board of Trustees to have a voice during the Delegate Assembly, they may appoint one delegate and one alternate to serve as representatives for the San Elizario Independent School District.

BUDGET: There is no budget impact.

ADMINISTRATIVE RECOMMENDATION: The administration recommends the board to appoint one delegate and one alternate to serve as representatives for the San Elizario Independent School District.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Official Delegate Designation Form

Please note:

- Only trustees of TASB Active Members (boards of public school districts and ESCs) may serve as delegates or alternates.
- TASB Directors and the four Legislative Advisory Council (LAC) members serving on the TASB Legislative Committee are delegates by virtue of their positions. If one of your trustees is also a TASB Director or one of the four LAC representatives, do not designate this trustee because that trustee will already be participating as a voting delegate in the Assembly.
- If you are designating an individual newly elected to your board, please update your membership information. The update form is available under the Member Profile link (**https://www.tasb.org/apps/memberprofile/index.aspx**). If you have any questions about updating your membership information, contact Michael Pennant (contact information located at bottom of page).
- The Delegate Assembly Handbook will be distributed electronically at least 20 days prior to Delegate Assembly. Hard copies of the Handbook will be available on site. (Copies will be mailed upon request.)
- Please submit your delegate designation online. The online form is available under the Member Profile link (**https://www.tasb.org/apps/memberprofile/index.aspx**).

Credentials (ribbon) will be mailed to delegates and alternates who are registered by August 25. After that date, credentials must be picked up on-site at Delegate Assembly.

Delegate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district/ESC address) for Delegate Assembly materials:

_____

Alternate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district/ESC address) for Delegate Assembly materials:

_____

Name of district/ESC: _____

County-district number: _____ **TASB (ESC) region number:** _____

I hereby certify that the above persons were chosen by our board as our official voting delegate and alternate to the 2023 TASB Delegate Assembly scheduled for September 30 (as provided by the TASB Bylaws).

Board president's signature: _____ Date: _____

Please return your board's designations online by August 25, 2023, to receive Delegate Assembly credentials by mail. Delegates submitted after August 25 will need to to pick up credentials (ribbon) on-site.

Texas Association of School Boards
Attn: Michael Pennant
Email: membercommunications@tasb.org
Fax: 512.467.3554

Questions? Contact Michael Pennant at 800.580.8272 or membercommunications@tasb.org.

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees

From: Mr. Jesus Martinez, Support Services Director, Dr. Rogelio Segovia, Associate Superintendent, Mr. Jose Cardona, Security Supervisor, Mrs. Melissa Nunn, Assistant Principal

Subject: Report on the Intruder Detection Audit Findings and Corrective Action Required

Date: June 13, 2023

HISTORY: A comprehensive Texas School Safety Center Intruder Detection Audit was conducted on May 18, 2023, at one of our campuses. The detailed audit report, including any corrective actions to address, was received on May 19, 2023.

RATIONALE: The top priority of the San Elizario Independent School District and the State of Texas is keeping students and staff safe daily. The Texas School Safety Center recently conducted an Intruder Detection Audit at one of our campuses. The audits test whether a campus is accessible to an unauthorized individual. This audit, part of Governor Abbott's school safety directives for all school systems following the tragedy in Uvalde, seeks to help districts identify how campuses can improve student safety by ensuring exterior doors are locked. The audit allows us to create a safer learning environment for our students and staff.

We are working closely with our district's School Safety & Security Committee to ensure we are training all our staff and securing our doors to protect everyone at our campuses. The support from the state in conducting the Intruder Detection Audits is just one of the many actions we are taking to ensure our schools are safe. We know this work does not end, and we appreciate the Board's support.

We acknowledge that parents and community members are likely very interested in the details of the audit results; however, it is in the best interest of the students that we do not share this information with the broader public, as it could lead to compromising important campus security information. Specific details of the Intruder Detection Audit will be discussed in the executive session and have also been shared with the district's Safety and Security Committee. San Elizario I.S.D. is committed to providing our students and staff with a safe and secure learning environment.

BUDGET: There is no budget impact.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is for the Board to discuss specific details of the Intruder Detection Audit in the executive session.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER) Update

June 13, 2023

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

Grant Compliance Requirement

The Safe Return to In-Person Instruction and Continuity of Services Plan and the LEA's Plan for Uses of ARP ESSER III Funds must be reviewed at least every 6 months and updated as appropriate.

San Elizario Independent School District

District Use of Funds Update – ESSER II – as of 6/07/2023

	Groups	Funds Budgeted	Funds Used
1	Loss of learning	$205,224	$194,508
2	Technology integration	$201,696	$201,696
3	Professional Development	$38,750	$41,747
4	Family/Community Engagement	$47,541	$42,448
5	Safe to return in person and continuity of services	$81,712	$80,215
6	Mental health and behavioral supports	$100,636	$87,075
7	Grant administration (to include supplanted staff)	$922,333	$976,289
8	Student Enrichment & Afterschool Programs	$219,682	$194,626
9	Resources to address needs of individual schools	$786,401	$746,626
9.1	Band instruments	$313,386	$313,383
9.2	Student furniture	$1,719,733	$1,719,733
10	Retention of employees	$2,218,913	$2,208,964
11	Teacher supply funds	$106,073	$90,266
	Total	$6,962,081	$6,897,576

ESSER II Grant End Date: September 2023

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

District Use of Funds Update – ESSER II – as of 6/07/2023

#	Groups	Funds Budgeted	Funds Used	% of Funds Used
	Total	$6,962,081	$6,897,576	99%

NOTE: Even though 99% of funds have been used, approximately 6% or $382K remains unpaid because goods or services have not yet been delivered to the district and 1% or $118K remains unused; therefore, additional costs will need to be identified in order to supplant and deplete these remaining balances.

ESSER II Grant End Date: September 2023

San Elizario Independent School District

District Use of Funds Update – ESSER III – as of 6/07/2023

#	Groups	Funds Budgeted	Funds Used
1	Loss of learning	$4,483,331	$2,586,041
2	Technology integration	$2,280,163	$1,780,163
3	Professional development	$92,786	$74,948
4	Family/Community Engagement	$448,735	$255,009
5	Safe to return in person and continuity of services	$954,736	$636,961
6	Mental health and behavioral supports	$577,127	$270,136
7	Grant administration (to include supplanted staff)	$5,736,806	$2,780,179
8	Student Enrichment & Afterschool Programs	$87,062	$152
9	Resources to address needs of individual schools	$980,151	$287,559
	Total	$15,640,897	$8,671,148

ESSER III Grant End Date: September 2024

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

District Use of Funds Update – ESSER III – as of 6/07/2023

#	Groups	Funds Budgeted	Total Grant	% Budgeted
1	Loss of Learning	$4,483,331	$15,640,897	29%

#	Groups	Funds Used	Total Grant	% Used
1	Loss of Learning	$2,586,041	$15,640,897	17%

NOTE: The ESSER III grant requires a minimum of 20% of total grant funds to be allocated towards the loss of learning due to the impact of the COVID 19 pandemic.

ESSER III Grant End Date: September 2024

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

District Use of Funds Update – ESSER III – as of 6/07/2023

#	Groups	Funds Budgeted	Funds Used
7	Grant administration (to include supplanted staff)	$5,736,806	$2,780,179

District Use of Funds Update – ESSER III – as of 1/03/2023

#	Groups	Funds Budgeted	Funds Used
7	Grant administration (to include supplanted staff)	$3,938,369	$1,517,427

NOTE: The funds budgeted under group 7 have been increased based on the discussion during the budget workshop held on May 23, 2023

ESSER III Grant End Date: September 2024

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

ESSER III Position Snapshot

Campus	Role	Status
SEHS	Intervention Teacher	Filled
SEHS	At Risk Aide	Filled
SEHS	Bilingual Aide	Filled
SEHS	Paraprofessional - LPAC	Filled
SEHS	At Risk Teacher	Filled
SEHS	Counselor	Filled
SEHS	School Improvement Coord.	Vacant
GEMS	Intervention Teacher	Vacant
GEMS	Intervention Teacher	Vacant
GEMS	Bilingual Aide	Filled
GEMS	School Improvement Coord.	Filled
GEMS	At Risk Teacher	Filled
Loya	Counselor	Filled
Loya	Parent Liaison	Filled
Loya	At Risk Teacher	Filled
Loya	School Improvement Coord.	Filled

Campus	Role	Status
Alarcon	Intervention Teacher	Filled
Alarcon	Intervention Teacher	Vacant
Alarcon	Bilingual Aide	Filled
Alarcon	Parent Liaison	Filled
Alarcon	At Risk Teacher	Filled
Borrego	Intervention Teacher	Vacant
Borrego	Intervention Teacher	Vacant
Borrego	Bilingual Aide	Filled
Borrego	Parent Liaison	Filled
Borrego	At Risk Teacher	Filled
Borrego	SPED Aide	Filled
Sambrano	Intervention Teacher	Vacant
Sambrano	Intervention Teacher	Vacant
Sambrano	Bilingual Aide	Filled
Sambrano	Parent Liaison	Filled
Sambrano	At Risk Teacher	Vacant

Depts	Role	Status
Other	ESSER Program Coord.	Filled
Other	Dyslexia Teacher	Filled
Other	SPED Counselor Part Time	Filled
Other	LVN	Filled
Other	Nurse Aide	Filled
Other	LSSP	Filled
SEHS	Librarian	Filled
GEMS	Librarian	Filled
Sambrano	Librarian	Filled
Alarcon	Library Aide	Filled
Borrego	Library Aide	Filled
Sambrano	Library Aide	Filled
Loya	Library Aide	Vacant
Other	SPED Counselor	Filled
Other	Social Worker	Filled
Other	Social Worker	Filled

ESSER II Position Snapshot

Campus	Role	Status
SEHS	Receptionist	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Vacant

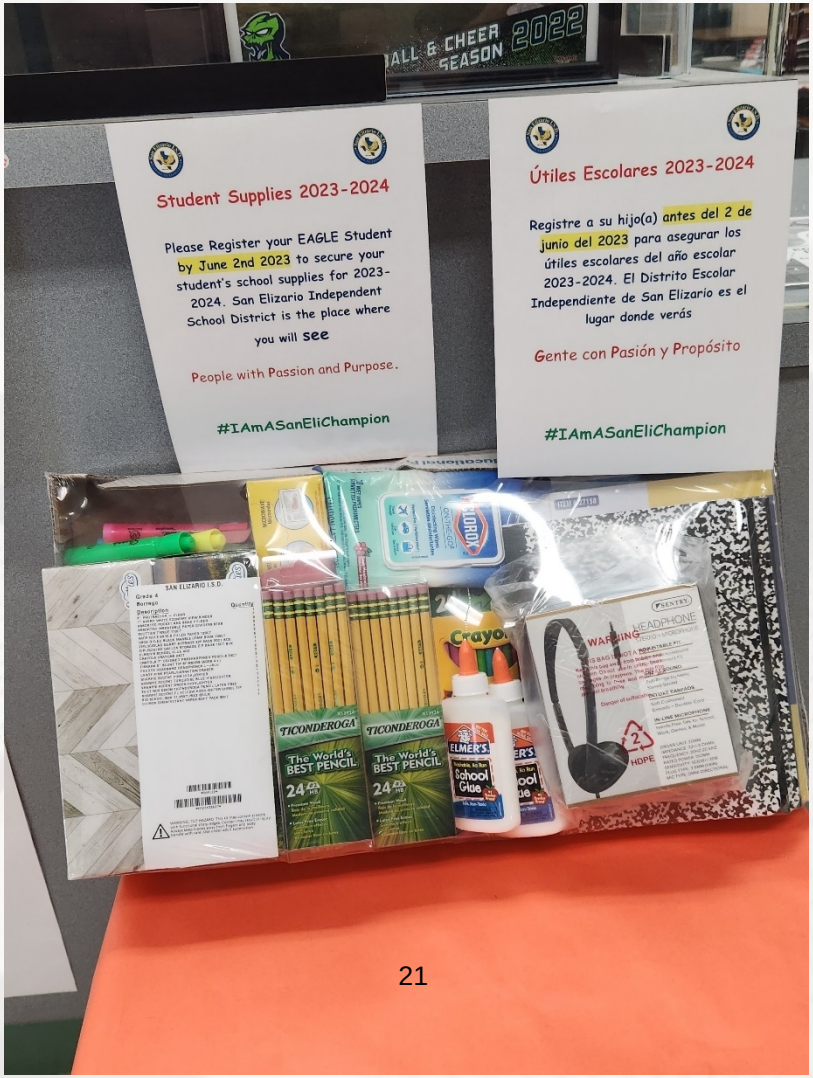
Campus	Role	Status
GEMS	Receptionist	Filled
Loya	Receptionist	Filled
Sambrano	Receptionist	Filled
Sambrano	Monitor	Filled
Sambrano	Monitor	Filled

San Elizario Independent School District

Communication Technology

San Elizario Independent School District

-Student Supplies 23-24
-Fine Arts Supplies
-Teacher PD
-Leadership PD



San Elizario Independent School District

Continuation of Services

- After School Programs
- Extra duty pay for Tutoring/Intersession/ Summer school
- Supplies needed for Interventions
- Common spaces

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

Questions and comments welcomed at this time

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)Update and Public Input

Thank You for EVERYTHING you are doing for our Eagles

Budget Workshop #2
Fiscal Year 2023-24

June 13, 2023

State Funding - Update

Year	Basic Allotment
2009-10	$4,765
2010-11	$4,765
2011-12	$4,765
2012-13	$4,765
2013-14	$4,950
2014-15	$5,040
2015-16	$5,140
2016-17	$5,140
2017-18	$5,140
2018-19	$5,140
2019-20	$6,160
2020-21	$6,160
2021-22	$6,160
2022-23	$6,160
2023-24	$6,160
2024-25	$6,160

Year	Tier 2 Guaranteed Yield
2019-20	$98.56
2020-21	$98.56
2021-22	$98.56
2022-23	$98.56
2023-24	$126.21
2024-25	$129.52

There was an increase to the guaranteed yield so there will be an increase in funding based on tax collections and appraised property values

There was no increase to the basic allotment so the funding per student will remain the same as it has been since the 2019-20 school year

State Funding – Update

- School Safety
  - Current funding amount of $9.72 per ADA is being increased to $10.00 per ADA plus $15,000 per campus
  - Requires armed officer at every campus, bill excerpt below:

Sec. 37.0814. ARMED SECURITY OFFICER REQUIRED. (a) The board of trustees of each school district shall determine the appropriate number of armed security officers for each district campus. The board must ensure that at least one armed security officer is present during regular school hours at each district campus.

(b) A security officer described by Subsection (a) must be:

(1) a school district peace officer;

(2) a school resource officer; or

(3) a commissioned peace officer employed as security personnel under Section 37.081.

(c) If the board of trustees of a school district is unable to comply with this section, the board may claim a good cause exception from the requirement to comply with this section if the district's noncompliance is due to the availability of:

(1) funding; or

(2) personnel who qualify to serve as a security officer described by Subsection (a).

(d) The board of trustees of a school district that claims a good cause exception under Subsection (c) must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

(1) a school marshal; or

(2) a school district employee or a person with whom the district contracts who:

(A) has completed school safety training provided by a qualified handgun instructor certified in school safety under Section 411.1901, Government Code; and

(B) carries a handgun on school premises in accordance with written regulations or written authorization of the district under Section 46.03(a)(1)(A), Penal Code.

(e) The board of trustees of a school district must develop and maintain documentation of the district's implementation of and compliance with this section, including documentation related to a good cause exception claimed under Subsection (c), and shall, if requested by the agency, provide that documentation to the agency in the manner prescribed by the agency.

Budget Meeting Progression

Budget by Function Codes

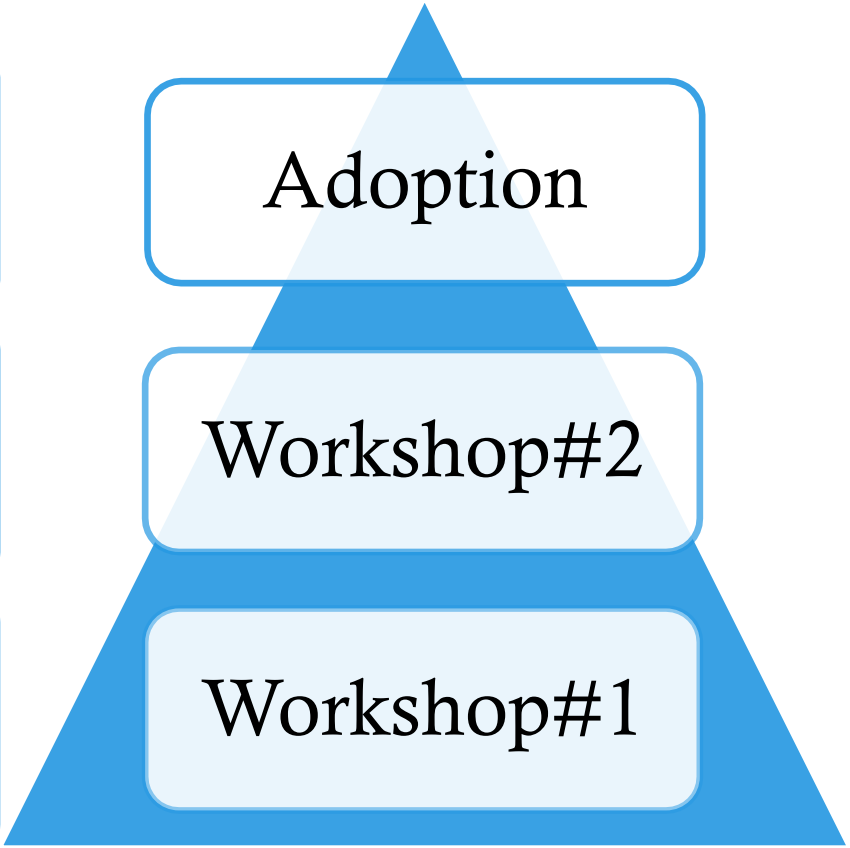
Comparisons

Summaries

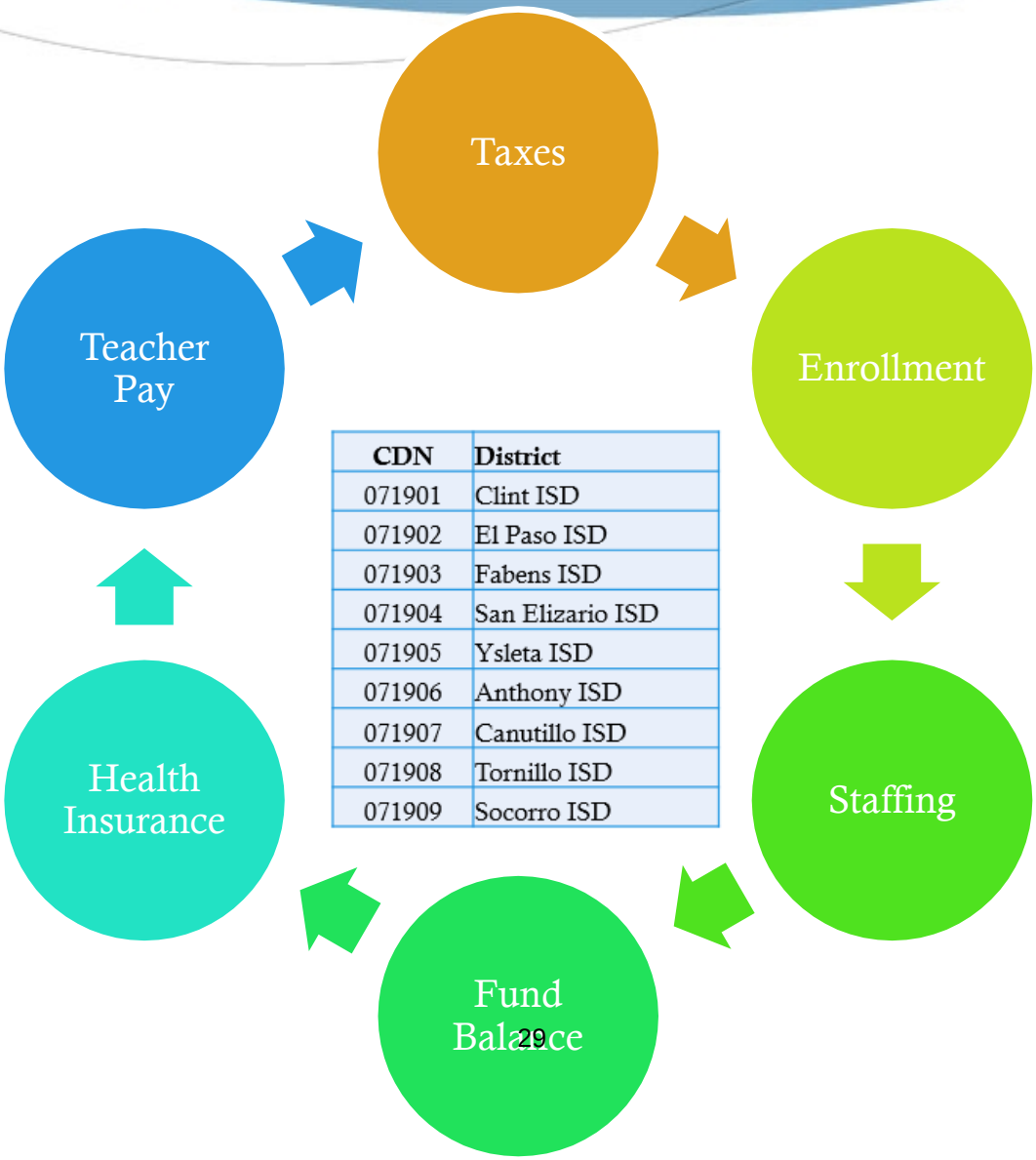
Revenues

Expenditures

Other Items & Assumptions



Comparisons



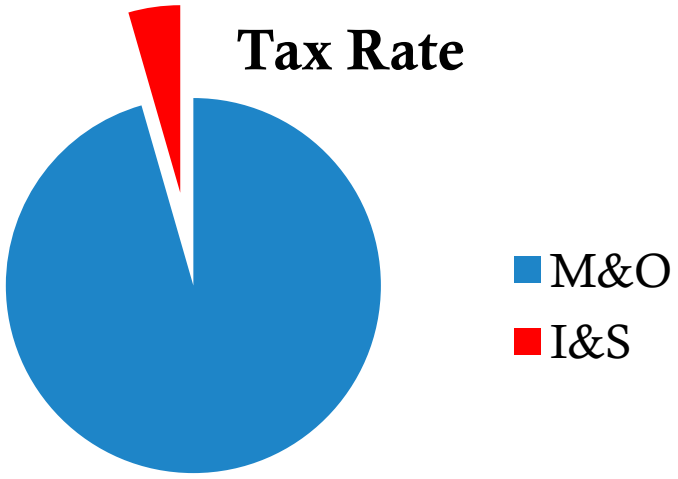
CDN	District
071901	Clint ISD
071902	El Paso ISD
071903	Fabens ISD
071904	San Elizario ISD
071905	Ysleta ISD
071906	Anthony ISD
071907	Canutillo ISD
071908	Tornillo ISD
071909	Socorro ISD

Tax Rates

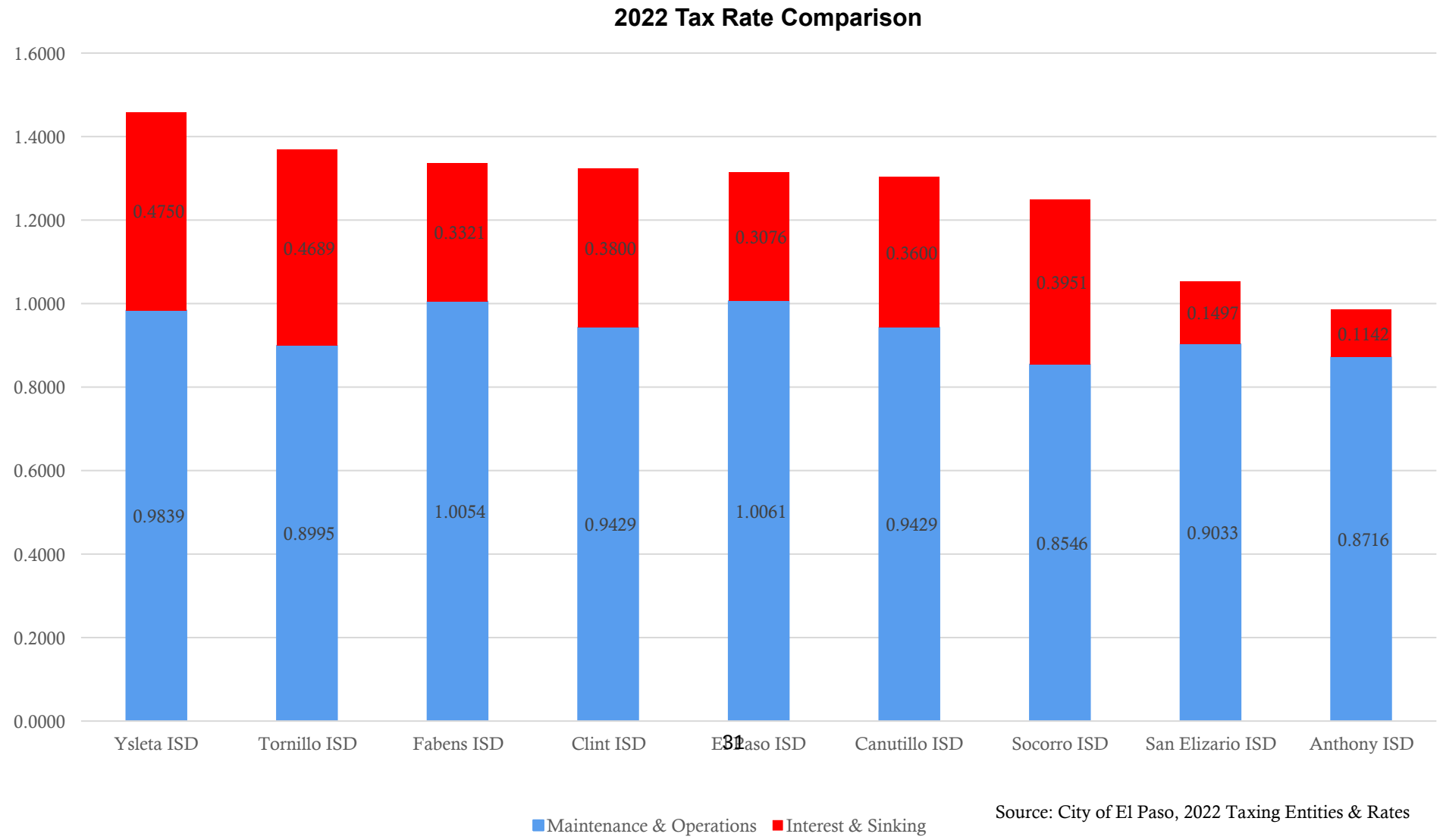
Rate Types

- What are property taxes?
  - Property taxes are local taxes that pay for schools, streets, police, fire protection and many other services depending on the governmental entity levying the tax.

- What is the District's tax rate comprised of?
  - Maintenance & Operations (M&O)
    - Teachers/Support Staff Salaries
    - Supplies, Materials, & Equipment
    - Transportation & Utilities
  - Interest & Sinking (I&S)
    - Construction Projects
    - School Buildings
  - Bond proposition approved on November 4, 2014



Tax Rates



Source: City of El Paso, 2022 Taxing Entities & Rates

Tax Rate Comparison (M&O)

- This summary table compares the maintenance and operations portion of the tax rate with surrounding districts over the last 5 years.

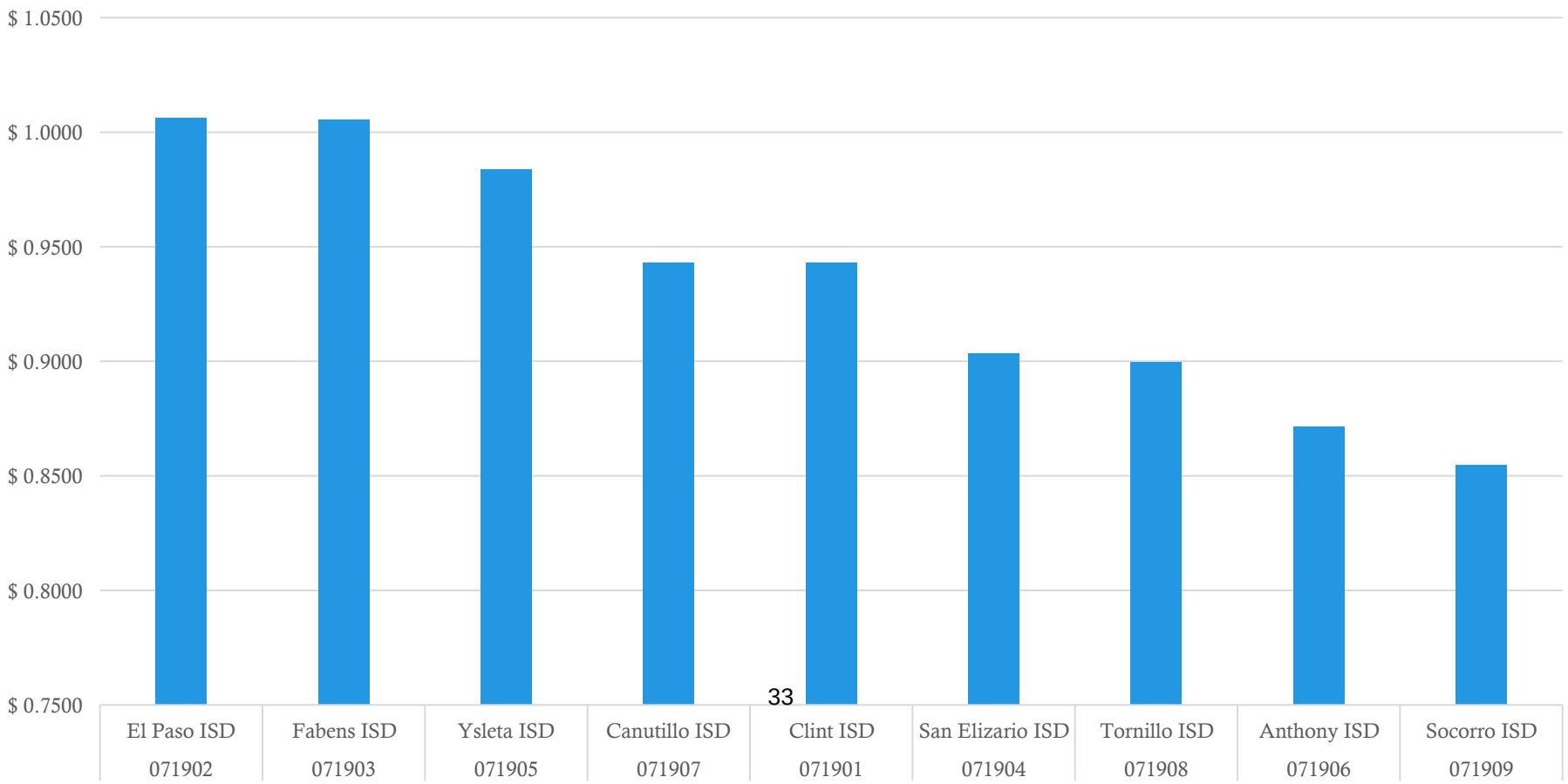
CDN	District	2018-19	2019-20	2020-21	2021-22	2022-23
071901	Clint ISD	$ 1.1700	$ 1.0684	$ 1.0547	$ 0.9603	$ 0.9429
071902	El Paso ISD	$ 1.1700	$ 1.0684	$ 1.0548	$ 1.0517	$ 1.0061
071903	Fabens ISD	$ 1.1700	$ 1.0683	$ 1.0547	$ 1.0295	$ 1.0054
071904	San Elizario ISD	$ 1.1089	$ 1.0287	$ 1.0151	$ 0.9207	$ 0.9033
071905	Ysleta ISD	$ 1.1700	$ 1.0683	$ 1.0541	$ 1.0320	$ 0.9839
071906	Anthony ISD	$ 1.0400	$ 0.9700	$ 0.9664	$ 0.9067	$ 0.8716
071907	Canutillo ISD	$ 1.1700	$ 1.0684	$ 1.0301	$ 0.9824	$ 0.9429
071908	Tornillo ISD	$ 1.0901	$ 1.0165	$ 1.0029	$ 0.9315	$ 0.8995
071909	Socorro ISD	$ 0.9816	$ 0.9700	$ 0.9444	$ 0.8765	$ 0.8546

Data Source: City of El Paso, Tax Entities & Rates

Maintenance & Operations Tax Rate Only

Tax Rate Comparison (M&O)

- This summary graph compares the maintenance and operations portion of the tax rate with surrounding districts for the current 2022-23 year

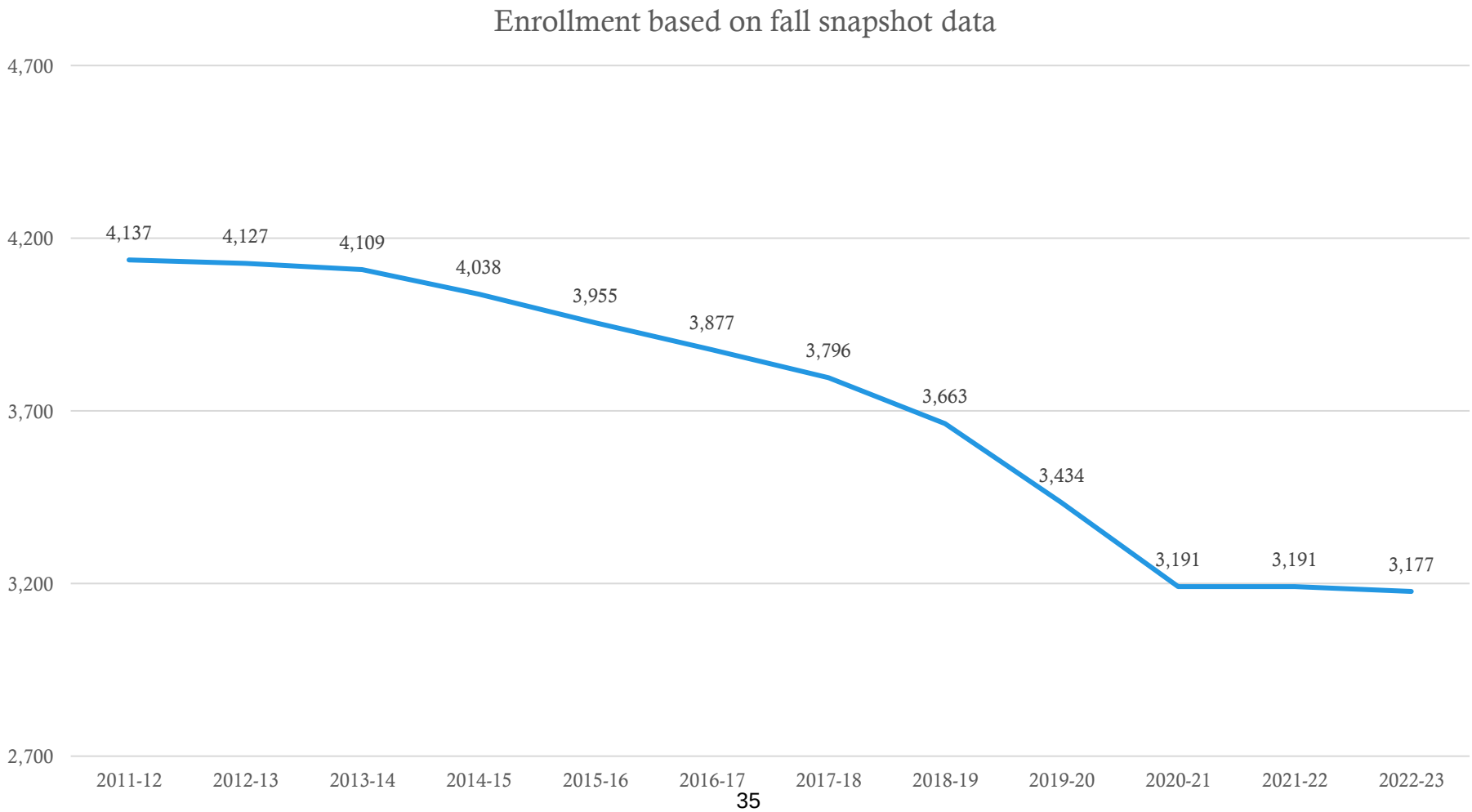


Enrollment

- This summary table compares enrollment with surrounding districts for the current 2022-23 year and is sorted from highest to lowest

CDN	District	2022-23
071902	El Paso ISD	49,949
071909	Socorro ISD	47,741
071905	Ysleta ISD	36,121
071901	Clint ISD	10,341
071907	Canutillo ISD	6,054
071904	San Elizario ISD	3,173
071903	Fabens ISD	1,926
071908	Tornillo ISD	829
071906	Anthony ISD	780

Students



Enrollment as of 5/17/2023 is 3,100

Students

San Elizario Independent School District — **Enrollment Counts**

Campus	EE	PK	KG	01	02	03	04	05	06	07	08	09	10	11	12	Enrolled
Borrego Elementary						121	115	115	121							472
L.G. Alarcon Elementary School						68	81	88	76							313
Lorenzo Loya Primary	4	212														216
Sambrano Elementary School			196	210	212											618
Garcia-Enriquez Middle School										221	271					492
San Elizario High School												268	279	230	211	988
Grade Level Totals	4	212	196	210	212	189	196	203	197	221	271	268	279	230	211	3099
Prior Year Grade Level Totals	14	206	184	215	192	193	220	194	218	269	254	335	252	203	235	
GL	-10	6	12	-5	20	-4	-24	9	-21	-48	17	-67	27	27	-24	

Enrollment total for 4th, 5th, 6th, 7th grades is 817

Enrollment total for 9th, 10th, 11th, 12th grades is 988

Financial Exigency

- This summary table compares enrollment with surrounding districts and calculates the financial exigency formula (10% or more decrease in enrollment over a 5 year period).

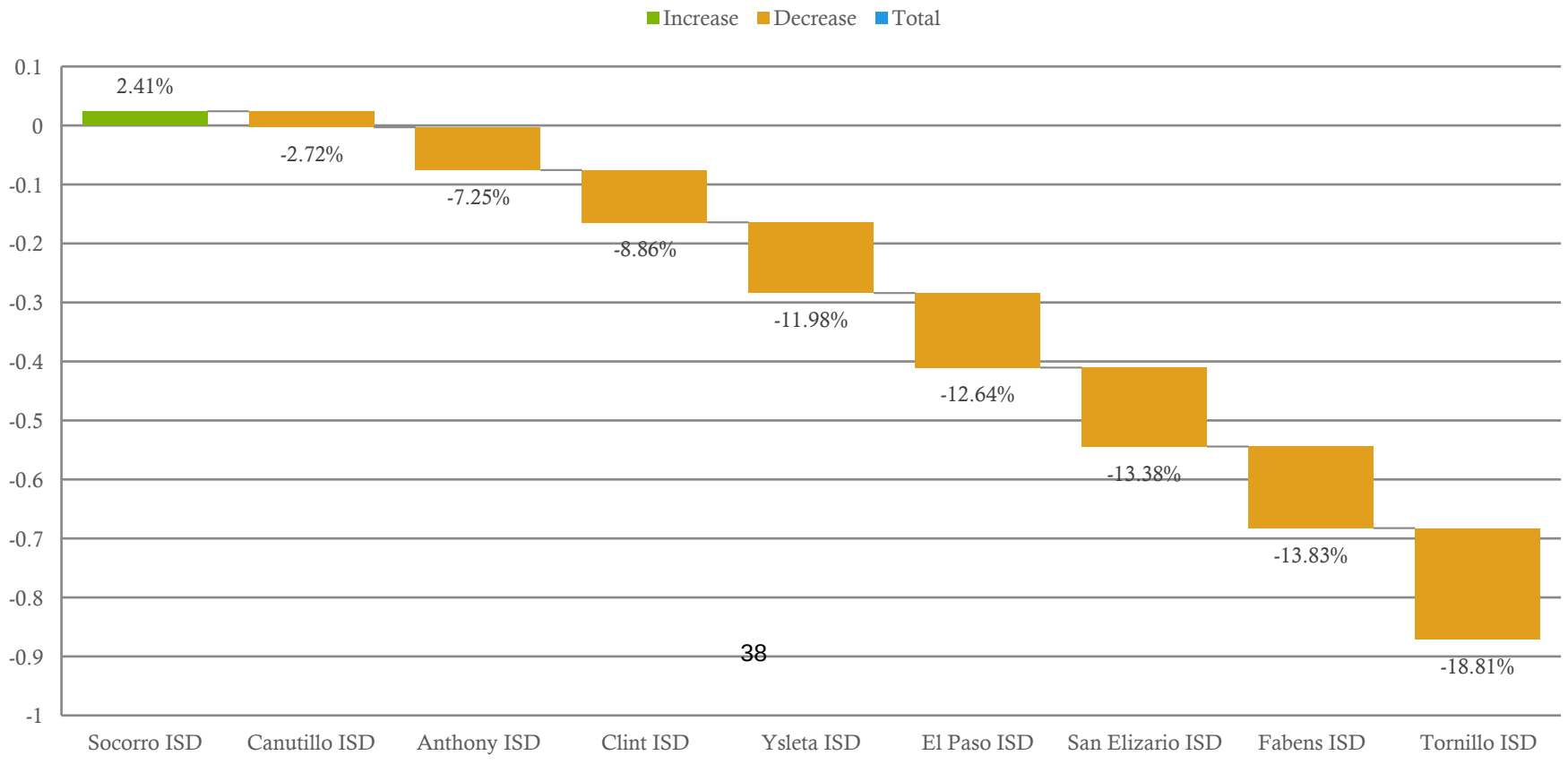
CDN	District	2018-19	2019-20	2020-21	2021-22	2022-23
071901	Clint ISD	11,346	11,195	10,625	10,455	10,341
	Result for given year:	-3.05%	-4.06%	-7.47%	-8.87%	-8.86%
071902	El Paso ISD	57,178	55,112	50,540	50,709	49,949
	Result for given year:	-5.58%	-7.80%	-14.69%	-12.84%	-12.64%
071903	Fabens ISD	2,235	2,142	2,045	1,983	1,926
	Result for given year:	-4.20%	-9.39%	-11.51%	-13.25%	-13.83%
071904	San Elizario ISD	3,663	3,434	3,189	3,190	3,173
	Result for given year:	-9.29%	-13.17%	-17.75%	-15.96%	-13.38%
071905	Ysleta ISD	41,036	40,404	38,354	37,211	36,121
	Result for given year:	-3.26%	-4.33%	-7.60%	-9.65%	-11.98%
071906	Anthony ISD	841	843	786	798	780
	Result for given year:	-3.56%	0.60%	-9.34%	-4.43%	-7.25%
071907	Canutillo ISD	6,223	6,239	6,023	6,076	6,054
	Result for given year:	6.21%	4.45%	-0.12%	-2.00%	-2.72%
071908	Tornillo ISD	1,021	1,000	913	887	829
	Result for given year:	-19.22%	-16.11%	-19.13%	-20.16%	-18.81%
071909	Socorro ISD	46,618	47,397	46,932	47,137	47,741
	Result for given year:	5.04%	5.03%	2.46%	1.59%	2.41%

Data Source: TEA PEIMS District Financial Budget Reports

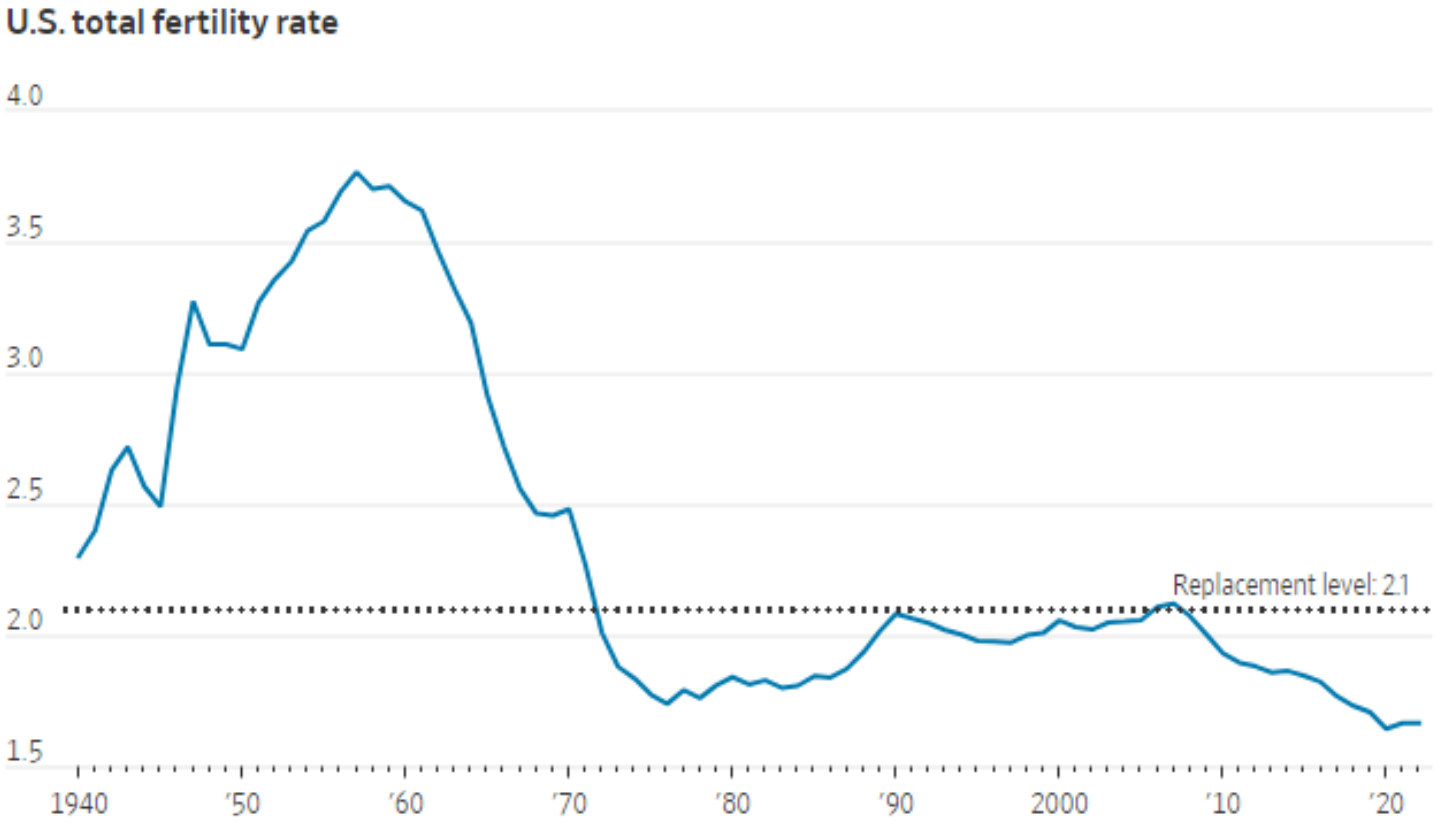
Example: the calculation for the 2022-23 year would be: (2022-23 less 2018-19) / 2018-19

Financial Exigency

- This summary graphs compares enrollment with surrounding districts and calculates the financial exigency formula (10% or more decrease in enrollment over a 5 year period) for the latest year.



National Data Source



Note: Total fertility rate is an estimate of the average number of babies a woman would have in her lifetime; 2.1 is the level needed for a generation to replace itself. Data for 2022 is provisional.
Source: Centers for Disease Control and Prevention

Staffing Comparison

- This summary table compares students per teacher and students per staff with surrounding districts. At least 80% of our budget is under the payroll category (6100).

CDN	District	2017-18	2018-19	2019-20	2020-21	2021-22
071901	Clint ISD					
	Enrollment	11,473	11,346	11,195	10,625	10,455
	Number of Students per Teacher	17.2	17.3	16.0	15.4	15.2
	Number of Students per Staff	7.9	7.8	7.4	6.9	6.7
071902	El Paso ISD					
	Enrollment	58,178	57,178	55,112	50,540	50,709
	Number of Students per Teacher	14.4	14.7	14.4	13.5	14.4
	Number of Students per Staff	7.2	7.3	7.1	6.5	7.0
071903	Fabens ISD					
	Enrollment	2,286	2,235	2,142	2,045	1,983
	Number of Students per Teacher	13.4	13.5	13.8	13.6	13.0
	Number of Students per Staff	6.3	6.3	6.2	6.1	5.9
071904	San Elizario ISD					
	Enrollment	3,796	3,663	3,434	3,189	3,190
	Number of Students per Teacher	15.3	15.2	14.7	14.6	15.7
	Number of Students per Staff	6.4	6.3	6.0	5.8	6.0

Staffing Comparison

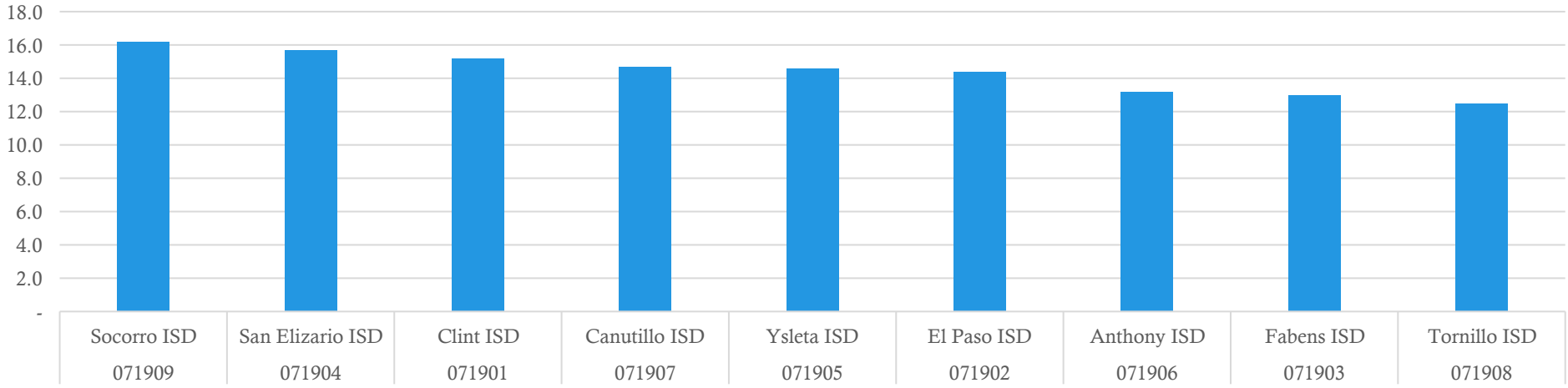
- Table continued

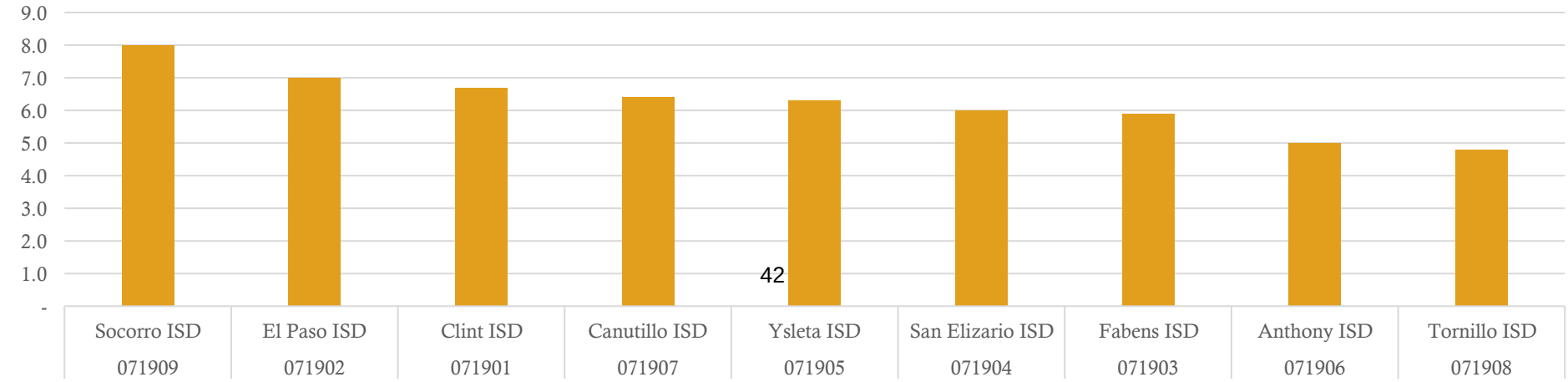
CDN	District	2017-18	2018-19	2019-20	2020-21	2021-22
071905	Ysleta ISD					
	Enrollment	41,185	41,036	40,404	38,354	37,211
	Number of Students per Teacher	15.2	14.9	15.0	14.5	14.6
	Number of Students per Staff	6.5	6.5	6.5	6.3	6.3
071906	Anthony ISD					
	Enrollment	835	841	843	786	798
	Number of Students per Teacher	15.1	14.6	14.5	13.1	13.2
	Number of Students per Staff	6.3	6.6	6.2	5.3	5.0
071907	Canutillo ISD					
	Enrollment	6,200	6,223	6,239	6,023	6,076
	Number of Students per Teacher	15.4	15.0	15.1	14.3	14.7
	Number of Students per Staff	7.1	6.8	6.7	6.5	6.4
071908	Tornillo ISD					
	Enrollment	1,111	1,021	1,000	913	829
	Number of Students per Teacher	14.0	13.9	14.3	12.8	12.5
	Number of Students per Staff	5.8	5.7	5.5	5.2	4.8
071909	Socorro ISD					
	Enrollment	46,398	46,618	47,397	46,932	47,137
	Number of Students per Teacher	17.2	16.6	16.7	16.0	16.2
	Number of Students per Staff	8.0	8.2	8.4	7.8	8.0

Data Source: TEA Texas Academic Performance Report

Staffing Comparison

- These summary graphs compare students per teacher (top graph) and students per staff (bottom graph) with surrounding districts. At least 80% of our budget is under the payroll category (6100).





Staffing Detail Comparison

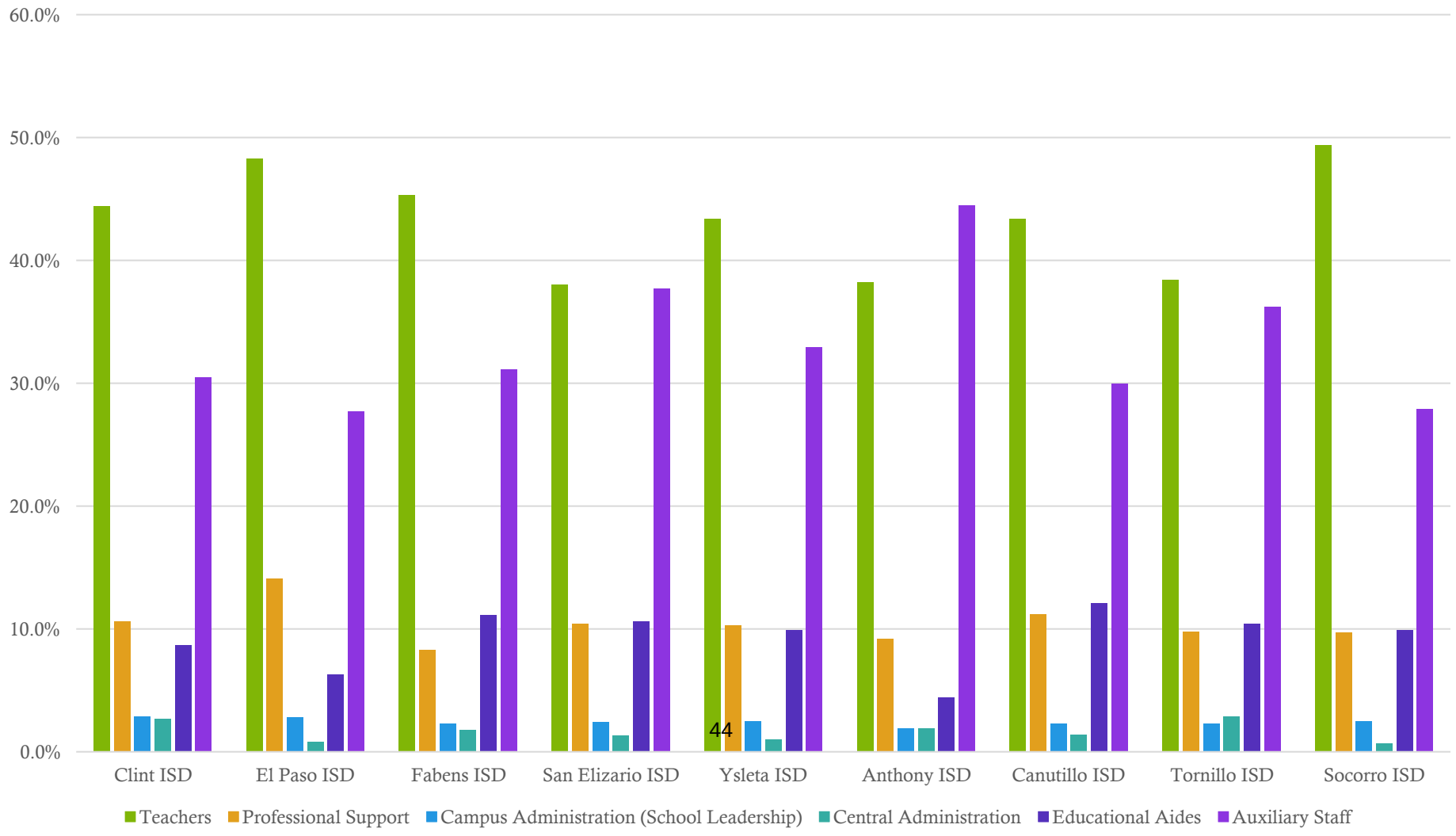
- This summary tables compares staff information by position type with surrounding districts.

District Staff Information	Clint ISD	El Paso ISD	Fabens ISD	San Elizario ISD	Ysleta ISD	Anthony ISD	Canutillo ISD	Tornillo ISD	Socorro ISD
Teachers	44.4%	48.3%	45.3%	38.0%	43.4%	38.2%	43.4%	38.4%	49.4%
Professional Support	10.6%	14.1%	8.3%	10.4%	10.3%	9.2%	11.2%	9.8%	9.7%
Campus Administration (School Leadership)	2.9%	2.8%	2.3%	2.4%	2.5%	1.9%	2.3%	2.3%	2.5%
Central Administration	2.7%	0.8%	1.8%	1.3%	1.0%	1.9%	1.4%	2.9%	0.7%
Educational Aides	8.7%	6.3%	11.1%	10.6%	9.9%	4.4%	12.1%	10.4%	9.9%
Auxiliary Staff	30.5%	27.7%	31.1%	37.7%	32.9%	44.5%	30.0%	36.2%	27.9%

Data Source: TEA Texas Academic Performance Report

Staffing Detail Comparison

- This summary graph compares staff information by position type with surrounding districts.



Fund Balance Comparison

- This summary table compares the days of expenditure per unassigned fund balance with surrounding districts.

CDN	District	2017-18	2018-19	2019-20	2020-21	2021-22
071901	Clint ISD					
	Unassigned Fund Balance	$ 30,872,588	$ 42,788,863	$ 46,069,198	$ 54,130,958	$ 45,151,692
	Total General Fund Expenditures	$ 111,640,231	$ 114,876,589	$ 122,609,676	$ 109,562,916	$ 121,826,589
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 305,864	$ 314,730	$ 335,917	$ 300,172	$ 333,771
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	100.94	135.95	137.14	180.33	135.28
071902	El Paso ISD					
	Unassigned Fund Balance	$ 83,378,812	$ 104,979,723	$ 103,904,121	$ 98,120,993	$ 125,155,933
	Total General Fund Expenditures	$ 509,455,585	$ 510,542,830	$ 530,098,064	$ 531,599,677	$ 514,003,929
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 1,395,769	$ 1,398,747	$ 1,452,323	$ 1,456,437	$ 1,408,230
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	59.74	75.05	71.54	67.37	88.88
071903	Fabens ISD					
	Unassigned Fund Balance	$ 245,106	$ 3,266,503	$ 5,205,061	$ 8,167,626	$ 11,071,097
	Total General Fund Expenditures	$ 23,011,392	$ 22,684,292	$ 20,639,058	$ 22,762,950	$ 24,156,972
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 63,045	$ 62,149	$ 56,545	$ 62,364	$ 66,183
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	3.89	52.56	92.05	130.97	167.28

Fund Balance Comparison

- Table continued

CDN	District	2017-18	2018-19	2019-20	2020-21	2021-22
071904	San Elizario ISD					
	Unassigned Fund Balance	$ 11,213,819	$ 11,767,208	$ 10,358,436	$ 12,554,947	$ 14,983,297
	Total General Fund Expenditures	$ 40,860,790	$ 39,503,592	$ 38,732,804	$ 34,664,504	$ 35,912,983
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 111,947	$ 108,229	$ 106,117	$ 94,971	$ 98,392
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	100.17	108.73	97.61	132.20	152.28
071905	Ysleta ISD					
	Unassigned Fund Balance	$ 63,974,795	$ 78,180,145	$ 74,225,817	$ 78,911,554	$ 64,848,791
	Total General Fund Expenditures	$ 386,218,282	$ 387,688,280	$ 407,530,464	$ 398,784,308	$ 386,719,279
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 1,058,132	$ 1,062,160	$ 1,116,522	$ 1,092,560	$ 1,059,505
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	60.46	73.60	66.48	72.23	61.21
071906	Anthony ISD					
	Unassigned Fund Balance	$ 3,721,790	$ 3,274,151	$ 3,496,484	$ 3,481,836	$ 3,810,181
	Total General Fund Expenditures	$ 8,803,600	$ 9,830,036	$ 10,738,543	$ 10,450,301	$ 10,422,430
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 24,119	$ 26,932	$ 29,421	$ 28,631	$ 28,555
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	154.31	121.57	118.84	121.61	133.43

Fund Balance Comparison

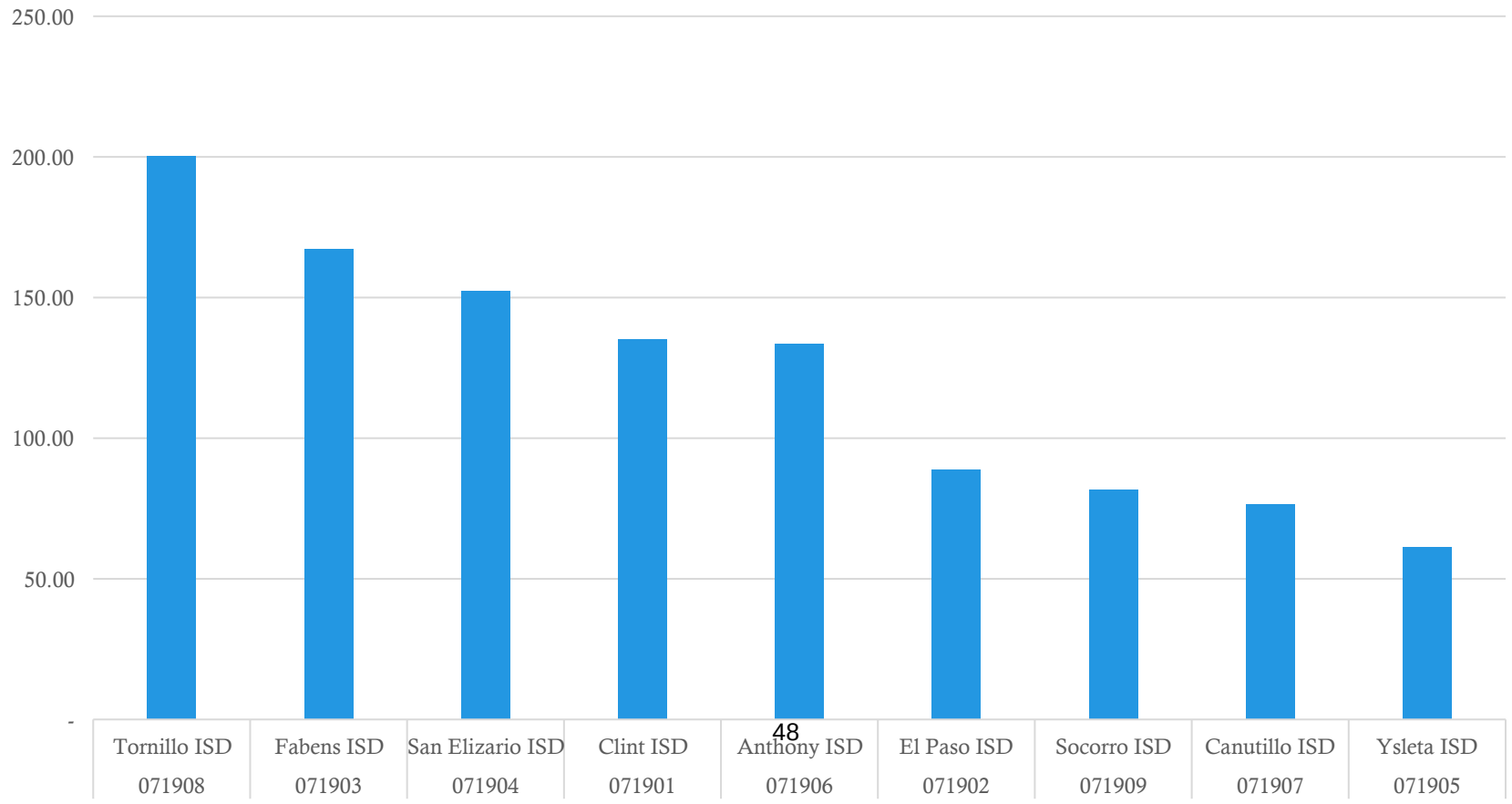
- Table continued

CDN	District	2017-18	2018-19	2019-20	2020-21	2021-22
071907	Canutillo ISD					
	Unassigned Fund Balance	$ 14,017,009	$ 14,520,457	$ 17,441,429	$ 15,925,829	$ 15,289,534
	Total General Fund Expenditures	$ 60,169,157	$ 63,507,542	$ 66,629,531	$ 76,529,564	$ 72,841,748
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 164,847	$ 173,993	$ 182,547	$ 209,670	$ 199,566
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	85.03	83.45	95.55	75.96	76.61
071908	Tornillo ISD					
	Unassigned Fund Balance	$ 7,480,148	$ 7,067,153	$ 7,285,066	$ 6,515,442	$ 7,128,990
	Total General Fund Expenditures	$ 12,767,677	$ 12,493,706	$ 13,154,390	$ 11,832,923	$ 12,987,384
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 34,980	$ 34,229	$ 36,039	$ 32,419	$ 35,582
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	213.84	206.46	202.14	200.98	200.35
071909	Socorro ISD					
	Unassigned Fund Balance	$ 104,603,944	$ 103,042,887	$ 90,585,945	$ 93,802,400	$ 96,629,888
	Total General Fund Expenditures	$ 377,062,780	$ 387,281,600	$ 412,107,669	$ 441,625,468	$ 432,549,256
	Average Daily Expenditure (Total GF Exp / 365 days)	$ 1,033,049	$ 1,061,045	$ 1,129,062	$ 1,209,933	$ 1,185,066
	Days of Expenditure (Unassigned FB / Ave Daily Exp)	47 101.26	97.11	80.23	77.53	81.54

Data Source: Annual Financial Report, Statements C-1 and C-3

Fund Balance Comparison

- This summary graph compares the days of expenditure per unassigned fund balance with surrounding districts for fiscal year 2022.



Health Insurance Comparison

- This table compares the employer's contribution towards the health plan of the district per employee per month for the given year.

CDN	District	2022-23	Type of Plan
071901	Clint ISD	$ 321	State Plan
071902	El Paso ISD	$ 511	State Plan & Self-Funded
071903	Fabens ISD	$ 225	State Plan
071904	San Elizario ISD	$ 625	Self-Funded
071905	Ysleta ISD	$ 513	Self-Funded
071906	Anthony ISD	$ 362	State Plan
071907	Canutillo ISD	$ 623	Self-Funded
071908	Tornillo ISD	$ 275	State Plan
071909	Socorro ISD	$ 575	Self-Funded

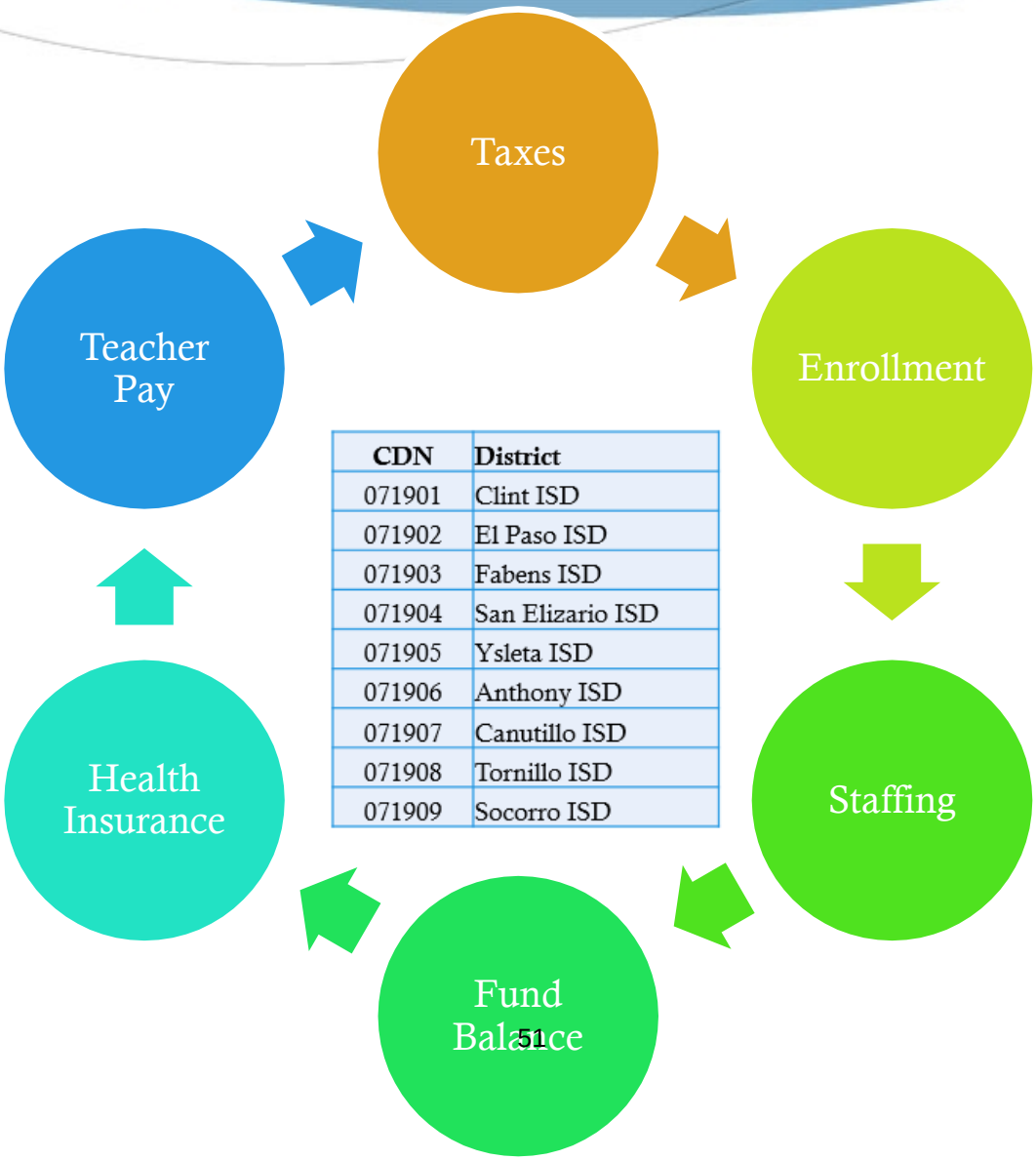
Data Source: Website, annual financial report, or other public information source as available

Teacher Pay Comparison

- This table compares the current year teacher pay tables with surrounding districts.

District	0-Year	District	5-year	District	10-Year	District	15-Year	District	20-Year
Ysleta ISD	58,135	Socorro ISD	59,044	Socorro ISD	61,513	Anthony ISD	63,470	Anthony ISD	66,470
Socorro ISD	57,500	Anthony ISD	58,730	Anthony ISD	60,470	Socorro ISD	63,138	Socorro ISD	64,763
Anthony ISD	57,100	Ysleta ISD	58,385	Clint ISD	59,915	Ysleta ISD	61,640	Ysleta ISD	64,140
El Paso ISD	56,975	Clint ISD	58,050	San Elizario ISD	59,402	Clint ISD	61,535	San Elizario ISD	63,580
Clint ISD	56,550	El Paso ISD	57,832	Ysleta ISD	59,390	San Elizario ISD	61,132	El Paso ISD	63,544
San Elizario ISD	56,550	San Elizario ISD	57,483	El Paso ISD	58,982	El Paso ISD	60,882	Clint ISD	63,249
Canutillo ISD	56,050	Canutillo ISD	57,400	Canutillo ISD	58,900	Fabens ISD	60,687	Tornillo ISD	63,201
Fabens ISD	54,500	Fabens ISD	56,950	Fabens ISD	58,850	Tornillo ISD	60,480	Fabens ISD	62,869
Tornillo ISD	54,231	Tornillo ISD	55,881	Tornillo ISD	57,878	Canutillo ISD	60,470	Canutillo ISD	62,720

Comparisons



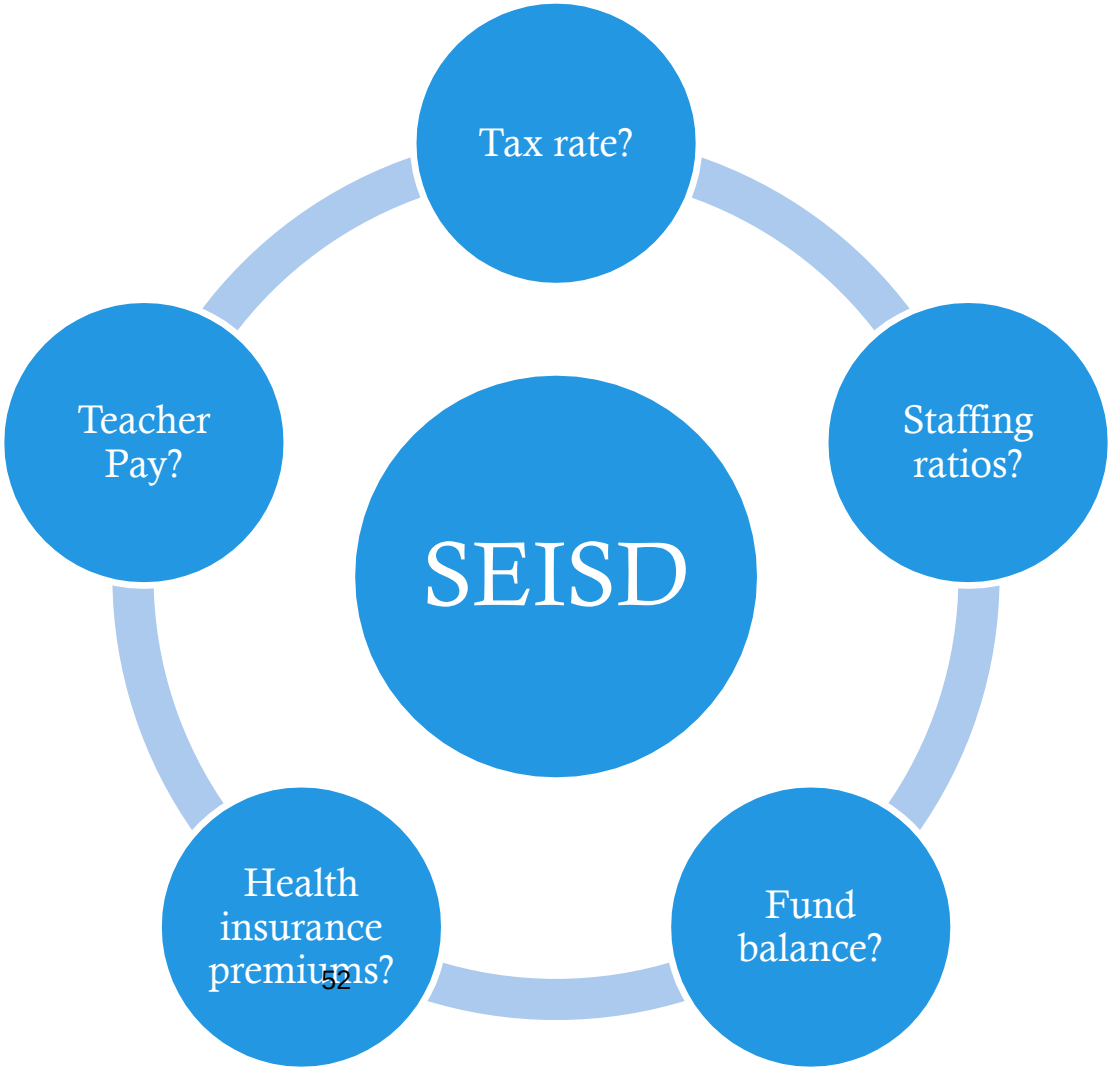
CDN	District
071901	Clint ISD
071902	El Paso ISD
071903	Fabens ISD
071904	San Elizario ISD
071905	Ysleta ISD
071906	Anthony ISD
071907	Canutillo ISD
071908	Tornillo ISD
071909	Socorro ISD

Low or High?

- Students drive funding

Declining enrollment

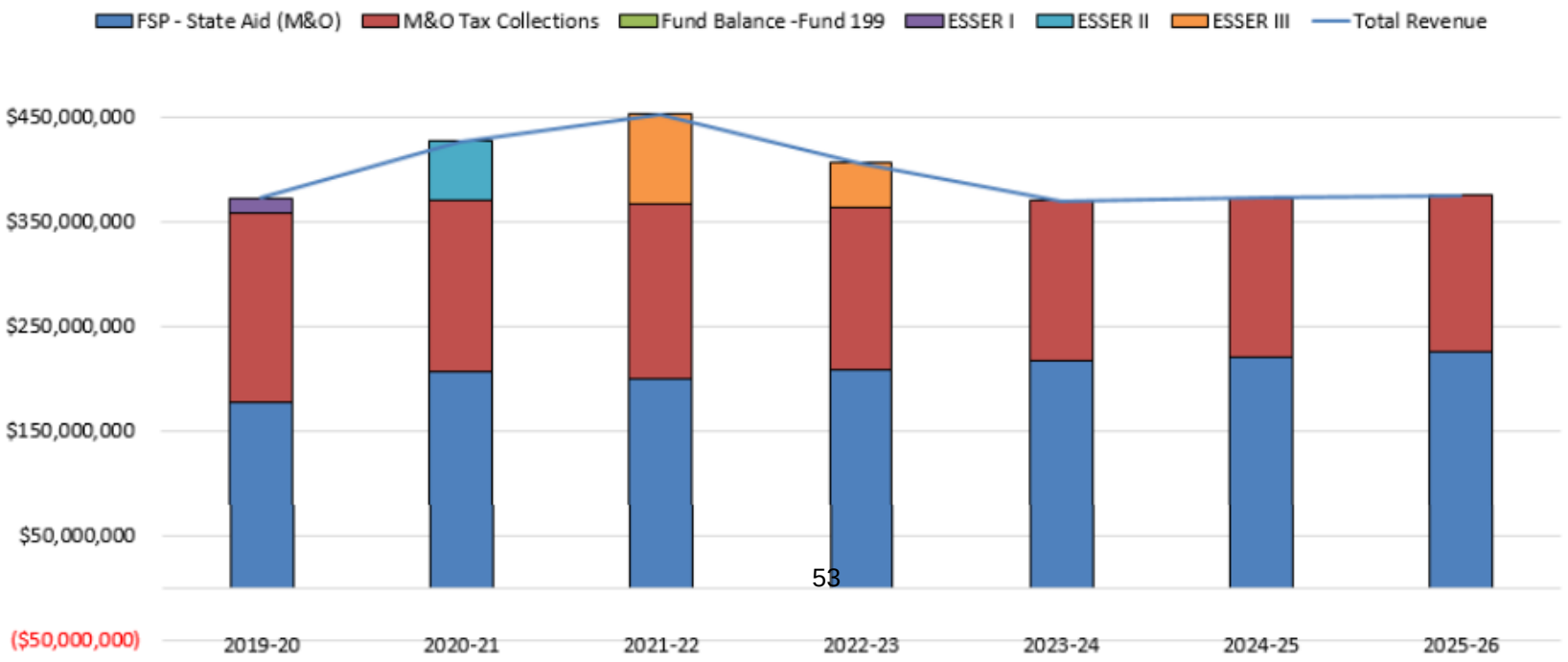
Decreases funding



Funding Cliff

School Systems have been advised to plan for these funds as one-time in nature, with required disclosures to school boards

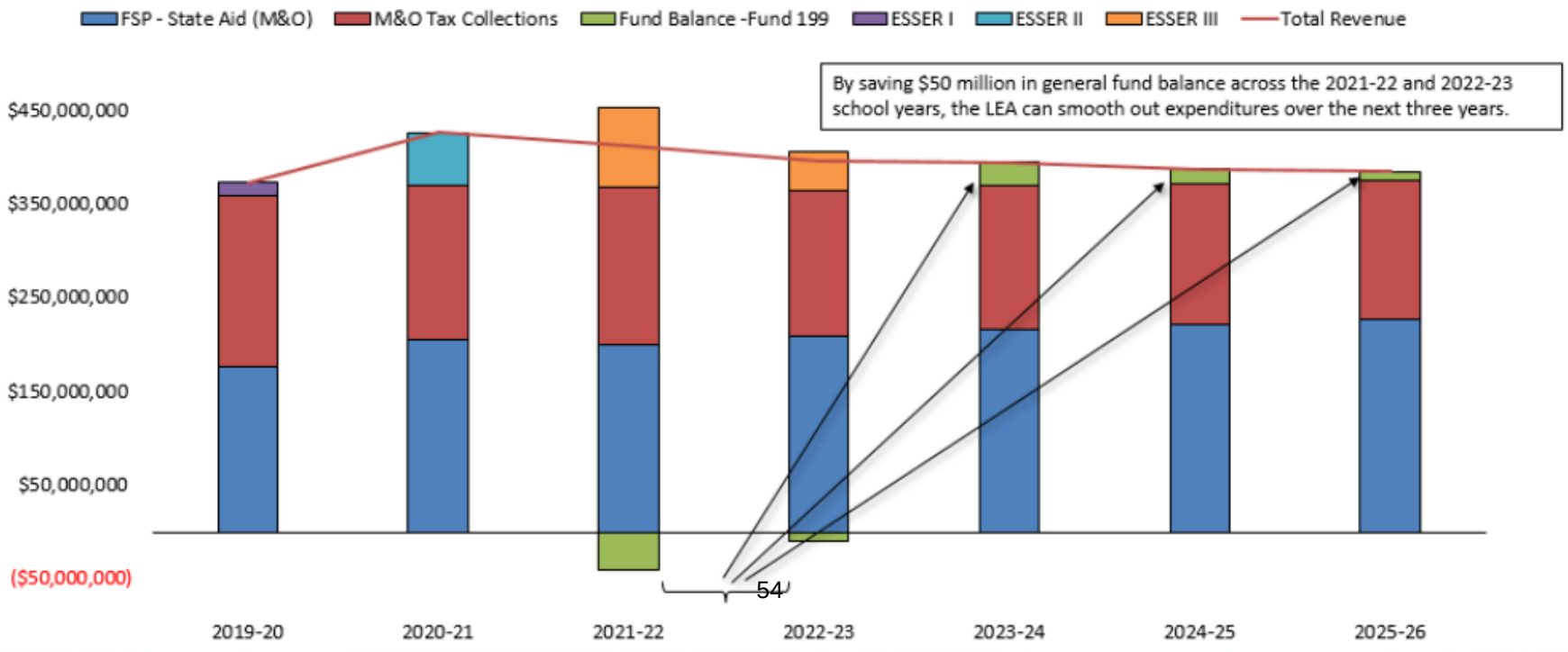
Without other adjustments, using ESSER III funds in the years funds are available will create a funding cliff in 2023-2024.



Funding Cliff

School systems can take action to smooth the financial impact of ESSER funds

Maximizing ESSER III funds before they expire provides the LEA a way to lessen the impact of the loss of federal stimulus funds in future years and allows programs to extend further.



2023-24 Draft Budget

Summary	Amount
Total Revenues (based on current year enrollment, includes $750K increase in guaranteed yield funding & excludes indirect cost charged to ESSER III)	$39,702,539
Total Expenditures (excludes $1.1M in supplanted staff charged to ESSER III, excludes compensation plan changes & excludes additional safety bill costs)	$38,601,496
Revenues Over (Under) Expenditures	$1,101,043

Questions

Resolution of the San Elizario Independent School District Board of Trustees Regarding Adoption of Four-Day School Week

WHEREAS, the Board of Trustees of the San Elizario Independent School District (the "Board") is authorized by Texas Education Code section 45.105 to expend funds of the San Elizario Independent School District (or the "District") for purposes necessary in the conduct of the public schools as determined by the Board;

WHEREAS, on January 18, 2023, the Board approved the change from a five-day school week to a four-day school week on the District calendar;

WHEREAS, the Board will approve or has approved a new Compensation Plan that will provide for revised hours or work and revised rates of pay to address the new four-day school week;

WHEREAS, as a result of the adoption of a four-day school week, the hours of certain non-exempt employees will be reduced during regular payroll periods;

WHEREAS, the Board determines that maintaining total prior compensation levels is necessary and beneficial to the District to retain staff and current employment levels;

WHEREAS, the District does not intend the change to a four-day school week to cause any reduction in overall compensation for individual employees and, therefore, the District will adopt or has adopted a Compensation Plan approving revised hourly pay rates for affected employees;

IT IS THEREFORE RESOLVED BY THE SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES THAT:

All the above recitals are adopted as findings of fact and are incorporated into and made a part of this resolution for all purposes. In furtherance of these public purposes, the Board of Trustees issues the following resolution:

1. The District Compensation Plan shall be prepared to ensure that employees are not adversely affected by the change from a five-day school week to a four-day school week with respect to total basic compensation.

2. The Compensation Plan shall include basic increases in the pay rate for certain employees based on the new expected 36-hour standard workweek. Any revised rates of pay will remain in effect under the approved Compensation Plan until such time as the Board of Trustees determines that pay schedules and rates of pay should be adjusted.

3. The Board of Trustees reserves the right to and shall revise the District Compensation Plan to adjust pay rates and hours of scheduled work if the District returns to a five-day school week in the future, including applicable reductions in hourly and daily pay rates.

The above Resolution is passed and adopted by the San Elizario ISD Board of Trustees this 13th day of June 2023.

APPROVED:

_____
Board President

ATTEST:

_____
Board Secretary

Proposed Compensation Plan

June 13, 2023

Department of Human Resources

2023-2024 Proposed Compensation Plan Overview

The proposed compensation plan was prepared in accordance with budget constraints, and it provides general pay increases (GPI) off the Midpoint for all teachers and staff as follow:

3% GPI for employees on the Teacher Pay Grade

3% GPI for the following positions on the Administrative Professional Pay Grades with direct contact with students:

- Manager – Student Activities
- Social Workers
- Speech Language Pathologists
- Licensed Specialist in Psychology
- Counselors
- Assistant Principals (All Levels)
- Diagnostician
- Coordinator of School Improvement
- Principals

2% GPI for position on the:

- Administrative Professional Pay Grades (not mentioned on the 3% GPI group)
- Administrative Technical Pay Grades
- Operation Support Pay Grades to include Food Service Pay Grades
- Instructional Support Pay Grades

The cost for this compensation package is approximately $820,000.

Positions	BOT General Pay Increase	Annual Cost - GPI	Annual Cost - Equity Adjustments	
Paraprofessional	2%	$ 134,768.00	$ 186,701.84	
Professional - Non -Teacher	2%,3%	$ 106,942.49	$ 62,827.59	
Professionals - Teacher Scale	3%	$ 314,230.23	$ 12,701.28	
		$ 555,940.72	**$ 262,230.71**	$818,171.43

Other Compensation Highlights

- All pay tables were adjusted to reflect the pay rates applicable to the 4-day work week.
- Equity adjustments were applied accordingly to ensure current employees rates are higher or equal to new pay rates on their respective pay grade. Equity adjustments were capped at 25 years for employees with over 40 years of experience.

  Please Note*: Equity adjustments are applied to employees for whom the general pay increase is not enough to move them above the minimum of the new pay range. This increase will ensure current employees are not paid less than incoming employees.*

- The starting minimum salary for teachers was increased from $56,550 to $58,000 – That is an increase of $1,450 at the zero step.
- The starting minimum salary for all pay plans increased from $9.84 to $12.00 – That is an increase of $2.16 at the zero step.
- The starting minimum hourly rate for bus drivers increased from $17 p/hour to $20 – That is an increase of $3 p/hour at the zero step.
- Hourly rates for Co-Ops were increased from $8.50 to $9.00.
- Hourly rates for Literacy Instructor increased from $30 to $31.67.
- Guest Teacher and other substitute rates were increased to compensate for the longer work hours due to the 4-day work week.
- Academic and Non-Academic Stipends were reviewed with the market values and adjustments were made to stipends that were compensated below 90% of the market value.
- Two new CTE stipends were added to the academic stipend pay table.
- Reclassification of positions that were moved to new pay grades are explained in the packet. Equity adjustments were applied accordingly inclusive of the general pay raise.

Impact of the Transition from a 5-day Work Week to a 4-day Work Week

As a result of the transition to the 4-day work week, the Board of Trustees will invest approximately 3.4 million dollars in the added value to the hourly and daily compensation rates to maintain the same compensation levels for all employees. This financial impact represents the investment in mental health initiatives that San Elizario ISD has embarked on. Although this investment is not a tangible monetary investment for this transition year, it serves as a testament of the commitment of the Board of Trustees and Administration to deliver a flexible work environment.

The table below summarizes the quality-of-life adjustment (QLA) impact by employee category. In addition, it illustrates that this QLA amounts to approximately a 21% pay increase for employees on the teacher pay grade. This does not include the general pay increase.

Positions	Quality of Life Adjustment (QLA) (Annual Monetary value added to hourly or daily rate to maintain the same annual compensation levels)	Quality of Life Adjustment (QLA) (Daily average monetary value added to hourly or daily rate to maintain the same annual compensation levels)	Average Percentage Increase (If this was a tangible pay raise, this would be the percentage of increase off the midpoint of the respective pay grade)
Paraprofessional	$ 466,269.18	$ 1.10	6.79%
Professional - Non -Teacher	$ 842,599.03	$ 69.62	19%
Professionals - Teacher Scale	$ 2,156,382.70	$ 66.38	21%
	$ 3,465,250.91		

Employee schedules were adjusted to be able to accommodate the new schedule. As a result, the total number of days reduced collectively is approximately 19, 221. This means that every employee will have about 33 days off from work to invest in personal activities away from work. The information is summarized below.

Positions	Number of Reduced Days Per Year	Average of Days Reduced Per Year	Number of Reduced Hours Per Year
Paraprofessional	10,274	34	29,272.25
Professional - Non -Teacher	2294	35	
Professionals - Teacher Scale	6653	32	
	19,221	101	29,272

Teacher Pay Grade

Pay will be made for all years of creditable service as prescribed by the Texas Education Agency. It is employee's responsibility to provide Service Records from previous education institutions to verify creditable years of service. *(These salaries do not include consideration of other stipends and/or payment for extra duty assignments). The schedule assumes 155 days of work.*

Years of Experience	Salary
0	**$58,000.00**
1	$58,049.05
2	$58,100.20
3	$58,231.95
4	$58,483.05
5	$58,731.05
6	$58,982.15
7	$59,281.30
8	$60,048.55
9	$60,250.05
10	$60,501.15
11	$60,901.05
12	$61,200.20
13	$61,362.95
14	$61,786.10
15	$62,207.70
16	$62,630.85
17	$63,055.55
18	$63,548.45
19	$64,053.75
20	$64,562.15
21	$65,078.30
22	$65,698.30
23	$66,140.05
24	$66,831.35
25	$67,442.05
Over 25	$68,096.15

Extra Compensation & Benefits	
*Bilingual/ESL	*$2,500/YR
*Dual Language	*$3,000/YR
Special Education	$2,500/YR
Visually Impaired	$4,000/YR
**Math	**$3,000/YR
Librarian	$2,000/YR
Behavioral Unit	$1,000/YR
**Science	**$6,000/YR
**English	**$3,000/YR
Registered Nurse	$1,200/YR

*Stipends will be prorated based on classes taught for which requirements are met. A pro-rated stipend will be paid if teaching part of the day in the assignment stipend area.

**Math, Science, and English stipends will only be paid to secondary (7-12) teachers teaching in their certification area and be fully certified in those specialized areas.

$1,200 stipend paid for Master's/Doctorate Degree.
Note: Degree MUST be in subject area of assignment. Degree must be conferred on an official college/university transcript and will be paid in full only if received prior to beginning of school year.

Stipends are paid for a wide variety of extra/co-curricular activities and district-sponsored staff development and may be viewed at www.seisd.net under the HR tab.

NOTES: This schedule is for salary placement for the 2023-2024 school year. Some employees are paid more than the amounts shown here due to stipends or extended work years. This salary schedule applies to the 2023-2024 school year only. Future salaries cannot be predicted from this schedule. New salary schedules are developed each year.
Salary advancement is based on the annual pay raise budget approved by the Board of Trustees.

Teacher Pay Scale Comparison

TASB Report

HR Services

Salary Report of: Teacher

San Elizario ISD

Salary Summary and Details

Organization	ESC	Enroll	Teacher Count	0-Year Salary	5-Year Salary	10-Year Salary	15-Year Salary	20-Year Salary	Highest Salary On Schedule
My Organization	19	3,193	195	$56,550	$57,483	$59,402	$61,132	$63,580	$67,475
Market Group		8,241	589	$56,763	$57,941	$59,186	$61,209	$63,397	$69,176
Comparison to Market (%)				99.6%	99.2%	100.4%	99.9%	100.3%	97.5%
Dollar Difference ($)				($213)	($458)	$216	($77)	$183	($1,701)
Market Group Minimum		377	33	$51,584	$53,855	$55,907	$58,528	$60,894	$61,480
Market Group Maximum		50,769	3,564	$58,135	$59,044	$61,513	$63,470	$66,470	$84,808

Organization	ESC	Enroll	Teacher Count	0-Year Salary	5-Year Salary	10-Year Salary	15-Year Salary	20-Year Salary
Anthony ISD	19			$57,100	$58,370	$60,470	$63,470	$66,470
Canutillo ISD	19			$56,050	$57,400	$58,900	$60,470	$62,720
Clint ISD	19			$56,550	$58,050	$59,915	$61,535	$63,249
El Paso ISD	19			$56,975	$57,832	$58,982	$60,882	$63,544
Fabens ISD	19			$54,500	$56,950	$58,850	$60,687	$62,869
Fort Hancock ISD	19			$51,584	$53,855	$55,907	$58,528	$60,894
Socorro ISD	19			$57,500	$59,044	$61,513	$63,138	$64,763
Ysleta ISD	19			$58,135	$58,385	$59,390	$61,640	$64,140

New Comparison Using Updated Proposed Teacher Pay Scale

Organization	ESC	Enroll	Teacher Count	0-Year Salary	5-Year Salary	10-Year Salary	15-Year Salary	20-Year Salary	Highest Salary On Schedule
My Organization		3,193	195	$58,000	$58,731	$60,501	$62,208	$64,562	3% General Pay Increase
Market Group		8,241	589	$56,763	$57,941	$59,186	$61,209	$63,397	
Comparison to Market (%)				$1,238	$790	$1,315	$999	$1,166	
Dollar Difference ($)				102%	101%	102%	102%	102%	

Note: Using the updated scale, SEISD is over the 100% of the market

Organization		ESC	Enroll	Teacher	0-Year	5-Year	10-Year	15-Year	20-Year	
My Organization	My Organization	19	3,193	195	$56,550	$57,483	$59,402	$61,132	$63,580	TASB
Market Group	Market Group		8,241	589	$56,763	$57,941	$59,186	$61,209	$63,397	
Comparison to Market (%)					99.6%	99.2%	100.4%	99.9%	100.3%	
Dollar Difference ($)					($213)	($458)	$216	($77)	$183	

All comparisons are based on 2022-2023 Data

Other Pay Grades

2022-2023 Administrative Professional Pay Plan

San Elizario ISD

Current

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
1			**Daily**	**$211.65**	**$255.00**	**$298.35**
	Manager-Student Activities	205	**205 Days**	43,388	52,275	61,162
2			**Daily**	**$232.82**	**$280.50**	**$328.19**
	Social Worker	202	**202 Days**	47,030	56,661	66,294
	Speech Language Pathologist-Licensed Assistant	195	**195 Days**	45,400	54,698	63,997
	Specialist-Purchasing	226	**226 Days**	52,617	63,393	74,171
	Certification/Data Mgnt. Supervisor - Warehouse/Grounds/Custodial Support	235	**235 Days**	54,713	65,918	77,125
3			**Daily**	**$256.10**	**$308.55**	**$361.00**
	Accountant	226	**226 Days**	57,879	69,732	81,586
	Supervisor-Support Services/Transportation	235	**235 Days**	60,184	72,509	84,835
4			**Daily**	**$290.29**	**$345.58**	**$400.87**
	Counselor-ES	200	**200 Days**	58,058	69,116	80,174
	Counselor-Special Education	200	**216 Days**	62,703	74,645	86,588
	Counselor-MS	216				
	Counselor-HS	216				
5			**Daily**	**$307.70**	**$366.31**	**$424.92**
	Asst Principal-Elementary	216	**216 Days**	66,463	79,123	91,783
	Administrator-Database/Systems	226	**226 Days**	69,540	82,786	96,032
	Administrator-Network	226				
	Coordinator-PEIMS	226				
	Coordinator-Risk Management	226				
	Officer-Instructional	226				
6			**Daily**	**$327.70**	**$390.12**	**$452.54**
	Speech Language Pathologist	195, 205	**195 Days**	63,902	76,073	88,245
	Educational Diagnostician	200	**205 Days**	67,179	79,975	92,771
	Coordinator-State and Federal Programs	226	**200 Days**	65,540	78,024	90,508

2023-2024 Proposed Administrative Professional Pay Plan

Proposed

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum	Difference - Increase Minimum	Midpoint	Maximum
1			**Daily**	**$ 253.35**	**$ 304.72**	**$ 356.09**			
	Manager-Student Activities	173	**173 Days**	$ 43,829.40	$ 52,716.15	$ 61,602.90	$ 441.15	$ 441.15	$ 441.15
2			**Daily**	**$ 278.54**	**$ 335.60**	**$ 392.65**			
	Social Worker	170	**170 Days**	$ 47,351.80	$ 57,052.00	$ 66,750.50	$ 322.16	$ 391.00	$ 456.12
	Speech Language Pathologist-Licensed Assistant	163	**163 Days**	$ 45,402.02	$ 54,702.80	$ 64,001.95	$ 2.12	$ 5.30	$ 4.90
2 -A			**Daily**	**$ 279.81**	**$ 336.81**	**$ 392.81**			
	Specialist-Purchasing	190	**190 Days**	$ 53,164	$ 63,994	$ 74,633.90	$ 546.58	$ 600.90	$ 462.96
	Supervisor - Warehouse/Grounds/Custodial Support	190							
	Certification/Data Mgnt.	190							
3			**Daily**	**$304.62**	**$367.01**	**$429.40**			
	Accountant	190	**190 Days**	57,878.60	69,732.30	81,586.00	0.60	0.30	0.00
	Supervisor-Support Services/Transportation	190							
4			**Daily**	**$345.58**	**$411.40**	**$477.23**			
	Counselor-ES	168	168	$58,058.00	$69,116.00	$80,174.00	$0.00	$0.00	$0.00
	Counselor-Special Education	168	184	$63,587.33	$75,698.48	$87,809.62	$884.69	$1,053.20	$1,221.70
	Counselor-MS	184							
	Counselor-HS	184							
5			**Daily**	**$361.21**	**$430.02**	**$498.82**			
	Asst Principal-Elementary	184	184	$66,463.20	$79,122.96	$91,782.72	$0.20	$0.04	$0.28
5-A			**Daily**	**$366.00**	**$435.72**	**$505.43**			
	Administrator-Database/Systems	190	190	$69,540.20	$82,786.06	$96,031.92	$0.00	$0.00	$0.00
	Administrator-Network	190							
	Coordinator-PEIMS	190							
	Coordinator-Risk Management	190							
	Officer-Instructional	190							
6			**Daily**	**$392.03**	**$466.71**	**$541.38**			
	Speech Language Pathologist	163, 173	**163 Days**	$ 63,901.50	$ 76,073.40	$ 88,245.30	$ -	$ -	$ -
	Educational Diagnostician	168	**173 Days**	$ 67,821.84	$ 80,740.48	$ 93,659.12	$ 643.34	$ 765.88	$ 888.42
	Coordinator-State and Federal Programs	190	**168 Days**	$ 65,861.67	$ 78,406.94	$ 90,952.21	$ 321.67	$ 382.94	$ 444.21

2022-2023 Administrative Professional Pay Plan

San Elizario ISD

Coordinator of ESSER Programs	226	**226 Days**	74,060	88,167	102,274
Asst Principal-High School	226				
Asst Principal-Middle School					
Coordinator-State and Federal Programs					
Coordinator-School Improvement (ESSER)					
7		**Daily**	**$349.00**	**$415.48**	**$481.96**
Administrator-CTE	226	**226 Days**	78,874	93,898	108,923
Administrator-Instructional Programs	226				
Administrator-Research & Evaluation	226				
Principal-Elementary	226				
8		**Daily**	**$369.94**	**$440.41**	**$510.88**
Director-Athletics*	226	**226 Days**	83,606	99,533	115,459
Director-Food Service*	226	**235 Days**	86,936	103,496	120,057
Director-Human Resources*	226				
Director-Special Education*	226				
Director-Support Services*	235				
Director-Technology*	226				
Principal-Middle School	226				
Licensed School Psychology	226				
9		**Daily**	**$396.81**	**$466.83**	**$536.85**
Principal-High School	226	**226 Days**	89,679	105,504	121,328
New		**Daily**	**$418.00**	**$491.37**	**$564.11**
Executive Director Scale	226	**226 Days**	94,468	111,050	127,489
10		**Daily**	**$440.45**	**$518.18**	**$595.91**
Associate Superintendent	226	**226 Days**	99,542	117,109	134,676
Chief Financial Officer	226				

2023-2024 Proposed Administrative Professional Pay Plan

Coordinator of ESSER Programs	190	**190 Days**	$ 74,486.41	$ 88,674.52	$ 102,862.62	$ 426.21	$ 507.40	$ 588.58
Asst Principal-High School	190							
Asst Principal-Middle School								
Coordinator-School Improvement (ESSER)	190							
						Difference - Increase		
7		**Daily**	**$415.13**	**$494.20**	**$573.28**	**Minimum**	**Midpoint**	**Maximum**
Administrator-CTE	190	**190 Days**	78,874	93,898	108,923	$ -	$ -	$ -
Administrator-Instructional Programs	190							
Administrator-Research & Evaluation	190							
Principal-Elementary	190							
						Difference - Increase		
8		**Daily**	**$440.03**	**$523.86**	**$607.68**	**Minimum**	**Midpoint**	**Maximum**
Principal-Middle School	190	**190 Days**	83,606	99,533	115,459	$ -	$ -	$ -
Licensed School Psychology	190							
						Difference - Increase		
9		**Daily**	**$472.00**	**$555.28**	**$638.57**	**Minimum**	**Midpoint**	**Maximum**
Principal-High School	190	**190 Days**	89,679	105,504	121,328	0	0	0
Director-Special Education*								
						Difference - Increase		
10 New		**Daily**	**$497.20**	**$584.47**	**$670.99**	**Minimum**	**Midpoint**	**Maximum**
Executive Director-Athletics	190	**190 Days**	94,468	111,050	127,489	0	0	0
Executive Director-Food Service	190							
Executive Director-Human Resou	190							
Executive Director-Support Servi	190							
Executive Director-Technology	190							
						Difference - Increase		
11		**Daily**	**$523.90**	**$616.36**	**$708.82**	**Minimum**	**Midpoint**	**Maximum**
Associate Superintendent	190	**190 Days**	99,542	117,109	134,676	0	0	0
Chief Financial Officer	190							

Legend

* Change of Pay Grade or Title

2023-2024 Proposed Administrative Technical Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly Minimum	Hourly Midpoint	Hourly Maximum	
1		**2023-2024**	**$ 12.00**	**$ 14.79**	**$ 17.47**	**Proposed**
	Clerk-Bookroom	163	$ 11.82	$ 14.50	$ 17.18	**Current**
	Clerk-General Office	190	$ 0.18	$ 0.29	$ 0.29	**Increase**
2			**$ 13.89**	**$ 17.16**	**$ 20.27**	**Proposed**
	Caseworker-Special Education	168	$ 13.71	$ 16.82	$ 19.93	**Current**
	Clerk-Attendance ES	163	$ 0.18	$ 0.34	$ 0.34	**Increase**
	Clerk-Attendance HS	163				
	Clerk-Attendance MS	163				
	Clerk-Migrant Education Program	190				
	Clerk-Special Education	190				
	Campus Receptionist	163				
		190				
3			**$ 15.00**	**$ 18.53**	**$ 21.89**	**Proposed**
	Clerk II- Attendance/PEIMS ES	184	$ 14.81	$ 18.17	$ 21.53	**Current**
	Registrar MS	184	$ 0.19	$ 0.36	$ 0.36	**Increase**
	Registrar PS	184				
4			**$ 16.30**	**$ 20.01**	**$ 23.54**	**Proposed**
	Clerk-Student Services	190	$ 16.09	$ 19.62	$ 23.15	**Current**
	Registrar HS	190	$ 0.21	$ 0.39	$ 0.39	**Increase**
	Secretary-Campus ES	184				
	Secretary-Campus MS	184				
	Secretary-Campus PS	184				
5			**$ 17.78**	**$ 21.82**	**$ 25.67**	**Proposed**
	Secretary-Department	190	$ 17.54	$ 21.39	$ 25.24	**Current**
	Secretary-High School	190	$ 0.24	$ 0.43	$ 0.43	**Increase**
	Specialist – Accounts Payable	190				
	Specialist-Nutrition Services Support	190				
6			**$ 19.67**	**$ 24.00**	**$ 28.12**	**Proposed**
	Specialist – HR	190	$ 19.41	$ 23.53	$ 27.65	**Current**
	Specialist-Payroll	190	$ 0.26	$ 0.47	$ 0.47	**Increase**
7			**$ 23.23**	**$ 28.33**	**$ 33.19**	**Proposed**
	Specialist-IT Field	190	$ 22.91	$ 27.77	$ 32.63	**Current**
			$ 0.32	$ 0.56	$ 0.56	**Increase**
8			**$ 24.78**	**$ 30.03**	**$ 35.03**	**Proposed**

2023-2024 Proposed Administrative Technical Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly			
			Minimum	Midpoint	Maximum	
	Secretary-Superintendent	190	$ 24.44	$ 29.44	$ 34.44	**Current**
	Specialist-IT Support	190	$ 0.34	$ 0.59	$ 0.59	**Increase**
	Specialist-IT Systems	190				

2023-2024 Proposed Instructional Support Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly Minimum	Hourly Midpoint	Hourly Maximum	
2		**2023-2024**	**$ 14.00**	**$ 16.40**	**$ 18.70**	**Proposed**
	Aide-Classroom	155	$ 11.72	$ 14.04	$ 16.36	**Current**
	Aide-Classroom-Language Development	155	$ 2.28	$ 2.36	$ 2.34	**Increase**
	Aide-Classroom-Math & Science	155				
	Aide-Classroom-Pre-K,ESL,PE	155				
	Aide-Computer Lab	155				
	Aide-Computer Lab (w/o teacher)	155				
	Aide-ISS	155				
	Aide-Nurse	158				
	Aide - Library	158				
	Paraprofessional - LPAC (ESSER)	155				
3			**$ 15.65**	**$ 18.25**	**$ 20.89**	**Proposed**
	Aide-Special Ed II-ASC	155	$ 13.37	$ 16.01	$ 18.65	**Current**
	Aide-Special Ed II-ECSE	155	$ 2.28	$ 2.24	$ 2.24	**Increase**
	Aide-Special Ed II-ECSE/Collaborative	155				
	Aide-Special Ed II-Life Skills	155				
	Aide-Special Ed II-LS/ASC/Resource	155				
	Aide-Special Ed II-Resource	155				
	Aide-Special Ed II-SES/ASC	155				
	Aide-Special Ed II-SES/Resource	155				
	Aide-Special Ed II-SLC	155				
	Aide-Special Ed II-SLC/Life Skills	155				
	Parent Liaison	158				
	Special Education Job Coach	155				
4			**$ 17.65**	**$ 20.69**	**$ 23.73**	**Proposed**
	Officer-Truant	184	$ 15.37	$ 18.41	$ 21.45	**Current**
			$ 2.28	$ 2.28	$ 2.28	**Increase**
5			**$ 20.88**	**$ 24.55**	**$ 28.23**	**Proposed**
	Nurse-Licensed Vocational	155,158	$ 18.60	$ 22.28	$ 25.96	**Current**
	Parent Liasion - District	168	$ 2.28	$ 2.27	$ 2.27	**Increase**
	Literacy Instructor		$ 31.67	p/Hour		

2023-2024 Proposed Operations Support Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly Minimum	Hourly Midpoint	Hourly Maximum	
1		**2023-2024**	**$ 12.00**	**$ 14.16**	**$ 16.32**	**Proposed**
	Custodian	190	$ 9.84	$ 12.00	$ 14.16	**Current**
	Monitor-Bus	151	**$ 2.16**	**$ 2.16**	**$ 2.16**	**Increase**
	Monitor-Crossguard	151				
2			**$ 13.38**	**$ 15.84**	**$ 18.30**	**Proposed**
	Groundskeeper	190	$ 11.22	$ 13.68	$ 16.14	**Current**
			$ 2.16	**$ 2.16**	**$ 2.16**	**Increase**
3			**$ 14.39**	**$ 17.07**	**$ 19.75**	**Proposed**
	Security-Campus	173	$ 12.23	$ 14.91	$ 17.59	**Current**
	Warehouse Worker	190	**$ 2.16**	**$ 2.16**	**$ 2.16**	**Increase**
3B			**$ 14.89**	**$ 17.57**	**$ 20.25**	**Proposed**
	Security-District	210	$ 12.73	$ 15.41	$ 18.09	**Current**
			$ 2.16	$ 2.16	$ 2.16	**Increase**
4			**$ 15.49**	**$ 18.40**	**$ 21.33**	**Proposed**
	Clerk-Inventory/Commodities Delivery	190	$ 13.33	$ 16.25	$ 19.18	**Current**
	Head Custodian ES	190	$ 2.16	$ 2.15	$ 2.15	**Increase**
	Head Custodian MS	190				
	Maintenance Worker	190				
4B			**$ 16.68**	**$ 19.86**	**$ 23.05**	**Proposed**
	Groundskeeper/Applicator	190	$ 14.52	$ 17.71	$ 20.90	**Current**
			$ 2.16	$ 2.15	$ 2.15	**Increase**
5			**$ 17.99**	**$ 21.46**	**$ 24.92**	**Proposed**
	Head Custodian HS	190	$ 15.83	$ 19.30	$ 22.77	**Current**
	Irrigator	190	$ 2.16	$ 2.16	$ 2.15	**Increase**
	Maintenance-Plumber Assistant	190				
6			**$ 19.78**	**$ 23.38**	**$ 26.98**	**Proposed**
	IPM Applicator/Utility Worker	190	$ 17.62	$ 21.23	$ 24.84	**Current**
			$ 2.16	$ 2.15	$ 2.14	**Increase**
4C			**$ 20.00**	**$ 23.20**	**$ 26.39**	**Proposed**
	Bus Driver	155 , 184	$ 17.00	$ 20.20	$ 23.39	**Current**
			$ 3.00	$ 3.00	$ 3.00	**Increase**

2023-2024 Proposed Operations Support Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly Minimum	Hourly Midpoint	Hourly Maximum	
6C			**$ 20.62**	**$ 23.82**	**$ 27.01**	**Proposed**
	Bus Driver-Lead	190	$ 17.62	$ 21.23	$ 24.84	**Current**
	Dispatcher-Transportation	184	$ 3.00	$ 2.59	$ 2.17	**Increase**
7			**$ 22.60**	**$ 26.78**	**$ 30.97**	**Proposed**
	Maintenance-Electrician	190	$ 20.44	$ 24.63	$ 28.82	**Current**
	Maintenance-HVAC Technician	190	$ 2.16	$ 2.15	$ 2.15	**Increase**
	Maintenance-Plumber	190				
	Officer-Nutrition Services Compliance	190				
8			**$ 24.50**	**$ 28.75**	**$ 33.01**	**Proposed**
	Supervisor-Security	190	$ 22.34	$ 26.60	$ 30.86	**Current**
			$ 2.16	$ 2.15	$ 2.15	**Increase**

2023-2024 Proposed Food Service Support Pay Plan

San Elizario ISD

Pay Grade	Job Title	Calendars	Hourly Minimum	Hourly Midpoint	Hourly Maximum	
1F		**2023-2024**	**$ 12.11**	**$ 14.44**	**$ 16.60**	**Proposed**
	Food Service-Worker/Custodian	154	$ 12.00	$ 14.16	$ 16.32	**Current**
			$ 0.11	$ 0.28	$ 0.28	**Increase**
2F			**$ 12.98**	**$ 15.63**	**$ 18.09**	**Proposed**
	Food Service-Cashier	154	$ 12.86	$ 15.32	$ 17.78	**Current**
			$ 0.12	$ 0.31	$ 0.31	**Increase**
3F			**$ 13.85**	**$ 16.71**	**$ 19.39**	**Proposed**
	Food Service-Cook	154	$ 13.72	$ 16.40	$ 19.08	**Current**
			$ 0.13	$ 0.31	$ 0.31	**Increase**
5F			**$ 17.29**	**$ 20.98**	**$ 24.45**	**Proposed**
	Manager-Food Service ELE	166	$ 17.12	$ 20.59	$ 24.06	**Current**
	Manager-Food Service MS	166	$ 0.17	$ 0.39	$ 0.39	**Increase**
6F			**$ 19.09**	**$ 22.97**	**$ 26.58**	**Proposed**
	Manager-Food Service HS	166	$ 18.91	$ 22.52	$ 26.13	**Current**
			$ 0.18	$ 0.45	$ 0.45	**Increase**

Stipends and Miscellaneous Pay Grades

Human Resources Department
2023-2024 Academic Stipends

	Current	Proposed
Stipends Paid over 12 months		
*Bilingual/ESL	$2,500	$2,500
*Bilingual/ESL Servicng in Dual Language Setting	$3,000	$3,000
Librarian	$2,000	$2,000
Librarian-Supervising more than one one campus (per surpervised campus)	$1,000	$1,000
Master's Degree	$1,200	$1,200
★ Special Education	$2,500	$2,500
***Math	$3,000	$3,000
***Science	$6,000	$6,000
***English	$3,000	$3,000
Yearbook CLASSROOM TEACHERS ONLY		
High School	$1,500	$2,000
Middle School	$600	$600
Elementary	$300	$300
Mentor Teachers CLASSROOM TEACHERS ONLY		
HS,MS, Elem.	$600	$600
Career & Technical Student Organization CLASSROOM TEACHERS ONLY		
BPA (x2)	Up to $1500	Up to $1500
HOSA (x1)	Up to $1500	Up to $1500
NTHS	Up to $1500	Up to $1500
SkillsUSA (x8)	Up to $1500	Up to $1500
TAFE	Up to $1500	Up to $1500
TSA (x1)	Up to $1500	Up to $1500
Vex Robotics (TSA Support)(x1)		Up to $1500

New
Adjusted

	Current	Proposed
Stipends Paid in June - Upon Completion of Assignment *Paid each semester (December/June) CLASSROOM TEACHERS ONLY		
Department Head 3-5 Teachers (HS,MS)	$600	$600
Department Head 6-9 teachers (HS, MS)	$900	$900
Deparment 10+ Teachers (HS, MS)	$1,200	$1,200
Dual Credit -Per class, per semester (HS	$285	$285
Gifted & Talented - HS, MS, Elem.		
GT Coordinator	$1,000	$1,000
Special Education Stipends		
Visually Impaired	$4,000	$4,000
Behavioral Unit Teacher	$1,000	$1,000
Registered Nurse	$1,200	$1,200
SLP Supervising SLPA	$1,000	$1,000
University Interscholastic League (UIL) CLASSROOM TEACHERS ONLY		
UIL Event Sponsor-HS,MS	$500	$500
UIL Coordinator-HS	$1,200	$1,200
UIL Coordinator-MS	$750	$750
UIL Science Coordinator-HS,MS,Elem.	$500	$500
Other: Extra Curricular Activities CLASSROOM TEACHERS ONLY		
National Honor-HS,MS	$600	$600
One Act Play-HS	$1,200	$1,200
Pep Squad-Elem.	$300	$300
Student Council-HS	$1,200	$1,200
Student Council-MS	$600	$600
Robotics	$1,000	$1,000
Literary Anthology Campus Coordinator (6)	$500	$500

***Math,Science, and English stipends will only be paid to secondary teachers(7-12) teaching in the certification area and they must be fully certified in those specialized areas.

★ May be combined with the Bilingual/ESL or Dual Language stipend if serving in a bilingual setting.

2023-2024 Proposed Food Service Summer School / Intersession Support Pay Plan

San Elizario ISD

Listed below are the approved miscellaneous pay rates to be used for child nutrition employees who work during the **summer or during school breaks** outside of their regular duty hours. Miscellaneous pay rates are not determined by funding sources or the amount of available funding. Pay rates are consistent with the duties performed and are to be applied consistently to all employees

Position	Rate Per Hour
Food Service Worker/Custodian and Food Service Clerk	$16.50 *
Food Service Cashier	$17.50 *
Food Service Cook	$20.00 *
Food Service Manager	$3.00 / hour above their regular rate of pay

Note:
*Employee's Hourly Rate Applies if Greater than Established Rate

Human Resources Department
2023-2024 Guest Teacher/Substitute Pay Rates

Guest Teacher (Daily Rate)	Current	New	Increase
App-Garden Certificate	$90	$100	$10
30+ College Hours	$100	$110	$10
Associates Degree	$105	$115	$10
Bachelor's Degree	$125	$130	$5
Teacher Certified-State of Texas	$150	$155	$5
Long Term Assignment (assigned by campus & HR)			
Teacher Certified-State of Texas	$155	$160	$5
Non-Certified	Additional $ 10.00		

Additional Pay for assignment days (Above daily rates) — No Change

$5.00/day after 30 assignment days
$10.00/day after 50 assignment days

Note: **Additional pay for assignments does not apply to long term assignments. Assignments days do not have to be consecutive days and half day assignments count as ONE assignment day. The additional pay for assignments is reset back to zero at the beginning of each school year.**

Other Guest (Daily Rate)	Current	New	Increase
Registered Nurse (Assigned by HR)	$135	$150	$15
Licensed Cosmetology Teacher (Assigned by HR)	$135	$150	$15

Substitutes (Hourly Rate)	Current	New	Increase
Custodian and/or Food Service Worker	$8.50	$10.00	$1.50
Heath Aide	$11.31	$12.50	$1.19

Note : All custodian, Food Service and Health Aide Substitutes are required to clock-in and clock-out daily.

Human Resources Department
2023-2024 Miscellaneous Pay Rates

Listed below are the approved miscellaneous pay rate to be used for the employees who attend or work in programs outside of their regular duty hours or contract days. Miscellaneous pay rates are not determined by funding sources or the amount of available funding. Pay rates are consistent with the duties performed, and are to be applied consistently to all employees, across all grants, programs and activites.

	Current	Proposed
Professional Development		
Sumer Professional Development (3-hour session)	$75.00	
Summer Professional Development (6-hour session)	$150.00	
After School Professional Development (attending 2-3 hour sessions)	$75.00	
Saturday Professional Development (3-hour session)	$75.00	
Saturday Professional Development (6-hour session)	$150.00	
Extra Duty Pay-Teachers		
Tutor-Certified (per hour)	$50.00	
Summer School Assignment -(per hour)	$50.00	
After School Activities / Intermural (per hour)	$50.00	
Literacy Instructor	$40.00	
Special Assignment		
Professional Employees (per day)	$30.00	

	Current	Proposed
Athletics		
Ticket Sellers (professional-per event)	$30.00	
Clock/Timekeeper (professional-per event)	$25.00	
Official Books Keeper *Varsity games ONLY (professional-per event)	$25.00	
Announcer *Football games ONLY (professional-per event)	$25.00	
Pitch Counter (professional-per event)	$25.00	
Non-District Employee (per hour)	$10.00	
Hy-Tek Computer Data Operator (Depending on the size of track or Cross Country meet and how many divisions)	$150 -$180	
Finish-Lynx Camera Operator (Depending on the size of track or Cross Country meet and how many divisions)	$150 -$180	
Law Enforcement Services will be compensated in accordance with industry rates as published by the US Bureau of Labor Statistics (Not to exceed national 90% hourly wage average) https://www.bls.gov/oes/current/oes333051.htm#ind		

Human Resources Department
2023-2024 Miscellaneous Pay Rates

Listed below are the approved miscellaneous pay rate to be used for the employees who attend or work in programs outside of their regular duty hours or contract days. Miscellaneous pay rates are not determined by funding sources or the amount of available funding. Pay rates are consistent with the duties performed, and are to be applied consistently to all employees, across all grants, programs and activites.

Hourly Pay		
Coach-Coop (per hour)	$8.50	$9.00
High School Student-COOP (per hour)	$7.25	$7.75
Student Intern (per hour)	$30.00	
Tutor-Non Certified (per hour)	$15.00	
Professional Skilled Services (per hour)	$30.00	
Speech Language Pathologist (per hour)	$55.00	
Campus Instructional Specialist qualify to tutor as long as it is after their scheduled hours or on a Saturday.		
All District hourly employees will be paid at their hourly rate for additional duties. Overtime will be paid, if applicable. District Teacher and Employee of the Year Incentive is a one-time payment for the year for district winners. year for district winners. Note: Please refer to summer pay schedule for certain Food Service Employees.		

Increase

Special Education-Contracted Services	
Occupational Therapist (per hour)	$68.00
Physical Therapist (per hour)	$68.00
Speech Language Pathologist, CCC (per hour)	$55.00
Licensed Specialist in School Psychology (per evaluation)	$475.00
Note: 1st year LSSP $375 Supervisor $100	
Itinerant Teacher for Auditory Impaired (per hour)	$55.00
Transition Specialist (per hour)	$50.00
Orientation and Mobility Specialist (per hour)	$50.00
Doctor of Medicine (per prescription)	$15.00
Diagnostician (per hour)	$55.00

District Teacher and Employee of the Year - One Time	
District TOY (2) , Rookie (1)	$1,000.00
District Employee of the Year (2)	$1,000.00

Human Resources Department
2023-2024 Non-Academic Stipends

*Spring Sports-First stipend payment begins with January check.

	Current	Proposed
Basketball		
Varsity Coach (x2)	$8,500	$8,500
JR Varsity (x2)	$3,650	$3,650
9th (x2)	$3,650	$3,650
Middle School - 7th (x2)	$2,000	$2,000
Middle School - 8th (x2)	$2,000	$2,000
Cheerleading/Dance		
Varsity Coach	$4,500	$4,500
JR Varsity	$2,250	$2,500
Dance-HS	$4,000	$4,000
Folklorico-HS	$1,500	$1,500
Middle School -7th	$1,200	$1,875
Middle School - 8th	$1,200	$1,875
Cross Country		
Varsity Coach (Boys & Girls)	$7,500	$7,500
Assistant-HS	$3,500	$3,500
Middle School (x2)	$1,800	$1,800
Music		
Band Director-HS with MS Assistant Duty	$10,000	$10,000
Band Assistant (2 previous 1)	$1,500	$3,000
Band Director-MS	$5,000	$5,000
Mariachi Group Sponsor	$2,000	$2,000
Mariachi Group Assistant (1)	$1,500	$1,500
Football		
Head Coach-HS	$16,000	$16,000
Coordinator (x2)	$9,000	$9,000
Assistant (x5)	$7,000	$7,000
Assistant 9th (x2)	$7,000	$7,000

	Current	Proposed
Summer UIL Conditioning		
2 Sessions	$325	$325
Tennis		
Head Coach-HS	$7,500	$7,500
Assistant-HS	$3,900	$3,900
Middle School-7th	$1,800	$1,800
Middle School-8th	$1,800	$1,800
Trainer		
Athletic Trainer (2)	$18,000	$18,000
Single Athletic Trainer (in-district). Prorated until vacancy is filled.		9,000
Volleyball		
Varsity Coach	$6,500	$6,500
JR Varsity	$3,500	$3,500
9th	$3,500	$3,500
Middle School -7th	$1,800	$1,800
Middle School -8th	$1,800	$1,800
Middle School (B Team)	$1,800	$1,800
Wrestling		
Head Coach (Boys & Girls)	$6,500	$6,500
Wrestling Assistant-HS	$3,500	$3,500
Middle School	$1,800	$1,800
***Baseball**		
Head Coach-HS	$6,500	$6,500
Assistant-HS	$3,900	$3,900
JR Varsity	$3,500	$3,500
Middle School-7th	$1,800	$1,800
Middle School-8th	$1,800	$1,800
***Softball**		

Human Resources Department
2023-2024 Non-Academic Stipends

*Spring Sports-First stipend payment begins with January check.

	Current	Proposed
Head Coach-MS	$3,200	$3,200
Middle School-7th (x2)	$2,250	$2,700
Middle School - 8th (x2)	$2,250	$2,700
Soccer		
Head Coach (Boys)	$7,500	$7,500
Head Coach (Girls)	$7,500	$7,500
Assistant (x2)	$3,900	$3,900
JR Varsity (x2)	$3,500	$3,500
Middle School -7th (x2)	$1,800	$1,800
Middle School - 8th (x2)	$1,800	$1,800
Special Olympics		
Coach (x3)	$600	$750
Coach Coop		
Coach Coop	$8.50	$9.00

	Current	Proposed
Varsity Coach	$6,500	$6,500
Assistant	$3,900	$3,900
JR Varsity	$3,500	$3,500
Middle School-7th	$1,800	$1,800
Middle School-8th	$1,800	$1,800
Track		
Head Coach (Boys)	$6,000	$6,000
Head Coach (Girls)	$6,000	$6,000
Assistant (x3)	$3,900	$3,900
Middle School -7th	$1,800	$1,800
Middle School -8th	$1,800	$1,800
Golf		
Head Coach HS (Boys & Girls	$4,750	$4,750
Assistant -HS	$2,625	$2,625
Head Coach - MS (Boys & Girls)	$1,000	$1,000

Legend

Adjusted
New

San Elizario ISD
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San Elizario, TX 79849
Phone 915.872.3900
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MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports - Tax Report
Date: June 13, 2023

HISTORY: The primary source of state funding for Texas school districts is the Foundation School Program (FSP). This program ensures that all school districts, regardless of property wealth, receive "substantially equal access to similar revenue per student at similar tax effort." The District's current tax rate was approved at the September 13, 2022 regular Board meeting for a total rate of $1.0530. The Maintenance & Operations (M&O) rate which pays for items such as staff salaries, supplies, materials, transportation and utilities was $0.9033 while the Interest & Sinking (I&S) rate which pays for bonded debt was $0.1497.

RATIONALE: The purpose of this agenda item is to report collections made for the current 2022 tax year which is based on the levy billed on October 1, 2022.

BUDGET IMPACT: Collections as of April 30, 2023 are summarized below.

	M&O	I&S	Total	Collections
Current Year Levy	$2,983,321	$494,413	$3,477,734	
Current Year Collections	$2,643,029	$438,017	$3,081,046	$3,081,046
Current Year Levy Outstanding	$340,292	$56,395	$396,688	
Prior Year Collections				$132,962
Penalty & Interest Collections				$68,538
Total Collections				$3,282,546

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EL PASO CONSOLIDATED TAX OFFICE
PROPERTY TAX COLLECTION ANALYSIS
9/1/2022 through 4/30/2023

JURISDICTION: 19 SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

	CURRENT TAX YEAR ($)		PRIOR YEARS ($)		ALL YEARS ($)			COLLECTION FEE ($)	
PERIOD	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	%	COLLECTED	CUMULATIVE
Sep 2022	-	-	18,559.57	18,559.57	18,559.57	18,559.57	0.53%	3,476.25	3,476.25
Oct 2022	75,815.85	75,815.85	40,754.51	59,314.08	116,570.36	135,129.93	3.89%	7,275.98	10,752.23
Nov 2022	208,556.99	284,372.84	23,866.75	83,180.83	232,423.74	367,553.67	10.57%	4,556.47	15,308.70
Dec 2022	1,139,155.11	1,423,527.95	14,180.16	97,360.99	1,153,335.27	1,520,888.94	43.73%	2,874.20	18,182.90
Jan 2023	1,196,169.73	2,619,697.68	27,938.18	125,299.17	1,224,107.91	2,744,996.85	78.93%	4,835.65	23,018.55
Feb 2023	303,349.50	2,923,047.18	12,465.29	137,764.46	315,814.79	3,060,811.64	88.01%	3,263.32	26,281.87
Mar 2023	122,350.95	3,045,398.13	23,550.04	161,314.50	145,900.99	3,206,712.63	92.21%	4,858.39	31,140.26
Apr 2023	57,688.41	3,103,086.54	18,144.59	179,459.09	75,833.00	3,282,545.63	94.39%	4,648.12	35,788.38
May 2023									
Jun 2023									
Jul 2023									
Aug 2023									

LEVY		CURRENT	PRIOR	ALL YEARS
Levy-Cert	7/25/2022	-	N/A	N/A
Levy-Billed	10/1/2022	3,537,539.80	611,036.43	4,148,576.23
Adjusted Levy YTD		3,477,733.55	577,176.47	4,054,910.02
Increase/Decrease		(59,806.25)	(33,859.96)	(93,666.21)
Levy Outstanding		396,687.52	444,214.48	840,902.00

REVENUE	CURRENT	PRIOR	ALL YEARS
Total Levy Collected	3,081,046.03	132,961.99	3,214,008.02
Total Penalty & Interest	22,040.51	46,497.10	68,537.61
Total Levy + P&I	3,103,086.54	179,459.09	3,282,545.63
Taxes as percent of levy	88.59%	3.82%	92.41%
P&I as percent of levy	0.63%	1.34%	1.97%
Total as percent of levy	89.22%	5.16%	94.38%
Collection Fee	1,626.17	34,162.21	35,788.38
Total Collected YTD	3,104,712.71	213,621.30	3,318,334.01

printed 5/1/2023

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MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Financial Statements
Date: June 13, 2023

HISTORY: The district's fiscal year runs from July 1st through June 30th. The district's fiscal accounts are audited annually and the results are typically presented at the regular board meeting in November.

RATIONALE: The purpose of this agenda item is to present unaudited interim financial statements as of April 30, 2023 which are attached to this memo. Included are:

- Exhibit G-1: presents budget and actual amounts for the general fund
- Exhibit J-3: presents budget and actual amounts for the debt service fund
- Exhibit C-1: presents the balance sheet for governmental funds
- Exhibit C-3: presents revenues and expenditures for governmental funds
- Exhibit H-4: presents revenues and expenses for internal service funds

BUDGET IMPACT: There is no budget impact associated with this agenda item.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EXHIBIT G-1

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2023

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 3,463,733	$ 3,813,733	$ 3,438,315	$ (375,418)
5800	State Program Revenues	30,719,267	30,719,267	21,110,331	(9,608,936)
5900	Federal Program Revenues	6,178,882	6,428,882	5,332,606	(1,096,276)
5020	Total Revenues	40,361,882	40,961,882	29,881,252	(11,080,630)
	EXPENDITURES:				
	Current:				
0011	Instruction	18,841,137	18,795,361	15,207,137	3,588,224
0012	Instructional Resources and Media Services	397,879	102,879	65,939	36,940
0013	Curriculum and Instructional Staff Development	217,512	240,512	172,726	67,786
0021	Instructional Leadership	807,052	807,052	668,255	138,797
0023	School Leadership	2,273,514	2,250,514	1,834,323	416,191
0031	Guidance, Counseling and Evaluation Services	1,350,300	1,263,300	981,943	281,357
0032	Social Work Services	204,238	54,238	48,218	6,020
0033	Health Services	423,014	440,014	347,672	92,342
0034	Student (Pupil) Transportation	1,435,155	1,689,855	1,105,946	583,909
0035	Food Services	4,411,882	4,411,882	2,982,784	1,429,098
0036	Extracurricular Activities	1,265,633	1,250,633	957,717	292,916
0041	General Administration	1,746,111	1,770,111	1,417,667	352,444
0051	Facilities Maintenance and Operations	4,566,073	5,187,849	3,450,332	1,737,517
0052	Security and Monitoring Services	917,760	982,760	758,021	224,739
0053	Data Processing Services	1,271,777	1,283,777	1,039,292	244,485
0061	Community Services	34,090	34,090	26,327	7,763
	Debt Service:				
0071	Debt Service	95,000	95,000	75,746	19,254
	Capital Outlay:				
0081	Facilities Acquisition and Construction	492,331	569,331	202,469	366,862
	Intergovernmental:				
0099	Other Intergovernmental Charges	44,500	44,500	32,573	11,927
6030	Total Expenditures	40,794,958	41,273,658	31,375,087	9,898,571
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(433,076)	(311,776)	(1,493,835)	(1,182,059)
	OTHER FINANCING SOURCES (USES):				
7912	Sale of Real and Personal Property	50,000	50,000	25,528	(24,472)
7915	Transfers In	-	-	-	-
8911	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	50,000	50,000	25,528	(24,472)
1200	Net Changes in Fund Balances	(383,076)	(261,776)	(1,468,307)	(1,206,531)
0100	Fund Balance - July 1 (Beginning)	-	16,175,027	16,175,027	-
3000	Fund Balance - June 30 (Ending)	$ (383,076)	$ 15,913,251	$ 14,706,720	$ (1,206,531)

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2023

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 505,106	$ 505,106	$ 502,145	$ (2,961)
5800	State Program Revenues	1,129,516	1,129,516	1,192,365	62,849
5020	Total Revenues	1,634,622	1,634,622	1,694,510	59,888
	EXPENDITURES:				
	Debt Service:				
0071	Debt Service	1,622,868	1,622,868	1,622,368	500
6030	Total Expenditures	1,622,868	1,622,868	1,622,368	500
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	11,754	11,754	72,142	60,388
	OTHER FINANCING SOURCES (USES):				
7915	Transfers In	-	-	-	-
7916	Premium or Discount on Issuance of Bonds	-	-	-	-
8949	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	-	-	-	-
1200	Net Changes in Fund Balances	11,754	11,754	72,142	60,388
0100	Fund Balance - July 1 (Beginning)	-	294,129	294,129	-
3000	Fund Balance - June 30 (Ending)	$ 11,754	$ 305,883	$ 366,271	$ 60,388

EXHIBIT C-1

SAN ELIZARIO ISD
BALANCE SHEET
GOVERNMENTAL FUNDS - UNAUDITED
AS OF APRIL 30, 2023

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	ASSETS			
1110	Cash and Cash Equivalents	$ 15,128,820	$ 756,570	$ 15,885,390
1220	Property Taxes - Delinquent	605,232	70,481	675,713
1230	Allowance for Uncollectible Taxes (Credit)	(55,505)	(6,181)	(61,686)
1240	Receivables from Other Governments	629,140	2,403,678	3,032,818
1250	Accrued Interest	164	-	164
1260	Due from Other Funds	2,593,621	321,596	2,915,217
1300	Inventories	215,512	-	215,512
1410	Prepayments	-	-	-
1000	Total Assets	19,116,984	3,546,144	22,663,128
	LIABILITIES			
2110	Accounts Payable	398,424	412,477	810,901
2150	Payroll Deductions and Withholdings Payable	298,982	-	298,982
2160	Accrued Wages Payable	1,681,536	364,887	2,046,423
2170	Due to Other Funds	1,342,089	1,636,255	2,978,344
2180	Due to Other Governments	-	2,500	2,500
2200	Accrued Expenditures	84,556	-	84,556
2300	Unearned Revenues	54,947	4,892	59,839
2000	Total Liabilities	3,860,534	2,421,011	6,281,545
	DEFERRED INFLOWS OF RESOURCES			
2601	Unavailable Revenue - Property Taxes	549,727	64,300	614,027
2600	Total Deferred Inflows of Resources	549,727	64,300	614,027
	FUND BALANCES			
	Nonspendable Fund Balance:			
3410	Inventories	160,565	-	160,565
	Restricted Fund Balance:			
3450	Federal or State Funds Grant Restriction	1,169,413	147,311	1,316,724
3470	Capital Acquisition and Contractual Obligation	-	366,271	366,271
3480	Retirement of Long-Term Debt	-	370,793	370,793
3490	Other Restricted Fund Balance	-	176,460	176,460
3510	Committed Fund Balance - Construction	-	-	-
3600	Unassigned Fund Balance	13,376,742	-	13,376,742
3000	Total Fund Balances	14,706,720	1,060,835	15,767,555
4000	Total Liabilities, Deferred Inflows & Fund Balances	$ 19,116,984	$ 3,546,144	$ 22,663,128

EXHIBIT C-3

SAN ELIZARIO ISD
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2023

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	REVENUES:			
5700	Total Local and Intermediate Sources	$ 3,438,315	$ 637,685	$ 4,076,000
5800	State Program Revenues	21,110,331	1,261,381	22,371,712
5900	Federal Program Revenues	5,332,606	8,905,784	14,238,390
5020	Total Revenues	29,881,252	10,804,850	40,686,102
	EXPENDITURES:			
	Current:			
0011	Instruction	15,207,137	5,544,786	20,751,923
0012	Instructional Resources and Media Services	65,939	349,471	415,410
0013	Curriculum Instructional Staff Development	172,726	1,113,780	1,286,506
0021	Instructional Leadership	668,255	108,231	776,486
0023	School Leadership	1,834,323	338,250	2,172,573
0031	Guidance, Counseling and Evaluation Services	981,943	357,736	1,339,679
0032	Social Work Services	48,218	116,433	164,651
0033	Health Services	347,672	163,468	511,140
0034	Student (Pupil) Transportation	1,105,946	135,014	1,240,960
0035	Food Services	2,982,784	93,373	3,076,157
0036	Extracurricular Activities	957,717	141,746	1,099,463
0041	General Administration	1,417,667	16,560	1,434,227
0051	Facilities Maintenance and Operations	3,450,332	234,211	3,684,543
0052	Security and Monitoring Services	758,021	94,584	852,605
0053	Data Processing Services	1,039,292	9,952	1,049,244
0061	Community Services	26,327	235,147	261,474
	Debt Service:			
0071	Debt Service	75,746	1,622,368	1,698,114
	Capital Outlay:			
0081	Facilities Acquisition and Construction	202,469	175,977	378,446
	Intergovernmental:			
0099	Other Intergovernmental Charges	32,573	-	32,573
6030	Total Expenditures	31,375,087	10,851,087	42,226,174
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(1,493,835)	(46,237)	(1,540,072)
	OTHER FINANCING SOURCES (USES)			
7912	Sale of Real and Personal Property	25,528	-	25,528
7915	Transfers In	-	-	-
8911	Transfers Out (Use)	-	-	-
7080	Total Other Financing Sources (Uses)	25,528	-	25,528
1200	Net Change in Fund Balances	(1,468,307)	(46,237)	(1,514,544)
0100	Fund Balance - July 1 (Beginning)	16,175,027	1,107,072	17,282,099
1300	Prior Period Adjustment	-	-	-
3000	Fund Balance - June 30 (Ending)	$ 14,706,720	$ 1,060,835	$ 15,767,555

EXHIBIT H-4

SAN ELIZARIO ISD
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
INTERNAL SERVICE FUNDS - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2023

	753 Self Insurance Health Fund	770 Self Insurance W/ Comp Fund	Total Internal Service Funds
OPERATING REVENUES:			
Local and Intermediate Sources	$ 3,750,033	$ 118,259	$ 3,868,292
Total Operating Revenues	3,750,033	118,259	3,868,292
OPERATING EXPENSES:			
Professional and Contracted Services	2,940,129	287,612	3,227,741
Other Operating Costs	925,709	-	925,709
Total Operating Expenses	3,865,838	287,612	4,153,450
Operating Income (Loss)	(115,805)	(169,353)	(285,158)
NONOPERATING REVENUES (EXPENSES):			
Earnings from Temporary Deposits & Investments	985	38,460	39,445
Total Nonoperating Revenues (Expenses)	985	38,460	39,445
Income (Loss) Before Transfers	(114,820)	(130,893)	(245,713)
Transfer In	-	-	-
Change in Net Position	(114,820)	(130,893)	(245,713)
Total Net Position - July 1 (Beginning)	42,931	1,087,526	1,130,457
Total Net Position - June 30 (Ending)	$ (71,889)	$ 956,633	$ 884,744

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Investment Report
Date: June 13, 2023

HISTORY: Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding report period in accordance with section 2256.023 of the Texas Government Code.

RATIONALE: The purpose of this agenda item is to present that investment report for the month of April 2023.

BUDGET IMPACT: Interest earned by fund is summarized in the investment report which is attached to this memo.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario I.S.D.
Statement of Interest Earned
For The Ten Months Ending April 30, 2023

General Fund	$	369,178.15
Interest & Sinking (Debt Service) Fund	$	26,222.03
Capital Projects Fund	$	11,538.55
Health Insurance Fund	$	985.30
Workers Compensation Fund	$	38,460.04
Total	$	446,384.07

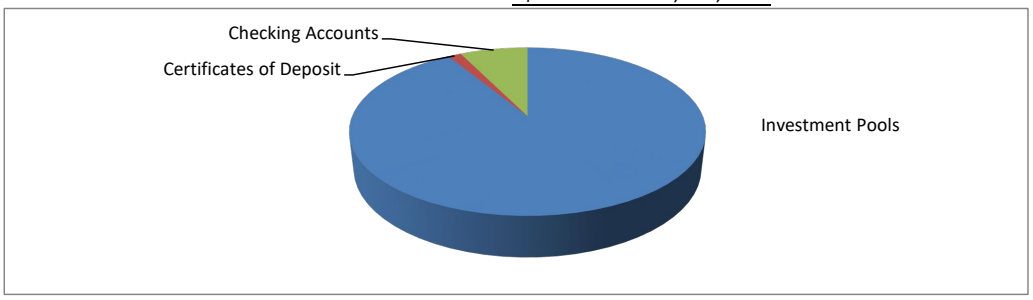
We, the undersigned Investment Officers, do hereby certify that the above investment information, is in compliance with Board Policy (CDA Local) and requirements stated in Sec. 2256.023 of the PFIA.

Norberto Rivas
Chief Financial Officer

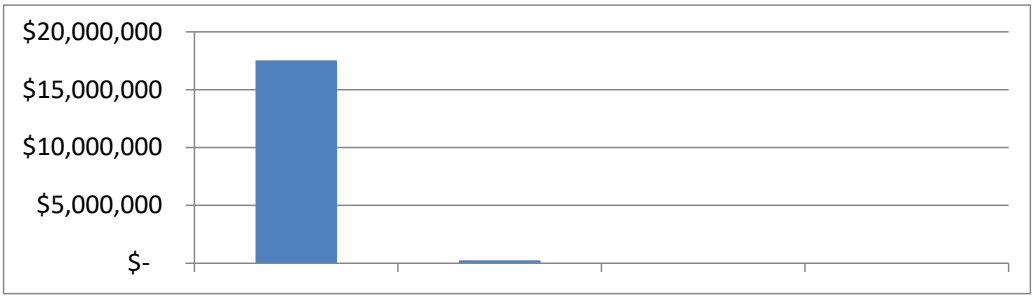
June 6, 2023
Date

Portfolio Diversification

By Investment Type	Current Market Value	Portfolio %
Investment Pools	$ 16,236,045	91.25%
Certificates of Deposit	$ 250,000	1.40%
Checking Accounts	$ 1,307,613	7.35%
	$ 17,793,659	



By Investment Maturity	Current Market Value	Portfolio %
Overnight	$ 17,543,659	98.60%
0 - 1 Year	$ 250,000	1.40%
1 - 2 Years	$ -	0.00%
2 + years	$ -	0.00%
	$ 17,793,659	



General Fund

Wells Fargo- General Operating Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 981,356.69	0.00%	$ -
01-Aug-22	31-Aug-22	Overnight	$ 1,101,549.85	0.00%	$ -
01-Sep-22	30-Sep-22	Overnight	$ 921,560.33	0.00%	$ -
01-Oct-22	31-Oct-22	Overnight	$ 1,289,880.16	0.00%	$ -
01-Nov-22	30-Nov-22	Overnight	$ 1,002,005.44	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ 737,276.37	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ 1,479,442.35	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ 1,198,576.64	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ 1,241,482.25	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ 788,792.24	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ -**

Wells Fargo- Food Service Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 8,478.85	0.00%	$ -
01-Aug-22	31-Aug-22	Overnight	$ 25,898.35	0.00%	$ -
01-Sep-22	30-Sep-22	Overnight	$ 42,470.85	0.00%	$ -
01-Oct-22	31-Oct-22	Overnight	$ 53,027.90	0.00%	$ -
01-Nov-22	30-Nov-22	Overnight	$ 76,932.49	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ 87,541.30	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ 99,415.03	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ 114,994.55	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ 126,342.40	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ 140,108.31	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ -**

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 6,346,975.40	1.73%	$ 10,076.29
01-Aug-22	31-Aug-22	Overnight	$ 2,712,572.75	2.43%	$ 10,721.67
01-Sep-22	30-Sep-22	Overnight	$ 6,541,945.47	2.68%	$ 8,425.44
01-Oct-22	31-Oct-22	Overnight	$ 5,147,071.15	3.25%	$ 15,532.12
01-Nov-22	30-Nov-22	Overnight	$ 6,146,613.64	3.99%	$ 18,642.92
01-Dec-22	31-Dec-22	Overnight	$ 6,117,708.05	4.39%	$ 20,606.48
01-Jan-23	31-Jan-23	Overnight	$ 8,309,988.80	4.58%	$ 22,145.82
01-Feb-23	28-Feb-23	Overnight	$ 7,412,417.87	4.79%	$ 31,386.78
01-Mar-23	31-Mar-23	Overnight	$ 7,365,477.42	4.85%	$ 29,979.78
01-Apr-23	30-Apr-23	Overnight	$ 7,069,349.43	5.02%	$ 28,153.32
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 195,670.62**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 350,296.81	1.70%	$ 503.95
01-Aug-22	31-Aug-22	Overnight	$ 351,018.21	2.42%	$ 721.40
01-Sep-22	30-Sep-22	Overnight	$ 401,855.10	2.67%	$ 836.89
01-Oct-22	31-Oct-22	Overnight	$ 402,964.29	3.25%	$ 1,109.19
01-Nov-22	30-Nov-22	Overnight	$ 404,276.02	3.96%	$ 1,311.73
01-Dec-22	31-Dec-22	Overnight	$ 405,762.12	4.33%	$ 1,486.10
01-Jan-23	31-Jan-23	Overnight	$ 482,375.74	4.55%	$ 1,613.62
01-Feb-23	28-Feb-23	Overnight	$ 484,131.18	4.79%	$ 1,755.44
01-Mar-23	31-Mar-23	Overnight	$ 486,121.82	4.84%	$ 1,990.64
01-Apr-23	30-Apr-23	Overnight	$ 488,119.71	5.00%	$ 1,997.89
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 13,326.85**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 399,157.04	1.51%	$ 414.69
01-Aug-22	31-Aug-22	Overnight	$ 592,538.66	2.15%	$ 781.94
01-Sep-22	30-Sep-22	Overnight	$ 624,476.36	2.48%	$ 1,255.76
01-Oct-22	31-Oct-22	Overnight	$ 685,156.98	3.07%	$ 1,699.96
01-Nov-22	30-Nov-22	Overnight	$ 913,422.13	3.74%	$ 2,502.45
01-Dec-22	31-Dec-22	Overnight	$ 1,728,286.77	4.08%	$ 3,983.33
01-Jan-23	31-Jan-23	Overnight	$ 2,770,893.55	4.31%	$ 8,226.29
01-Feb-23	28-Feb-23	Overnight	$ 3,261,712.56	4.58%	$ 10,938.07
01-Mar-23	31-Mar-23	Overnight	$ 3,407,111.23	4.64%	$ 13,162.53
01-Apr-23	30-Apr-23	Overnight	$ 3,466,635.90	4.82%	$ 13,601.02
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 56,566.04**

Texas CLASS Investment Pool- General Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 3,199,369.30	1.64%	$ 4,450.85
01-Aug-22	31-Aug-22	Overnight	$ 3,205,595.03	2.29%	$ 6,225.73
01-Sep-22	30-Sep-22	Overnight	$ 3,212,660.85	2.68%	$ 7,065.82
01-Oct-22	31-Oct-22	Overnight	$ 3,221,481.93	3.23%	$ 8,821.08
01-Nov-22	30-Nov-22	Overnight	$ 3,231,703.22	3.85%	$ 10,221.29
01-Dec-22	31-Dec-22	Overnight	$ 3,243,572.49	4.32%	$ 11,869.27
01-Jan-23	31-Jan-23	Overnight	$ 3,256,196.15	4.57%	$ 12,623.66
01-Feb-23	28-Feb-23	Overnight	$ 3,268,100.19	4.76%	$ 11,904.04
01-Mar-23	31-Mar-23	Overnight	$ 3,281,615.22	4.86%	$ 13,515.03
01-Apr-23	30-Apr-23	Overnight	$ 3,295,241.42	5.04%	$ 13,626.20
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 100,322.97**

GECU- Certificate of Deposit (Date Opened: 4/21/2021 Maturity Date: 4/21/2024)

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Aug-22	31-Aug-22	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Sep-22	30-Sep-22	1 - 2 years	$ 250,000.00	0.80%	$ 164.38
01-Oct-22	31-Oct-22	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Nov-22	30-Nov-22	1 - 2 years	$ 250,000.00	0.80%	$ 164.38
01-Dec-22	31-Dec-22	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Jan-23	31-Jan-23	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Feb-23	28-Feb-23	1 - 2 years	$ 250,000.00	0.80%	$ 153.42
01-Mar-23	31-Mar-23	1 - 2 years	$ 250,000.00	0.80%	$ 169.86
01-Apr-23	30-Apr-23	0 - 1 years	$ 250,000.00	0.80%	$ 164.38
01-May-23	31-May-23	0 - 1 years	$ -	0.80%	$ -
01-Jun-23	30-Jun-23	0 - 1 years	$ -	0.80%	$ -
				Interest Earned:	**$ 1,665.72**

FLFCU- Certificate of Deposit (Date Opened: 11/6/2019 Maturity Date: 11/6/2022)

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	0 - 1 years	$ 250,000.00	1.93%	$ 409.79
01-Aug-22	31-Aug-22	0 - 1 years	$ 250,000.00	1.93%	$ 409.79
01-Sep-22	30-Sep-22	0 - 1 years	$ 250,000.00	1.93%	$ 396.58
01-Oct-22	31-Oct-22	0 - 1 years	$ 250,000.00	1.93%	$ 409.79
01-Nov-22	30-Nov-22	0 - 1 years	$ -	1.93%	$ -
				Interest Earned:	**$ 1,625.95**

Total General Fund Interest Earned	**$ 369,178.15**

Interest & Sinking Fund (Debt Service)

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	204,419.34	1.73%	$	300.15
01-Aug-22	31-Aug-22	Overnight	$	204,841.70	2.43%	$	422.36
01-Sep-22	30-Sep-22	Overnight	$	205,292.48	2.68%	$	450.78
01-Oct-22	31-Oct-22	Overnight	$	205,859.13	3.25%	$	566.65
01-Nov-22	30-Nov-22	Overnight	$	206,534.13	3.99%	$	675.00
01-Dec-22	31-Dec-22	Overnight	$	993,278.58	4.39%	$	2,344.46
01-Jan-23	31-Jan-23	Overnight	$	997,137.36	4.57%	$	3,858.78
01-Feb-23	28-Feb-23	Overnight	$	1,000,776.44	4.79%	$	3,639.08
01-Mar-23	31-Mar-23	Overnight	$	1,004,902.08	4.85%	$	4,125.64
01-Apr-23	30-Apr-23	Overnight	$	255,915.62	5.02%	$	2,697.55
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**19,080.45**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	42,256.23	1.51%	$	51.82
01-Aug-22	31-Aug-22	Overnight	$	47,307.16	2.15%	$	83.13
01-Sep-22	30-Sep-22	Overnight	$	52,369.16	2.48%	$	103.94
01-Oct-22	31-Oct-22	Overnight	$	62,126.25	3.07%	$	148.17
01-Nov-22	30-Nov-22	Overnight	$	99,447.81	3.74%	$	255.60
01-Dec-22	31-Dec-22	Overnight	$	234,148.52	4.08%	$	479.96
01-Jan-23	31-Jan-23	Overnight	$	403,936.65	4.31%	$	1,169.73
01-Feb-23	28-Feb-23	Overnight	$	484,989.73	4.58%	$	1,620.30
01-Mar-23	31-Mar-23	Overnight	$	508,009.49	4.64%	$	1,961.07
01-Apr-23	30-Apr-23	Overnight	$	104,833.96	4.82%	$	1,267.86
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**7,141.58**

Total Debt Service Fund Interest Earned **$ 26,222.03**

Capital Projects Fund

2015 Bond Construction Fund - Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	540,358.38	1.51%	$	773.48
01-Aug-22	31-Aug-22	Overnight	$	376,541.49	2.15%	$	966.03
01-Sep-22	30-Sep-22	Overnight	$	377,310.32	2.48%	$	768.83
01-Oct-22	31-Oct-22	Overnight	$	378,294.92	3.07%	$	984.60
01-Nov-22	30-Nov-22	Overnight	$	379,457.86	3.74%	$	1,162.94
01-Dec-22	31-Dec-22	Overnight	$	380,772.25	4.08%	$	1,314.39
01-Jan-23	31-Jan-23	Overnight	$	366,605.17	4.31%	$	1,380.71
01-Feb-23	28-Feb-23	Overnight	$	367,880.92	4.58%	$	1,275.75
01-Mar-23	31-Mar-23	Overnight	$	369,330.84	4.64%	$	1,449.92
01-Apr-23	30-Apr-23	Overnight	$	370,792.74	4.82%	$	1,461.90
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**11,538.55**

Total Capital Projects Fund Interest Earned **$ 11,538.55**

Health Insurance Fund

Wells Fargo- Health Insurance

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	73,407.61	0.40%	$	70.56
01-Aug-22	31-Aug-22	Overnight	$	302,203.73	0.40%	$	43.81
01-Sep-22	30-Sep-22	Overnight	$	22,751.93	0.40%	$	52.20
01-Oct-22	31-Oct-22	Overnight	$	61,631.44	0.50%	$	70.07
01-Nov-22	30-Nov-22	Overnight	$	231,287.21	0.59%	$	74.67
01-Dec-22	31-Dec-22	Overnight	$	297,630.81	0.68%	$	152.27
01-Jan-23	31-Jan-23	Overnight	$	181,134.19	0.70%	$	97.47
01-Feb-23	28-Feb-23	Overnight	$	301,969.69	0.80%	$	120.24
01-Mar-23	31-Mar-23	Overnight	$	361,989.31	0.82%	$	147.66
01-Apr-23	30-Apr-23	Overnight	$	311,708.02	0.92%	$	156.35
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**985.30**

Total Health Insurance Fund Interest Earned **$ 985.30**

Workers Compensation Fund

Wells Fargo- Worker's Compensation

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	107,073.37	0.40%	$	38.50
01-Aug-22	31-Aug-22	Overnight	$	117,622.01	0.40%	$	34.28
01-Sep-22	30-Sep-22	Overnight	$	150,436.37	0.40%	$	44.96
01-Oct-22	31-Oct-22	Overnight	$	125,573.74	0.50%	$	59.16
01-Nov-22	30-Nov-22	Overnight	$	118,839.44	0.59%	$	59.64
01-Dec-22	31-Dec-22	Overnight	$	119,728.44	0.66%	$	67.10
01-Jan-23	31-Jan-23	Overnight	$	196,262.95	0.70%	$	76.40
01-Feb-23	28-Feb-23	Overnight	$	195,166.34	0.80%	$	118.21
01-Mar-23	31-Mar-23	Overnight	$	75,527.28	0.83%	$	67.19
01-Apr-23	30-Apr-23	Overnight	$	67,004.59	0.92%	$	52.85
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**618.29**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$	1,274,148.16	1.70%	$	1,833.22
01-Aug-22	31-Aug-22	Overnight	$	1,276,772.15	2.42%	$	2,623.99
01-Sep-22	30-Sep-22	Overnight	$	1,229,510.61	2.67%	$	2,738.46
01-Oct-22	31-Oct-22	Overnight	$	1,232,904.25	3.25%	$	3,393.64
01-Nov-22	30-Nov-22	Overnight	$	1,236,917.62	3.96%	$	4,013.37
01-Dec-22	31-Dec-22	Overnight	$	1,241,464.46	4.33%	$	4,546.84
01-Jan-23	31-Jan-23	Overnight	$	1,171,210.31	4.55%	$	4,745.85
01-Feb-23	28-Feb-23	Overnight	$	1,175,472.53	4.79%	$	4,262.22
01-Mar-23	31-Mar-23	Overnight	$	1,180,305.80	4.84%	$	4,833.27
01-Apr-23	30-Apr-23	Overnight	$	1,185,156.69	5.00%	$	4,850.89
01-May-23	31-May-23	Overnight	$	-	0.00%	$	-
01-Jun-23	30-Jun-23	Overnight	$	-	0.00%	$	-
					Interest Earned:	**$**	**37,841.75**

Total Worker's Compensation Fund Interest Earned : **$ 38,460.04**

Lone★Star
Investment Pool

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Austin, Texas 78759
800-558-8875 • firstpublic.com

Fund Performance Update

April 30, 2023

Comments by Mellon, Investment Manager

U.S. Treasury bond yields were mixed in March as yields less than one year were mostly higher and yields on longer bonds were mostly lower. After a volatile March, equity markets were more stable in April, closing the month with modest gains. First Republic Bank was seized by the Federal Deposit Insurance Corporation (FDIC) and sold to JPMorgan. This was after the failures in March of Silicon Valley Bank, Signature Bank and Silvergate Bank. Headline CPI fell by 1% to 5.0% year-over-year, which was a slightly larger decline than was expected. Initial estimates indicated that GDP expanded by just 1.1% in the first quarter, which was slower than estimates and slower than the 2.6% growth in the fourth quarter of 2022. The market is expecting the Federal Reserve to raise the target range to 5.00% to 5.25% at the May 3 Federal Open Market Committee meeting. The market will pay close attention to the statement and press conference for insight on any additional policy changes this year. At the end of April, the federal funds futures market was pricing in approximately a 25% chance of an additional hike and a rate cut by the end of 2023.

Active Participants This Month

Schools and Colleges	582
Other Governmental Entities	82
Total	*664*

Custodian Bank: State Street Bank

Investment Managers:
American Beacon Advisors and
Mellon Investments Corp (Dreyfus)

The Lone Star Investment Pool is endorsed by:

TASA TASB

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.

Lone★Star
Investment Pool

Government Overnight Fund

Return Information

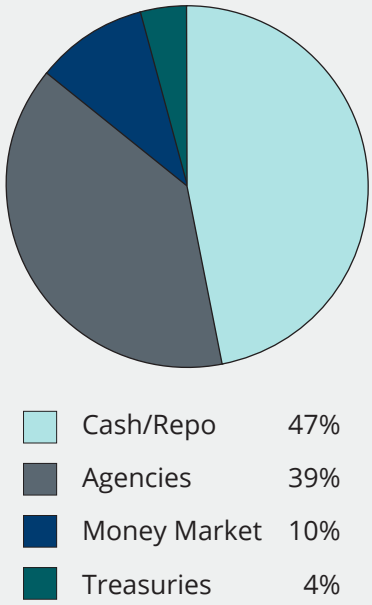
April 30, 2023

Average Monthly Return (a)	4.82%
SEC 7-day Fund Yield (b)	4.82%
Weighted Average Maturity One (c)	13 days
Weighted Average Maturity Two (c)	73 days
Portfolio Maturing beyond One Year	6%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

Inventory Position

	Book Value	Market Value
Cash/Repo	2,997,418,385.89	2,997,418,385.89
US Treasuries	275,074,920.21	274,966,075.00
Agencies	2,478,154,085.75	2,478,620,915.29
Money Market Funds	609,152,944.12	609,152,944.12
Total Assets	*6,359,800,335.97*	*6,360,158,320.30*

Investment Distribution



(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.

Lone★Star
Investment Pool

Corporate Overnight Fund

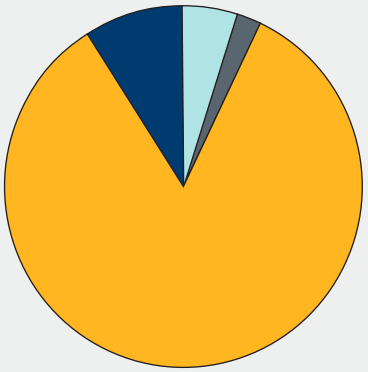
Return Information
April 30, 2023

Average Monthly Return (a)	5.00%
SEC 7-day Fund Yield (b)	5.02%
Weighted Average Maturity One (c)	24 days
Weighted Average Maturity Two (c)	63 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

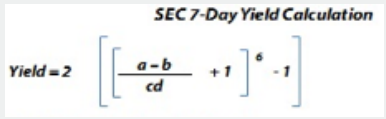
Inventory Position

	Book Value	Market Value
Cash/Repo	215,434,178.66	215,434,178.66
US Treasuries	-	-
Agencies	81,287,781.11	81,300,974.00
Commercial Paper	3,379,653,648.31	3,378,836,359.31
Money Market Funds	355,244,723.91	355,242,225.15
Total Assets	*4,031,620,331.99*	*4,030,813,737.12*

Investment Distribution



(b)



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

Lone★Star
Investment Pool

Corporate Overnight Plus Fund

Return Information

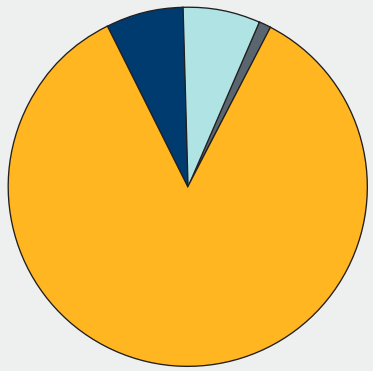
April 30, 2023

Average Monthly Return (a)	5.02%
SEC 7-day Fund Yield (b)	5.04%
Weighted Average Maturity One (c)	23 days
Weighted Average Maturity Two (c)	64 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAf/S1+

Inventory Position

	Book Value	Market Value
Cash/Repo	698,820,220.47	698,820,220.47
US Treasuries	-	-
Agencies	108,724,580.56	108,742,215.00
Commercial Paper	9,088,514,377.71	9,086,469,863.92
Money Market Funds	730,767,324.66	730,766,812.92
Total Assets	*10,626,826,503.40*	*10,624,799,112.31*

Investment Distribution



(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.

Texas CLASS

	Texas CLASS	
Date	Dividend Rate	Daily Yield
04/01/2023	0.000000000	5.0057%
04/02/2023	0.000000000	5.0057%
04/03/2023	0.000137448	5.0170%
04/04/2023	0.000137445	5.0167%
04/05/2023	0.000137484	5.0182%
04/06/2023	0.000550156	5.0202%
04/07/2023	0.000000000	5.0202%
04/08/2023	0.000000000	5.0202%
04/09/2023	0.000000000	5.0202%
04/10/2023	0.000137595	5.0223%
04/11/2023	0.000137770	5.0291%
04/12/2023	0.000137838	5.0313%
04/13/2023	0.000137886	5.0329%
04/14/2023	0.000414795	5.0467%
04/15/2023	0.000000000	5.0467%
04/16/2023	0.000000000	5.0467%
04/17/2023	0.000138418	5.0522%
04/18/2023	0.000138438	5.0530%
04/19/2023	0.000138409	5.0519%
04/20/2023	0.000138355	5.0500%
04/21/2023	0.000415803	5.0590%
04/22/2023	0.000000000	5.0590%
04/23/2023	0.000000000	5.0590%
04/24/2023	0.000138732	5.0637%
04/25/2023	0.000138875	5.0689%
04/26/2023	0.000138943	5.0714%
04/27/2023	0.000138948	5.0716%
04/28/2023	0.000416688	5.0697%
04/29/2023	0.000000000	5.0697%
04/30/2023	0.000000000	5.0697%

Performance results are shown net of all fees and expenses and reflect the reinvestment of dividends and other earnings. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.**

San Elizario I.S.D.
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
CC: Dr. Jeannie Meza-Chavez, Superintendent
Norberto Rivas, Chief Financial Officer
From: Horacio Hernandez, Technology Director
Subject: Approval of PO# 48255 - WANRack, LLC. Lit Fiber Services Special Construction
Date: June 13, 2023

HISTORY:
San Elizario ISD uses Wide Area Network connections (WAN) to connect all instructional and non-instructional facilities back to the district network operating center (NOC) and out to the internet, resembling a Star Topology. The current service provider provides these leased lines to eight (8) sites at 10 Gbps speeds and the contract expires at the end of June 2023. An RFP was posted in December 2022 asking service providers to bid on different WAN speeds and contract terms. During the March 2023 board meeting, the board approved WANRack, LLC. as the winning bidder. Form 471 was submitted to Universal Service Administrative Company (USAC) for Erate approval of the project.

RATIONALE:
On April 28, 2023, an email with the Funding Commitment Decision Letter (FCDL) was received from USAC, where the total committed amount is $1,068,228.90 for special construction. This is 90% of the total project, which is $1,186,921.00.

BUDGET IMPACT:
Total cost: $118,692.10 is the district's portion and the remaining 10% of the special construction project.

ADMINISTRATIVE RECOMMENDATION:
The administrative recommendation is for our Board Members to approve this cost for this special construction project to commence.

Please check one: X For approval ☐ Report/Information only ☐ Recognition only

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

PURCHASE ORDER NUMBER
48255

Date: 05/18/2023

VENDOR: 10926

TO: WANRack Holdings, LLC
4550 W 109th St Ste 115
OVERLAND PARK, KS 66211

SHIP TO: San Elizario Independent School
200 N. Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 913-951-7681
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: Technology - M. Fierro
REC. GRP: Technology - M. Fierro

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		1.00000			118692.10		118692.10

10% portion of ERATE special construction project for WAN leased lit fiber lines provided by WAN Rack

SEISD RFP# 23-1127 Fiber Optic Wide Area Network Services

TOTAL 118692.10

P.O. Source	Account Number	Amount
Project Requisition	199.53.6395.82.886.99	118,692.1

PO NOT VALID UNLESS APPROVED BY THE SAN ELIZARIO ISD BOARD

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

Roberto Fierro

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Consider and possible Board action to approve interlocal agreement with Region 19 Education Service Center for USDA/TDA products and services
Date: June 13, 2023

HISTORY: Currently the district participates in various purchasing cooperatives to include the Education Service Center Region 19 Allied States Cooperative.

RATIONALE: The purpose of this agenda item to enter into an interlocal agreement with the Region 19 Education Service Center for USDA and TDA products where the service center will conduct solicitations according to USDA and TDA regulations. The interlocal agreement provided by Region 19 is attached.

BUDGET IMPACT: There is no cost associated with entering into this interlocal agreement, but the budget will be impacted depending on what products and services campuses and/or departments choose to purchase.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to authorize the school district to enter into this interlocal agreement with the Region 19 Education Service Center for USDA/TDA Products & Services.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

Region 19 Education Service Center - Interlocal Agreement For USDA/TDA Products & Services

This agreement is entered into by and between Education Service Center Region 19 (ESC 19) and _____ San Elizario ISD (govt. agency) pursuant to the authority granted by Title 7, Chapter 791, Interlocal Cooperation Acts of The Texas Government Code and Chapter 8 of The Texas Education Code.

I. Term of Contract: The term of this contract shall be from the date of acceptance by authorized San Elizario ISD (govt. agency) personnel until any changes that affect the operation of said contract. The participating party(ies) may with mutual agreement among all other participating parties, rescind the contract with a thirty (30) day written notice, contingent upon no changes to the funding or policy as stated herein.

II. Statement of Services to be Performed:

Role of the ESC 19:

1. Serve as the fiscal agent for ASC. As such, all personnel employed by the Coordinating Center will be employees of the Region 19 Education Service Center, subject to ESC 19's policies and procedures.
2. Issue appropriate ASC bid(s), including the development of bid specifications, posting of legal notices, awarding of bids, etc. on behalf of ASC. All compliant solicitations will be conducted according to USDA/TDA regulations.
3. Request technical assistance support services from participating government agency designees for communication purposes with the participating schools in their respective regions (e.g., letters, flyers, phone calls, etc.)
4. Determine the annual estimated membership for solicitations. Government agency membership requests mid contract will be evaluated for inclusion based on contract spend and quantity availability.
5. Provide members with all documentation after bid award showing compliance with regulations.

Role of the Participating Government Agencies:

1. Provide technical assistance support services to the ESC 19 through time and effort, travel, facilitating meetings, copying, postage, and other expenses as necessary for the regional operations of ASC.
2. Commit to annual membership and usage information. Exercising the 30 day clause may result in future exclusion from participation.
3. Participate in the gathering of product information, estimated usage and other duties as assigned by the ASC Lead for the common good of the members.
4. Provide ASC with a monthly report of all orders received including detailed information on what is ordered, quantities and total spend for the purchase. Report should reference a purchase order number if applicable. This reporting is required for compliance for regulations.
5. All members are responsible for ensuring the cooperative operates in accordance with USDA Procurement standards. Individual members will not use Child Nutrition Program funds to pay invoices for goods or services that were improperly procured.
6. Provide a designated person(s) responsible to coordinate with ASC Lead to ensure compliance. Designee: Agueda Reyes/CNS Director agreyes@seisd.net

III. Authorization:

Executed on this 13 day, June, 2023.

Region 19 Education Service Center

6611 Boeing Drive, El Paso, TX 79925

Armando Aguirre, Ed D.

Executive Director
Title

Government Agency: San Elizario ISD

Address: 1050 Chicken Ranch Road, San Elizario, TX 79849

Authorized Signature

Title

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Authorization to participate in purchasing cooperatives for the 2023-2024 school year
Date: June 13, 2023

HISTORY: Resolutions for participation in the various purchasing cooperatives have been approved by the Board of Trustees prior to conducting business with them. Although, annual renewal is not required we are requesting that the Board of Trustees approve the continued participation in the purchasing cooperatives listed on the attachment to this memo.

RATIONALE: These various purchasing cooperative would allow our campuses and departments to purchase resources from any of these purchasing cooperatives while adhering to purchasing requirements

BUDGET: There is no cost associated with entering into these Interlocal Agreements, but the budget will be impacted depending on what resources campuses and/or departments choose to purchase from these purchasing cooperatives.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to authorize the school district to continue participating in the purchasing cooperatives listed.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Authorization to participate in purchasing cooperatives for the 2023-2024 school year
Date: June 13, 2023

Listing of purchasing cooperatives:

- Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC)
- BuyBoard Cooperative Purchasing
- Department of Information Resources (DIR)
- Texas Multiple Award Schedule (TXMAS)
- Education Service Center- Region 19 Allied States Cooperative
- West Texas Food Service Cooperative
- Ysleta ISD Inter-local Agreement
- El Paso County Community College Inter-local Agreement
- Texas Industries for the Blind and Handicapped (TIBH Industries)
- Texas Political Subdivisions Inter-local Agreement
- Claims Administrative Services, Inc. (CAS)
- Texas Association of School Boards (TASB)
- TIPS/TAPS The Inter-local Purchasing System
- HCDE Choice Partners Cooperative /Harris County Department of Education
- National Cooperative Purchasing Alliance (NCPA)
- Sourcewell (NJPA)
- TASB Risk Management Fund
- PACE Purchasing Cooperative/Education Service Center, Region 20
- Socorro ISD Inter-local Agreement
- USDA Inter-local Agreement
- Texas Building and Procurement Commission (TBPC)
- Region 4 Education Service Center (Region 4 ESC)
- Region 6 Education Service Center (ESC-Region 6)
- OMNIA Partners formerly TCPN, National IPA and US Communities
- Central Purchasing Alliance (CTPA)
- Region 19 for USDA/TDA Products & Services

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San Elizario, TX 79849
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Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Consider and possible Board action to approve resolution designating the person responsible for calculating the no-new-revenue tax rate and voter-approval tax rate for the District
Date: June 13, 2023

HISTORY: As part of the tax rate adoption process, the taxing entity is required to calculate the no-new-revenue tax rate and the voter-approval tax rate on the forms prescribed by the Comptroller.

RATIONALE: Texas Tax Code Section 26.04(c) requires the governing body of a taxing unit to designate an officer or employee to calculate the no-new-revenue tax rate and the voter-approval tax rate after the assessor for the taxing unit submits the appraisal roll for the taxing unit to the governing body of the taxing unit as required by Subsection (b).

BUDGET IMPACT: There is no budget impact with this item.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the attached resolution as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

Resolution of the Board of Trustees of the San Elizario Independent School District

WHEREAS, the Board of Trustees ("Board") of the San Elizario Independent School District ("District") is authorized by the Texas Education Code § 11.151 to govern and oversee the management of the public schools in the District; and

WHEREAS, the Board, as authorized by Texas Education Code § 45.002, .003(a) may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose; and

WHEREAS, after the District's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district; and

WHEREAS, the designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate; and

WHEREAS, pursuant to Texas Tax Code § 26.04(c), (d-1), (d-3), as soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT:

RESOLVED, the Board of Trustees hereby appoints the District's Chief Financial Officer as the designated officer responsible for calculating and reporting the no-new-revenue tax rate and the voter-approval tax rate as determined by state law. If the Chief Financial Officer position is vacant, the Accountant is hereby designated as the alternate officer responsible for calculating and reporting the no-new-revenue tax rate and the voter-approval tax rate as determined by state law.

RESOLVED, the authority granted by this resolution is effective henceforth unless the Board takes action to change the title of the appointee.

PASSED AND APPROVED this 13th day of June, 2023, by the Board of Trustees for the San Elizario Independent School District.

_____

Sandra Licon, Board President

_____

Myrna Hernandez, Board Vice-President

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Jeannie Meza-Chavez, Superintendent
Subject: American Heart Association Healthy, Client Choice Pantry Letter of Agreement - Healthy Client-Choice Pantry
Date: June 13, 2023

HISTORY:

The San Elizario Independent School District (SEISD) is seeking to establish a Healthy Client-Choice Pantry within the district. The pantry will allow the district to offer an alternative for families undergoing food insecurities.

- SEISD will commit to designating a space to set up a healthy, client-choice pantry.
- SEISD will confirm that a valid/current MOU exists between the district and the Food Bank (SEISD is free to accept donations from any other party, as well)
- SEISD (or its signatory) will sign a Letter of Agreement with AHA to formalize the agreement
- AHA will collaborate with SEISD to arrange for the set-up of a scheduled (monthly) food distribution to the SEISD Food Pantry
- AHA will provide training and technical support to set up the framework for operating the SEISD Food Pantry
- AHA will provide training to staff and volunteers on how to set up a healthy, client-choice pantry
- AHA will reimburse SEISD up to $6,000* for the purchase of refrigerators and/or shelving to store and display food at the SEISD Food Pantry (payment is NET 30)
- AHA will coordinate to provide information for families who need assistance with applying for SNAP Benefits to address Nutrition Insecurity further

The district is still waiting on the final contract, and we have sought the guidance of legal counsel before proceeding.

RATIONALE:

The district sees the need to establish a Healthy Client-Choice Pantry for families. The pantry will allow the district to offer an alternative for families undergoing food insecurities.

BUDGET:

The American Heart Association will reimburse up to $6,000.

ADMINISTRATIVE RECOMMENDATION:

The Administration recommends that the board approve the form of letter of the agreement subject to a final agreement being approved by the administration and legal counsel. The administration and legal counsel will finalize the form of letter agreement with AHA in the next 60 days.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

AHA Contract ID: 1234567

2023

Dear Point Person ,

This Letter of Agreement (“LOA”) is entered into by and between American Heart Association, Inc. (“AHA”) and the Your Independent School District. (“Recipient”) located at your address (“Recipient”).

BACKGROUND:

AHA and Recipient share common priorities and interest in supplying fresh and frozen vegetables for purchase by Recipient’s customers. AHA has been provided a grant from the Centers for Disease Control and Prevention to supply a freezer and/or refrigerator to Recipient to promote healthy eating in El Paso.

PURPOSE AND ACTIVITIES:

This LOA documents the relationship between AHA and Recipient. AHA will supply a freezer and/or refrigerator to Recipient. The freezer/refrigerator is to be used for supplying fresh and frozen fruits and vegetables for Recipient’s customers.

During the term of this LOA, the Equipment will belong to AHA. Recipient cannot move the Equipment to an address other than that listed above without the prior written consent of the AHA. Recipient assumes responsibility for the care, upkeep, repairs and maintenance for the Equipment.

ELIGIBILITY

1. **Freezers/refrigerators**

Freezers/refrigerators will be distributed to eligible food pantries.

PROCESS

Freezers/refrigerators
Recipient will be responsible for the purchase and installation of the freezer/refrigerator.

PAYMENT AND INVOICE

Following receipt of an invoice from Recipient containing the PO number that will be provided to Recipient, with the accompanying receipt, AHA will reimburse Recipient up to $6,000 for the freezer/refrigerator for each site. AHA requires an actual invoice for the Equipment purchased within 10 days following the end of the AHA fiscal cycle on June 30.

EVALUATION OF RELATIONSHIP

SAMPLE

AHA staff or trained volunteers will conduct a pre-and-post assessment audit of food pantry products as a part of the evaluation. The assessment will occur on a mutually agreed-upon date and time. The audit is simple and non-intrusive and does not require direct involvement of Recipient personnel. It is anticipated that such an audit would take 1 to 2 hours maximum to complete. AHA staff will communicate all necessary information prior to the audit.

OWNERSHIP OF EQUIPMENT

During the term of this LOA, the Equipment shall remain the property of the AHA. At the end of the term, the Equipment will transfer to the Recipient.

FUNDING

No fees or expenses will be due from Recipient to AHA for the use of the Equipment. Other than outlined above, AHA will not provide any funding or other assistance to Recipient.

COMPLIANCE

To the extent applicable, Recipient will abide by the Public Policy Requirements set forth in the Grants Policy Statement of the U.S. Department of Health and Human Services (https://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hhsgps107.pdf).

Consistent with 45 CFR 75.113, Recipient must disclose in a timely manner, in writing to the CDC, with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Recipient must disclose, in a timely manner in writing to AHA and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Disclosures must be sent in writing to the CDC and to the HHS OIG at the following addresses:

CDC, Office of Grants Services
Thelma Jackson, Grants Management Specialist
Centers for Disease Control and Prevention
Chronic Diseases and Injury Prevention Branch 5
2939 Flowers Road South, MS TV-2
Atlanta, GA 30341-5507
Email: TJackson12@cdc.gov (Include “Mandatory Grant Disclosures” in subject line)

AND

U.S. Department of Health and Human Services
Office of the Inspector General
ATTN: Mandatory Grant Disclosures, Intake Coordinator
330 Independence Avenue, SW
Cohen Building, Room 5527
Washington, DC 20201

SAMPLE

Fax: (202)-205-0604 (Include “Mandatory Grant Disclosures” in subject line) or Email: MandatoryGranteeDisclosures@oig.hhs.gov

By signing this letter, Recipient certifies, to the best of its knowledge and belief that neither Recipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.213 and 2 CFR 180.

TERM

This LOA shall be effective as of the date executed by AHA and will remain in effect for a period ending September 29, 2023.

AGREED:

American Heart Association, Inc.

By: _____

Print Name: AHA Rep

Title:

Date:_____

Recipient

By: _____

Print Name: _____

Title: _____

Date:_____

SAMPLE

Howard-McCray **Product Specifications Sheets**

GF Series - Hinged Glass Doors
Top Mount Freezers - 83"H

Model No.	Description	Length	Depth	Height w/casters	Voltage	Amps	HP	Power Cord	Est. Ship Weight
Freezers / Frozen Food									
GF22-FF	One Door	26.50"	35.031"*	83"	115	16.0	1/2	5-20P	390
GF48-FF	Two Door	52.25"	35.031"*	83"	115/208-230	16.0	3/4	L14-20P	590
GF75-FF	Three Door	78.00"	35.031"*	83"	115/208-230	16.0	1	L14-20P	790
GF102-FF	Four Door	103.75"	35.031"*	83"	115/208-230	16.0/16.0	(2) 3/4	L14-20P(2)	1174
Freezers / Low Temp									
GF22-LT	One Door	26.50"	35.031"*	83"	115/208-230	12.0	3/4	L14-20P	390
GF48-LT	Two Door	52.25"	35.031"*	83"	115/208-230	16.0	1-1/2	L14-20P	590
GF75-LT	Three Door	78.00"	35.031"*	83"	115/208-230	16.0	1-3/4	L14-20P	790

*Handle adds 1.38" to depth

MODEL NUMBER PREFIX - SC = Self-contained R = Remote
MODEL NUMBER SUFFIX - W = White B = Black S = Stainless Steel LED = LED - lighting
- Cases are designed to operate at 75 degrees Fahrenheit and 55% relative humidity
- Cases are equipped with drains; check your local building codes for connection requirements.
- Specification subject to change without notice

IF COLORS ARE MIXED AN ADDITIONAL CHARGE WILL APPLY

REVIT KCL ENGINEERING c UL us LISTED ANSI/NSF 7 SANITATION NSF/ANSI 7 6477N

Howard-McCray A Division of HMC Enterprises LLC • 831 East Cayuga St • Philadelphia, PA 19124 USA
(215) 464-6800 • 1-800-344-8222 • Fax (215) 969-4890 • E-Mail: sales@howardmccray.com • www.howardmccray.com

8/2020

Howard-McCray

GF Series - Hinged Glass Doors
Top Mount Freezers - 83"H

Standard Specifications and Optional Features

CONSTRUCTION
- UL - Classified to ANSI/NSF 7
- Heavy Duty Construction
- Foamed in place CFC free foam
- Removable front grille for easy servicing
- 1, 2, 3, or 4 door models available
- Heavy duty edge mounted hinges

INTERIOR
- White aluminum ends and rear (optional black and stainless steel)
- White aluminum floors (optional black and stainless steel)
- Aluminum evaporater fan housing
- 4 Heavy duty epoxy coated shelves per door

EXTERIOR
- White aluminum ends and front (optional black and stainless steel)
- Triple pane glass doors 23-3/4" x 62-1/4"
- Doors - chrome finish (white and stainless steel)
- Doors - black finish (black)
- 5" Casters

LIGHTING
- Vertical LED light strips - standard
- 1 Dr = 2 LED light strips = 2 Lamps
- 2 Dr = 3 LED light strips = 4 Lamps
- 3 Dr = 4 LED light strips = 6 Lamps
- 4 Dr = 5 LED light strips = 8 Lamps

OPTIONAL FEATURES
- Door swing change
- Digital thermometer
- Extra shelf with clips
- Cantilever shelves
- Door locks
- Stainless steel, laminated or paint
- 6" Legs

ELECTRICAL REQUIREMENTS
- 10' cord NEMA - plug see technical data
- UL/CUL listed
- 115V/208-230V
- 115V on GF22-V7 model

REFRIGERATION
- Top mounted condensing unit
- SC - expansion valve system
- R -R448A expansion valve system
- Electronically controlled with audio alarm
- Automatic defrost
- Remote available
- ECM Motors

Important Note:
All refrigerated cases are designed to operate in an environment of 75 degrees and 55% relative humidity. Product must be cooled before being displayed within the case

Drain Connection is required for this model.

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Howard-McCray

GF Series - Hinged Glass Doors
Top Mount Freezers - 83"H
Technical Data/Frozen Food Freezers

Model No. FREEZER FROZEN FOOD	SC R	GF22-FF R-GF22-FF	GF48-FF R-GF48-FF	GF75-FF R-GF75-FF	GF102-FF R-GF102-FF
Length		26.50"	52.25"	78.00"	103.75"
Height w/ casters		83.00"	83.00"	83.00"	83.00"
Depth without handle		35.031"	35.031"	35.031"	35.031"
(Dimensions are +/- 1/4") Operating temperature		-5°F to 5°F	-5°F to 5°F	-5°F to 5°F	-5°F to 5°F
Refrigerant Remote Expansion Valve	SC R	R448A	R448A	R448A	R448A
System type		Expansion valve	Expansion valve	Expansion valve	Expansion valve
Compressor size HP	SC	1/2	3/4	1	(2) 3/4
Refrigeration system		Electronic controlled	Electronic controlled	Electronic controlled	Electronic controlled
Defrost per day (24 hours) Defrost per day	Air Defrost R.	Electronic controlled 3 per day	Electronic controlled 3 per day	Electronic controlled 3 per day	Electronic controlled 3 per day
BTU's at -15°F Evap. Temp.	R	2150	3480	4620	(2) 3480
Voltage Amperage	SC SC	115/208-230 12.0	115/208-230 16.0	115/208-230 16.0	115/208-230 16.0/16.0
Voltage Amperage, lights, fans, defrost heaters	R R	115 10.5	115/208-230 9.0	115/208-230 11.6	115/208-230 8.8/9.9
Cord and plug	SC R	L14-20P NO	L14-20P NO	L14-20P NO	(2) L14-20P NO
Drain electric condensate plug		115V	115V	115V	115V
Exterior color		W, B, S	W, B, S	W, B, S	W, B, S
Interior color		W, B, S	W, B, S	W, B, S	W, B, S
Door size		23.75 x 62.25	23.75 x 62.25	23.75 x 62.25	23.75 x 62.25
Total shelves		4	8	12	16
Shelf size		(4) 21.125" x 22.50"	(8) 22.75" x 23.00"	(8) 22.75" x 23.00" (4) 25.00" x 23.00"	(8) 22.75" x 23.00" (8) 25.00" x 23.00"
Cubic capacity		22	48	75	102
Shipping Info					
Height		86"	86"	86"	86"
Depth		44"	44"	44"	44"
Length		31"	58"	84"	109"
Gross weight SC/R		390/360	590/550	790/750	1174/1094
Cubic feet		68	127	184	228

(ALL WHITE OR ALL BLACK, NO EXTRA CHARGE—IF COLORS ARE MIXED AN ADDITIONAL CHARGE WILL APPLY)

Prefix	Suffix
SC = Self-contained	B = Black
R = Remote	W = White
	S = Stainless Steel
	LED = LED - lighting

- Cases are designed to operate at 75 degrees Fahrenheit and 55% relative humidity
- Cases are equipped with drains; Drain Connection Required.
- Specification subject to change without notice
- Remotes supplied with R404A-Expansion Valve* (does not include solenoid valves)
- All refrigerant and expansion values are subject to change per SNAP (EPA) regulations.

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Howard-McCray

GF Series - Hinged Glass Doors
Top Mount Freezers - 83"H

Technical Data/Low Temp Freezers

Model No. FREEZER - ICE - CREAM	SC R	GF22-LT R-GF22-LT	GF48-LT R-GF48-LT	GF75-LT R-GF75-LT
Length		26.50"	52.25"	78.00"
Height w/ casters		83.00"	83.00"	83.00"
Depth without handle		35.031"	35.031"	35.031"
(Dimensions are +/- 1/4") Operating temperature		0°F to -10°F	0°F to -10°	0°F to -10°
Refrigerant Remote Expansion Valve	SC R	R448A	R448A	R448A
System type		Expansion valve	Expansion valve	Expansion valve
Compressor size HP	SC	3/4	1-1/2	1-3/4
Refrigeration system		Electronic controlled	Electronic controlled	Electronic controlled
Defrost per day (24 hours) Defrost per day	Air Defrost R.	Electronic controlled 3 per day	Electronic controlled 3 per day	Electronic controlled 3 per day
BTU's at -35°F Evap. Temp.	R	2311	4019	6002
Voltage Amperage	SC SC	115/208-23 12.0	115/208-230 16.0	115/208-230 16.0
Voltage Amperage, remote, lights, fans, defrost heaters	R R	115 10.5	115/208-230 9.0	115/208-230 11.6
Cord and plug	SC R	L14-20P (V4) 5-20P NO	L14-20P NO	L14-20P NO
Drain electric condensate plug		115V	115V	115V
Exterior color		W, B, S	W, B, S	W, B, S
Interior color		W, B, S	W, B, S	W, B, S
Door size		23.75" x 62.25"	23.75" x 62.25"	23.75" x 62.25"
Total shelves		4	8	12
Shelf size		(4) 21.125" x 22.50"	(8) 22.75" x 23.00"	(8) 22.75" x 23.00" (4) 25.00" x 23.00"
Cubic capacity		22	48	75
Shipping Info				
Height		86"	86"	86"
Depth		44"	44"	44"
Length		31"	58"	84"
Gross weight SC/R		390/360	590/550	790/750
Cubic feet		68	127	184

(ALL WHITE OR ALL BLACK, NO EXTRA CHARGE—IF COLORS ARE MIXED AN ADDITIONAL CHARGE WILL APPLY)

Prefix	Suffix
SC = Self-contained	B = Black
R = Remote	W = White
	S = Stainless Steel
	LED = LED - lighting

- Cases are designed to operate at 75 degrees Fahrenheit and 55% relative humidity
- Cases are equipped with drains; check your local building codes for connection requirements.
- Specification subject to change without notice
- Remotes supplied with R404A-Expansion Valve* (does not include solenoid valves)
- All refrigerant and expansion values are subject to change per SNAP (EPA) regulations.

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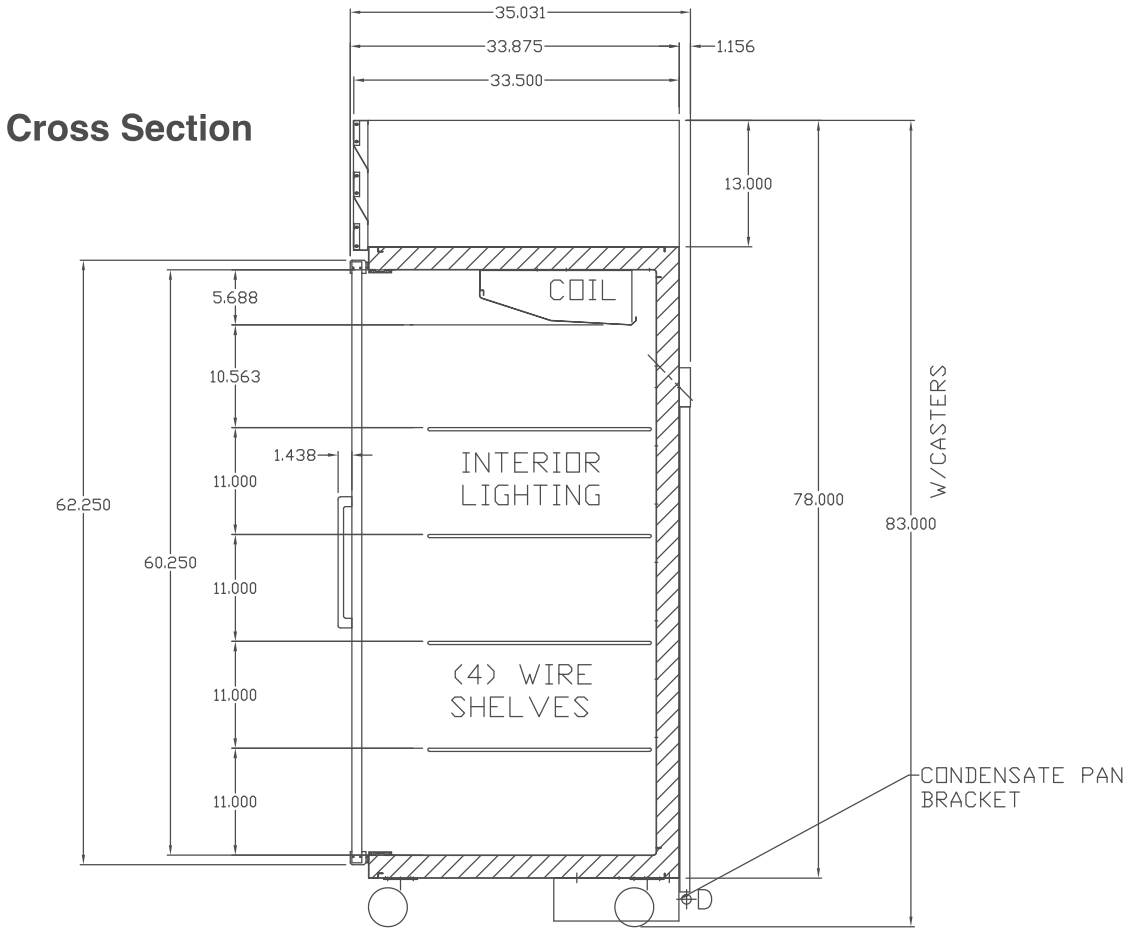
Howard-McCray

GF Series - Hinged Glass Doors
Top Mount Freezers - 83"H

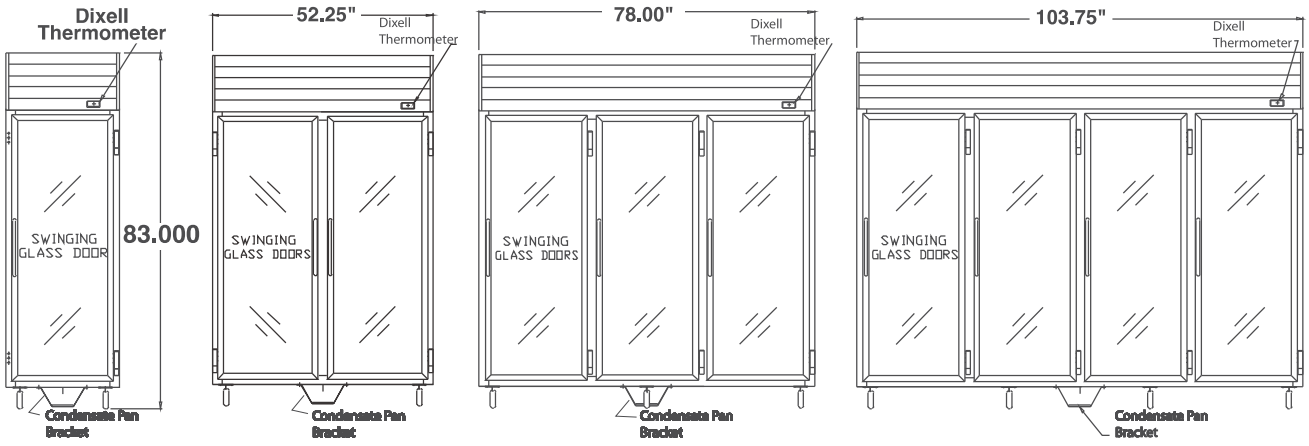
Technical Data • Side View • Front Views

Cross Section



Front Views

Swinging Glass Doors



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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Jeannie Meza-Chavez, Superintendent
Subject: Board Operating Procedures Revision Update
Date: June 13, 2023

HISTORY:
The San Elizario ISD Board Operating Procedures (BOP) serves as a document to help individuals engaged in board service. The BOP manual has procedures set to develop best practices for the critical work ahead. In addition, the BOP manual serves as a guide to conducting board meetings more effectively.

The BOP manual comprises the following sections: 1) Vision & Values, 2) Accountability & Structure, and 3) Advocacy & Unity.

The document has a board self-evaluation by the Texas Association of School Boards (TASB) that the San Elizario ISD utilizes to self-evaluate and improve.

The BOP manual has been updated to include the proposed student outcomes goals as part of BB3. In addition, the BOP has the updated 2023-2024 school year monitoring calendar.

RATIONALE:
The review of the San Elizario ISD Board Operating Procedures is an annual review conducted by all San Elizario ISD Board of Trustees.

BUDGET:
There is no impact on the budget.

ADMINISTRATIVE RECOMMENDATION:
The administration recommends that the board approve the revisions to the Board Operating Procedures as presented. If the Board of Trustees has additional revisions, the BOP manual can be returned in August for another approval.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

SAN ELIZARIO ISD
BOARD OPERATING PROCEDURES AND RESPONSIBILITES MANUAL

San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

Last Revision Approved 06/13/2023

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HOW TO USE THIS BOARD OPERATING MANUAL

This is the official Board Operating Manual for San Elizario ISD. The manual is divided into three main sections — Vision & Values, Accountability & Structure, and Advocacy & Unity — followed by an appendix.

The Vision & Values policies focus on the direction the Board wants to lead the school system and the protections it puts in place regarding unacceptable circumstances. The Vision & Values section includes the vision, mission, student outcome goals, Superintendent Constraints, and theory of action.

The Accountability & Structure policies focus on the Board's roles, Board Member roles, and how both relate to the Superintendent's role. The Accountability & Structure section includes descriptions of the Board's role, the Superintendent's role, Board's self-constraints, Superintendent Evaluation, Board self-evaluation, and monitoring calendar.

The Advocacy & Unity policies focus on the Board's outward engagement with community and stakeholders and how Board Members conduct themselves. The Advocacy & Unity section includes code of ethics, meeting procedures, communication procedures, and community engagement procedures.

INTRODUCTION

In effective school systems, the Superintendent and the Board function as a "Team of Eight." Therefore, the San Elizario Independent School District Board of Trustees has adopted these Team Operating Procedures to effectively communicate with staff and patrons of the District. These procedures are consistent with our Code of Ethics, Vision Statement, and with all other laws and policies governing the operation of the Board and the District.

As we work in the spirit of collaboration and teamwork, these operating procedures demonstrate our dedication in holding ourselves accountable to all stakeholders.

VISION & VALUES POLICIES

Vision
San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

Mission
It is the mission of the San Elizario Independent School District to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

Board's Student Outcome Goals for the Superintendent
The Board's student outcome goals, as aligned with the school system vision, are:

Student Outcome Goal 1:
The percentage of 3rd grade students that score at the approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥85% by June 2028. See appendix 1 pg. 18.

Student Outcome Goal 2:
The percentage of 3rd grade students that score at the approaches level on STAAR reading will increase from 57% in June 2022 to ≥80% by June 2028. See appendix 1 pg. 18.

Student Outcome Goal 3:
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System. See appendix 1 pg. 18.

The Superintendent shall interpret and implement the Board's student outcome goals and, in consultation with the Board, select goal progress measures (GPMs) for each student outcome goal. For any school year during which the Board's student outcome goals are not met, the Superintendent shall make reasonable progress toward meeting the student outcome goals. The Board's student outcome goals shall be the Superintendent's first priority for resource allocation.

Board's Constraints for the Superintendent
In attaining the Board's student outcome goals, the Superintendent shall not:

1. Allow the collaborative partnership between home, school, and community to deteriorate.
2. Allow adult convenience or preference to take priority over the academic progress of our students.

The Superintendent shall interpret and implement the Board's Superintendent constraints.

Theory of Action
If the district supports all students in reaching their individual educational goals; and if the district commits to all students learning the same standards but when necessary, reach them using differentiated time, resources, and approaches (Walters and Marzano, 2006); and if actions demonstrate leadership is expected from everyone as we support risk- taking and learning from setbacks in our support of success; and if accountability is defined as being responsible to peers and colleagues in the pursuit of learning (Lambert, 2002), then the district and through campuses, will be able to accomplish the Board's student outcome goals while operating within the Board's constraints.

ACCOUNTABILITY & STRUCTURE POLICIES

Board's Role
The Board shall:

1. Ensure creation of a shared **vision** that promotes improved student outcomes. The Board shall accomplish this by incorporating the community's vision and values into student outcome goals and Superintendent Constraints.

2. Provide guidance and direction for accomplishing the vision. The Board shall accomplish this by creating a structure for the school system through distinct Board and Superintendent roles and responsibilities, which includes selecting the Superintendent, delegating to the Superintendent the authority and responsibility to implement the Board's goals within law and the Superintendent constraints, and considering and voting on the Superintendent's recommendations.

3. Promote the vision. The Board shall accomplish this by providing **advocacy** for students, families, staff, and stakeholders.

4. Work with the superintendent to lead the school system toward the vision. The Board shall accomplish this by behaving in a manner that demonstrates the **unity** of the Board and the school system.

In carrying out the above activities, the Board shall at all times comply with the Education Code and other laws, as applicable.

Superintendent's Role
The Superintendent, as the Board's sole delegate for managing school system operations, shall be responsible for accomplishing any reasonable interpretation of the Board's student outcome goals within the boundaries provided by the Board and Superintendent constraints and state and federal law.

State and federal law require board adoption of policies on a variety of topics. The Board's adopted policies in the school system's local board operating manual constitute compliance with these legal requirements. In accordance with state law, the Superintendent shall be responsible for preparing recommendations for policies to be adopted by the Board, overseeing implementation of adopted policies, and developing appropriate administrative regulations. In recommending policy for Board adoption, the Superintendent shall identify when the Board is required to adopt policy or has statutory decision-making authority that cannot be delegated to the Superintendent. Required board policy addressing administrative issues shall be handled by consent agenda, with the Superintendent informing the Board of substantive changes.

Any operational issues not required to be Board adopted shall be addressed in administrative policy / regulations and the Board shall take necessary steps to remove such issues from its local policies.

Board's Constraints for the Board

The Board shall operate within the Board's role, as defined above, and the Board's operating procedures. The Board, either collectively or through the actions of individual Board Members, shall not:

- Deviate from the Board's operating procedures, particularly related to the protocol of communication.
- Deviate from the agenda once it is set 72 hours in advance.

Board Self-Evaluation

The Board shall conduct self-evaluations at least once a year. The Board shall self-evaluate using the *TASB - Effective Board Practices: An Inventory for School Boards*. See appendix 7 pg. 41.

Superintendent Evaluation

The San Elizario Board of Trustees voted on January 15, 2020, to utilize the Texas Association of School Boards (TASB) recommended evaluation as the evaluation instrument for the San Elizario Superintendent.

Roles and Responsibilities

Board Officers Roles & Responsibilities

The Board Chair shall:

- Preside at all board meetings
- Call special meetings
- Sign all legal documents as required by law
- Fulfill all duties and obligations as required by Board Policy, state and federal statutes, and regulations and rules

The Board Vice-Chair shall:

- Act in capacity of Board Chair in the absence of the Board Chair
- Fulfill all duties and obligations as required by Board Policy, state and federal statutes, regulations, and rules

The Board Secretary shall:

- Ensure that accurate records are kept
- Act as Board Chair in the absence of the Board Chair and Vice-Chair

Roles and Authority of Board Members

- Unless authorized by the Board, no Board member or officer has authority outside of a properly convened and conducted board meeting.
- No Board member has the authority to direct district employees in regard to performance of their duties.
- As a parent, within the District, a Board member shall:
    - When communicating with staff, is expected to make it clear to staff that he / she is acting as a parent and not as a Board Member.
    - Shall not request, expect, or require extra consideration or preferential treatment for their children due to their position on the Board.

- All Board members are expected to complete all continuing educational requirements within the allotted time frames set by the State.
- Newly elected Board members are required to review the Board Team Operating Procedures within the first six (6) weeks of their term.
- The Board has the legal authority to:
    - Hire the Superintendent
    - Govern and oversee the management of the District
    - Employ and evaluate, at least annually, the Superintendent
    - Adopt rules and bylaws
    - Levy and collect taxes and issue bonds
    - Adopt and file an annual budget
    - Have District financial accounts audited by a Texas certified accountant at the conclusion of each fiscal year
    - Publish an annual report describing the District's educational performance
    - Receive bequests and donations
    - Call elections and canvass the returns
    - Acquire and hold real and personal property in the name of the District
    - Execute, perform, and make payments under contracts, including leases, leases with options to purchase and installments
    - Exercise the right of eminent domain to acquire property
    - Adopt and periodically review District policy

Reviewing Board Policy & Procedures

- Board members shall review all board goals and constraints at least once every year in accordance with the monitoring calendar. See appendix 2 pg. 19.
- Board members shall review all other board policies and procedures once every other year in accordance with the monitoring calendar. During the review process, any Board member may add, change, or modify anything in these procedures subject to Board approval. Should trustees propose changes at any other time, the simple majority of the Board for the change is necessary.
- A work session may be called to review and / or update them if necessary.

**Note: The review of the Board Policies and Procedures will be done in August to allow our new board members to participate in making changes prior to proceeding.*

Board Members Visits to Campuses

- Board members are encouraged to visit campuses but shall arrange visits with the superintendent at least 24 hours in advance if the visit is not for a scheduled campus activity.
- Board members are not to go into teachers' classrooms or on campuses for the purpose of investigation or personal evaluation.
- Trustees should wear their District ID badges when visiting the campuses in an official capacity.

Board Travel / Training

- Board members shall attend professional development and conferences to assist them in their duties and responsibilities, as well as to acquire continuing education credit. Conferences board members may attend include:
    - TASB Conference
    - National School Board Conference
    - Far West Texas Association
    - Region 19 sessions
    - TASB Online training sessions
    - MASBA (Mexican American School Board Association
    - NALEO Educational Fund (National Association of Latino Elected and Appointed Officials)

- At the next board meeting immediately following any board approved/paid travel, all traveling board members shall be required to provide a verbal report in open session regarding the following:
    - Hours of training completed; whether the board member attended all or most sessions offered; and highlights of any information or training received.

Board Pledge Board

As a duly elected or appointed Board Member, I pledge the following to my colleagues and the San Elizario School District:

- I shall attend professional development training and conferences approved and paid for by the school district with public funds;
- I shall be a good steward of public funds and attend most or all training sessions offered; and
- I further pledge as a representative of the school district to conduct myself in a professional and ethical manner at all times during my sponsored travel.

Meeting Operating Procedures

Board Meeting Procedures

- The San Elizario ISD Board shall meet on a regular monthly business session on the second Wednesday in the Boardroom.
- Changes in the date and / or place to accommodate holidays and special events shall be approved by the Board in advance.
- Additional meetings may be called as needed.
- Anytime four (4) or more Board members are gathered to discuss school district business, it is considered a meeting.
- Failure to post such a meeting is considered a violation of the Texas Open Meetings Act.
- The Board shall observe the parliamentary procedures in Robert's Rules of Order, except as otherwise provided in Board procedural rules or by law.
- Board members are expected to attend and participate in duly called meetings.
- Board member may be permitted to attend a meeting of the Board of Trustees through virtual participation only if the board member is physically unable to attend in person due to illness or other personal emergency.
- Board members should come to the Board meetings prepared to discuss and take action on all items on the agenda.

- At a minimum, each Board member is expected to have studied the material in the board packet sent to them prior to the meeting and when possible, resolve questions beforehand by contacting the Superintendent or administrative staff.

Board Agenda

Agenda development for regular meetings shall be as follows:

- The tentative agenda is created by the administration.
- The Board Chair and Superintendent shall meet the week prior to the Board meeting to finalize the agenda.
- The Board of Trustees and the Superintendent shall focus their agenda items on improving student outcome goals and the progress monitoring of the adopted goals.
- The Chair shall ensure that any topics the Board or individual Trustees have requested to be addressed are either on the agenda or scheduled for deliberation at an appropriate time in the near future. The Board Chair shall not have authority to remove from the agenda a subject requested by a Trustee without that Trustee's specific authorization. The request will be forwarded to the Superintendent.
- The Superintendent shall place items requested by the Trustees on the agenda that have been submitted.
- No item can be placed on the agenda less than 72 hours in advance of the meeting, unless an emergency necessity exists.
- Any agenda items added to the agenda after the original posting shall be done so in accordance with state laws.

Consent Agenda

The Consent Agenda is included as part of the regular agenda but contains items that can be voted on all at once unless a Trustee requests that an item be pulled out and looked at individually. Items usually contained in the Consent Agenda are:

- Routine and/or recurring items
- Annual renewals of Region 19 and Texas Education Agency items
- Budget amendments
- Regular financial reports where financial activities remained within budget parameters
- Minutes of regular and special board meetings
- Routine personnel items
- Contract renewals
- Routine bid recommendations
- Policy updates
- Construction amendments

Executive Session

Executive Session may be needed according to the Texas Education Code.

- All personnel issues shall be conducted in an executive session unless specifically required by the Texas Open Meetings Law.
- Anything that violates the right to privacy, (Texas Open Meeting Act, Texas Open Records Act) cannot be placed on the open agenda.

- Anything that falls under the Texas Government Code Section 551.072 such as private consultation with the board's attorney, discussing purchases, exchange, leases, or value of real property, discussing negotiated contracts for prospective gifts or donations, discussing personnel or to hear complaints against personnel, deliberation regarding security devices, considering discipline of a public school child, or complaint or charge against personnel, considering the stands, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups, excluding witnesses from a hearing.
- Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either in the open meeting covered by the Notice upon the reconvening of the public meeting or at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.
- The Board prohibits the use of technology that has recording capabilities during executive sessions without prior permission from board.
- Discussions during closed sessions shall remain confidential.

Voting Procedures

- All discussion shall be directed solely to the business currently under discussion as posted on the agenda.
- The Board Chair has the responsibility of keeping the discussion of the motion at hand and shall halt discussion that does not apply to the business before the Board as posted on the agenda.
- The Board Chair may make motions, second motions, enter into debate or discussion and vote on all matters coming before the Board.
- No member shall vote on a motion if the action would violate state or federal law or Policies BBFA (Legal) or BBFB (Legal). See appendix 6 pg. 25.
- Except in a conflict of interest as defined by law, Board members shall cast a vote.
- All votes, including dissenting and abstaining votes, shall be recorded in the minutes of the Board meeting.
- Voting shall be done by a show of hands or voice.
- Each Board decision, even when there are dissenting votes, shall be an action by the simple majority of the Board and binding upon each member. Individual members are encouraged to express their opinions during the discussion of motions, but following the vote, members shall publicly discuss only the decision of the whole Board.

ADVOCACY & UNITY

Code of Ethics

As a member of the Board, l shall promote the best interests of the District as a whole, and, to that end, I shall adhere to the following educational and ethical standards:

Equity In Attitude	● I will be fair, just, and impartial in all my decisions and actions. ● I will accord others the respect I wish for myself. ● I will encourage expressions of different opinions and listen with an open mind to others' ideas.
Trustworthiness In stewardship	● I will be accountable to the public by representing District policies, programs, priorities and progress accurately. ● I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns. ● I will work to ensure prudent and accountable use of District resources. ● I will make no personal promise or take private action that may compromise my performance of my responsibilities.
Honor In conduct	● I will tell the truth. ● I will share my views while working for consensus. ● I will respect the majority decision as the decision of the Board. ● I will base my decisions on fact rather than supposition, opinion, or public favor.
Integrity Of Character	● I will refuse to surrender judgment to any individual or group at the expense of the District as a whole. ● I will consistently uphold all applicable laws, rules, policies, and governance procedures. ● I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.
Commitment To Service	● I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation. ● I will diligently prepare for and attend Board meetings. ● I will avoid personal involvement in activities the Board has delegated to the Superintendent. ● I will seek continuing education that will enhance my ability to fulfill my duties effectively.
Student-Centered Focus	● I will be continuously guided by what is best for all students of the District.

Communications Operating Procedures

Board Communications

- The Board is committed to, and encourages, community input through the use of surveys, public forums, the District website, District publications, and on-going communication-forms.
- The Superintendent and Board Chair shall communicate information in a timely manner to all Trustees.
- Unless otherwise approved or authorized by the Board, individual members cannot speak in an official capacity or otherwise represent the views of the Board. The Board Chair and / or his / her designee shall be the official spokesperson for the Board to the media / press on issues of media attention.
- Any Board member may respond to general, factual inquiries. If the Board member is unsure of the correct facts, they should direct the inquiry to the appropriate administrative staff.
- All Board members who receive phone calls from the media should direct them to the Board's spokesperson (Superintendent) and notify the Board Chair and Superintendent of the call.
- The SEISD Board of Trustees encourages input; however, anonymous calls, letters or emails will not receive the Board's attention, discussion or response. The Superintendent will be made aware of the anonymous calls, letters or emails for informational purposes only.

Individual Board Members Request for Information

- Board members are entitled to the information they require to make informed decisions on the matters before them. If a member requests information that requires an excessive amount of staff time to complete, the Superintendent and Board Chair shall consult with the member to find a reasonable solution. Board members may email or call the Superintendent or his / her staff with information requests.
- When information is requested by a Board member, it will be provided to all Trustees.

Community Engagement Operating Procedures

Board Promoting Vision Procedures

- The board shall listen and discuss the vision and values of students in accordance to the monitoring calendar.
    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the open meetings act shall be followed.
    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.
- The board shall listen and discuss the vision and values of families, staff, and community members, in accordance to the monitoring calendar.
    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the open meetings act shall be followed.
    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.
- The board shall host a community meeting to discuss progress toward student outcome goals with low performing campuses at least twice per school year in accordance to monitoring calendar.

Board Member Responses to Comments and/or Complaints

1. Board Members will listen respectfully and remain impartial.
2. Board Members will ask if the commentator / complainant has followed the District's procedures and / or chain of command.
3. If the commentator / complainant does not know the procedures or chain of command, provide the following information / steps:
    a. The commentator / complainant must first speak with the appropriate staff member. If not satisfied then;
    b. The commentator / complainant must go to the appropriate administrator in charge of the school or department where the comment/concern arose. If not satisfied, then;
    c. The commentator / complainant must contact the appropriate central office administrator. If not satisfied, then;
    d. The commentator / complainant will conference with the Superintendent (or designee).
4. The Board Member will inform the Superintendent if an issue has advanced to or beyond Step b, and will include the nature of the comment / complaint, the commentator / complainant and to whom the commentator / complainant has been referred.
5. The Superintendent will inform the Board Member of the resolution of any referred comment / complaint.
6. This procedure shall not be construed to apply to comments / complaints alleging criminal activity.

Board Member Concerns about Superintendent Performance

1. If, at any time, a Board Member becomes concerned that the Superintendent may have (1) breached any term of the Superintendent's contract; (2) violated a state or federal statute; (3) violated a Board Policy or Operating Procedure; or (4) failed within a reasonable amount of time to address a specific issue identified by the Board, the following process will be used:
    a. The concerned Board Member will meet privately with the Superintendent to discuss their concerns in order to resolve the issue(s). The concerned Board Member may elect to bring their concerns to the Board Chair instead who will assist in resolving the issue(s).
    b. If the concerned Board Member does not feel that the resolution is satisfactory, the Board Member may request, through the Board Chair, that an item be placed on the next regular meeting agenda as a Closed Meeting item, posted in accordance with Texas Government Code. The concerned Board Member must inform the Board Chair in writing of the specific nature of any concern(s) which prompted the request for a Closed Meeting.
    c. In addition, the Board Chair may, of their own accord, place an item on a regularly scheduled meeting agenda as a Closed Meeting item to discuss concerns about the professional performance of the Superintendent.
2. In the event that a Closed Meeting is called, the Board must listen to the concern(s) and make a determination if the issue raised is truly cause for concern. Failure to make such a determination shall end the Board Meeting.
3. If the majority of the Board determines that there is a violation or breach of one of the items listed, the following process will be followed:
    a. The exact nature of the deficiency will be documented and discussed with the Superintendent.
    b. A plan for remediation will be written, to include action(s) to be taken and timelines.
    c. The Board Chair shall monitor the plan for compliance and the results will be made part of the Superintendent's annual performance evaluation.

d. It shall be the responsibility of the Board Chair to ensure that all documentation relating to performance deficiencies shall be appropriately placed in the Superintendent's personnel file.

Board Member Concerns about Non-Superintendent Employee Performance

1. When a Board Member becomes concerned about the performance of District employees, they must bring their concerns directly to the Superintendent and inform the Board Chair. Such concerns must be limited to:
    a. Actions which are illegal
    b. Egregious violations of Board policy
    c. Actions which are harmful to the District's or Board's reputation.
2. Board Members must remain cognizant that District personnel are the responsibility of the Superintendent, not the Board.
3. The Superintendent is obligated to listen to such concerns, review the matter and notify the Board of the resolution of the matter to the extent allowed by policy.
4. When a Board Member has concerns about the performance of District employees which relate to employee, Student, Board or community safety, the Board Member will notify the Superintendent and, when appropriate, the police department.

Board Member Concerns about Board Member Performance

1. If a Board Member believes that another Board Member has violated the Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair.
2. If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board Member not involved in the allegation who is then obligated to serve as arbiter instead.
    a. The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.
3. If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of the Board to discuss the alleged violation. The Board Chair may call upon the District's General Counsel or an external legal advisor to investigate the nature of the allegations. The findings of this investigation will be presented at a special meeting of the Board.
4. If, after the special meeting of the Board to discuss the alleged violation, the Board determines that additional consideration of the alleged violation is warranted, the allegation and the investigative findings will be placed on the next regular meeting agenda.
5. In order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish or a motion to censure.
    a. In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not

impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.

b. A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires the simple majority vote of the Board to pass.
c. An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote to pass.
d. A censure is an action that is permanent for the period specified by a majority of the Board. A censure serves as a penalty imposed against a board member for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented by another board member in writing and must contain the exact language of the alleged violation, the proposed censure, and the period of censure. A copy of the written request to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to the board meeting during which the censure motion will be considered. A motion to censure requires a majority vote to pass.

Board Member Concerns about Board Member Performance

1. See Appendix 5 – Found on page 23

APPENDIX 1: Student Outcome Goals & Goal Progress Measures

HB 3 Student Outcome Goals and Goal Progress Measures; 2023-2028

Student Outcome Goal 1 (HB 3; 5-year Goal)
The percentage of 3rd grade students that score at the approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥85% by June 2028.

Goal Progress Measure (GPM) 1.1 (District; 1-year Goal)
The average percentage of all PK-4 students meeting early mathematics skills benchmarks at MOY (Wave 2) will increase from 57% in May 2023 to ≥58% by June 2024 as measured by the CIRCLE Progress Monitoring School Benchmark Growth Report.

Goal Progress Measure (GPM) 1.2 (District; 1-year Goal)
Students in grades K-2 will increase the percentage meeting their MOY mathematics growth projection from 49% in May 2023 to ≥50% by June 2024 as measured by MAP mathematics assessments.

Goal Progress Measure (GPM) 1.3 (District; 1-year Goal)
Students in grade 3 will increase the percentage meeting their MOY mathematics growth projection from 60% in May 2023 to ≥61% by June 2024 as measured by MAP mathematics assessments.

Student Outcome Goal 2 (HB 3; 5-year Goal)
The percentage of 3rd grade students that score at the approaches level on STAAR reading will increase from 57% in June 2022 to ≥80% by June 2028.

Goal Progress Measure (GPM) 2.1 (District; 1-year Goal)
The average percentage of all PK-4 students meeting early reading skills benchmarks at MOY (Wave 2) will increase from 63% in May 2023 to ≥64% by June 2024 as measured by the CIRCLE Progress Monitoring School Benchmark Growth Report.

Goal Progress Measure (GPM) 2.2 (District; 1-year Goal)
Students in grades K-2 will increase the percentage meeting their MOY reading growth projection from 39% in May 2023 to ≥40% by June 2024 as measured by MAP reading assessments.

Goal Progress Measure (GPM) 2.3 (District; 1-year Goal)
Students in grade 3 will increase the percentage meeting their MOY reading growth projection from 51% in May 2023 to ≥52% by June 2024 as measured by MAP reading assessments.

Student Outcome Goal 3 (HB 3; 5-year Goal)
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System.

Goal Progress Measure (GPM) 3.1 (District; 1-year Goal)
The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 30% in May 2023 to ≥40% by June 2024, as measured by the OnData Suite CCMR Early Warning System.

APPENDIX 2: Monitoring Calendar

*This calendar will remain fluid as dates are finalized.

Board Monitoring Calendar 2023-2024

Month	HB 3 or Other Progress Monitoring District	Progress Monitoring Campus	Campus Update (Video)	Board Training Information (Dates Subject to Change)	Review, Update & Approve, Misc.
July 2023					
August 2023	Analysis of STAAR/EOC Scores from Spring 2023 Testing; TELPAS Results from Spring 2023			Team of 8 (Completed May 25, 2023, FWTSBA Spring Workshop)	Approve Board Operating Procedures; Review & Readopt Vision & Mission Statements; Annual Review of CDA (LOCAL) Investments; Annual Review of FFG (LOCAL) Child Abuse and Neglect; Renew Annually of CNA (LOCAL) Student Transportation
September 2023	(HB 3) Goal 3—Overall CCMR Percentage for SEHS; Campus and District Improvement Plans for 2023-2024	SEHS—Math and reading progress monitoring grades 9-12	SEHS	MASBA | Sept.14 -16, 2023 TASA/TASB | Sept 29 - Oct 01, 2023	
October 2023	A-F Accountability Ratings for 2023			TASA/TASB | Sept 29 - Oct 01, 2023	
November 2023	(HB 3) Goal 1--Overall Academic Growth in Mathematics	GEMS—Math and reading progress monitoring grades 7-8	GEMS	FWTSBA (TBA)	
December 2023					

Revised June 06, 2023

Board Monitoring Calendar 2023-2024

Month	HB 3 or Other Progress Monitoring District	Progress Monitoring Campus	Campus Update (Video)	Board Training Information (Dates Subject to Change)	Review, Update & Approve, Misc.
January 2024	(HB 3) Goal 2—Overall Academic Growth in Reading				Review & Update RYHT Advocacy Plan; Review & Update Voting Website
February 2024	(HB 3) GPM 1.1—Math Growth for PK (HB 3) GPM 1.2—Math Growth for Grades K-2	Loya—Math and reading progress monitoring for grades PPK and PK	Loya		
March 2024	(HB 3) GPM 1.3—Math Growth for Grade 3	Alarcon—Math and reading progress monitoring grades 3-6	Alarcon		
April 2024	(HB 3) GPM 2.1—Reading Growth for PK (HB 3) GPM 2.2—Reading Growth for Grades K-2	Sambrano—Math and reading progress monitoring grades K-2	Sambrano		Review HB 3 Student Outcome Goals
May 2024	(HB 3) GPM 2.3—Reading Growth for Grade 3	Borrego—Math and reading progress monitoring grades 3-6	Borrego	FWTSBA/TASB Spring Workshop (TBA)	Hold Budget Workshops Hold Instruction Workshop
June 2024	(HB 3) GPM 3.1—Meeting TSI criteria in ELA/Reading and Math				Conduct Board Self-Evaluation; Annual Review Board Operating Procedures, Review & Approve DMA (LOCAL) Professional Development; Approve Budget & Update Trustee Badges

Revised June 06, 2023

*This calendar will remain fluid as dates are finalized.

APPENDIX 3: Ethics & Conflict of Interest Statement

San Elizario I.S.D.
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

SAMPLE

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Required Disclosures for the Schools FIRST Report for the 2023-24 Rating
Date: Board Meeting Date

There are two required disclosures for the Schools FIRST report related to 1) gifts to Board Members and Executive Officers and 2) business transactions between the District and Board Members during the year under review. The 2023-24 ratings will be based on data from the school year 2022-23 (the year under review) which includes the period of July 1, 2022 through June 30, 2023. Please enter your response below; if no gifts were received or business transactions conducted, you may indicate N/A. Reimbursement of travel-related expenditures directly related to the duties of a Board Member are also not applicable.

GIFTS
Please list any and all gifts received, as best you can recall, during the period beginning July 1, 2022 through June 30, 2023. Gifts are defined as any and all items given to you and/or your immediate family members from an outside entity having an aggregate value of $100 or more during the fiscal year.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

BUSINESS TRANSACTIONS
Please list any business transactions between you and the District that occurred during the period beginning July 1, 2022 through June 30, 2023.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

Name: Board of Trustees Signature: _____

San Elizario ISD's vision is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

APPENDIX 4: Legal Notice Regarding Board Policy

This entire document is the official board operating procedures manual for San Elizario ISD. All other policies and procedures in use by San Elizario ISD that are not required by TEC §11.1511 to be retained by the board of trustees are fully delegated by the board to the superintendent. To accomplish this delegation, the superintendent is authorized to transfer all local policies to administrative regulations except where indicated below.

Policies Retained by the Board for Alignment with Texas Education Code
As required by TEC §11.1511, the following policies in the TASB-maintained policy manual related to the duties and powers of the board of trustees are NOT delegated to the superintendent and may not be modified or deleted without the board's prior approval. These remain board policy, however, the superintendent is responsible for their implementation and for notifying the board if any of these non-delegated policies are recommended for modification or removal.

A series	CD series except CDC	DF series except DFE
B series except BP	CE series	EL
CAA	CFC	GF
CCA	CH series	
CCG		

Policies Retained by the Board for Alignment with Goals and Constraints
The following policies in the TASB-maintained policy manual are NOT delegated to the superintendent and may not be modified or deleted without the board's prior approval because they are directly related to either the Board-adopted Student Outcome Goals and Constraints (which includes the Theory of Action). These remain board policy, however, the superintendent is responsible for their implementation and for notifying the board if any of these non-delegated policies are recommended for modification or removal.

Policies Related to Goal #1: Mathematics	*Policies Related to Goal #2: Reading*	*Policies Related to Goal #3: College, Career, and Military Readiness*
None	None	EIF

Policies Related to Constraint #1: Community	*Policies Related to Constraint #2: Finances*	*Policies Related to Constraint #3: Adult Convenience*
DGA	CC series CRD CV series	None

Policies Related to Theory of Action
EC
EF
EHBC
EIE

APPENDIX 5: Social Media Guidelines for Board Members and Other Public Officials

SOCIAL MEDIA GUIDELINES FOR BOARD MEMBERS AND OTHER PUBLIC OFFICIALS

1. **Good comportment, especially on social media, is in the District's interest and serves as the best PR.**

2. **Do NOT overshare and verify the truth of your information.** You should be particularly careful about the information you share on social media and make certain that you do not overshare. Remember that a violation of the Open Meetings Act carries criminal penalties that include fines, jail time or both. Likewise, there are legal consequences for communicating false information such defamation or libel suits. Moreover, be mindful of the confidential nature of certain information shared with you and limit the content of your communication to information that San Elizario ISD has previously released to the public.

3. **Speak for yourself, and yourself only.** Although you are free to communicate with others on social media, please do not use your personal social media accounts to speak on behalf of the school board or San Elizario ISD. If you choose to communicate on social media about San Elizario ISD business, please ensure that you specify that you are communicating as an individual and not on behalf of the board or the school district.

4. **Do not communicate with other board members through social media.** In doing so, you run the risk of establishing a quorum and discussing district business outside of a publicly noticed meeting which would violate Open Meetings laws.

5. **Avoid re-creating board meeting events and discussions.** Doing so can lead to unintended contradictions or confusion. Instead, direct the public to key administration, meeting minutes, agendas, publicly available documents, etc.

6. **Don't jump to conclusions and make pre-determinations.** Do not publicly communicate about your consideration or decision-making on matters that have not yet reached the board for possible action Be mindful of the legal processes for certain matters and refrain from even the appearance of making pre-determinations or decisions outside of the established or required process (for example, due process hearings for teacher nonrenewals, employee grievance hearings, adoption of tax rate, etc.).

7. **Refrain from involving yourself as a witness in a matter that may result before the board.** If you are approached or contacted with a complaint, redirect the complainant to the appropriate administrator. Be sure to promptly inform the Superintendent and Board President of the matter.

8. **Remember that you are a temporary custodian of records under state law.** Under recent legislative changes to the Public Information Act, board members, public officials, and employees are required to maintain all records pertaining to district business. This includes communication by text, personal email and social media. This means that your social media communications are presumed

to be public information, must be preserved by you as district records and must be made available to the public upon request (absent an exception to public disclosure).

9. **Seek legal advice prior to deleting public comments or blocking participants.** Even if you're using a personal social media account, deleting public comments or blocking persons with whom you disagree have the potential of violating the constitutional tenets of free speech—especially if the communication relates to district business. Check with the district's legal counsel before taking any action, or better yet disable all public comment functions on your account.

10. **Quickly report any possible illegal or criminal activity, to include threats against district employees, students and public officials.** Report the information to the Superintendent, Board President and law enforcement.

APPENDIX 6: BBFA (LEGAL) and BBFB (LEGAL)

Note: For information regarding conflicts of interest and depository contracts, see BDAE.

See also CBB for conflict of interest requirements when federal funds are involved.

Substantial Interest Affidavit

If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official recordkeeper of the district.

Local Gov't Code 171.004(a)–(b)

Abstention Exception

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov't Code 171.004(c)*

Definitions

Local Public Official

"Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

Substantial Interest

Business Entity

A person has a substantial interest in a business entity if:

1. The person owns:
   a. Ten percent or more of the voting stock or shares of the business entity, or
   b. Either ten percent or more or $15,000 or more of the fair market value of the business entity; or

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

Local Gov't Code 171.002(a)

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

Real Property

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more. *Local Gov't Code 171.002(b)*

First-Degree Relatives

A local public official is considered to have a substantial interest under Local Government Code 171.002 if a person related in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], has a substantial interest under that section. *Local Gov't Code 171.002(c)*

Separate Vote on Budget

The board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. Except as provided at Abstention Exception above, the affected trustee may not participate in that separate vote. The trustee may vote on a final budget if the trustee has complied with Local Government Chapter 171 and the matter in which the trustee is concerned has been resolved. *Local Gov't Code 171.005*

Violations

A local public official commits an offense if the official knowingly:

1. Violates Local Government Code 171.004.
2. Acts as surety for a business entity that has work, business, or a contract with the district.
3. Acts as surety on any official bond required of a trustee.

Local Gov't Code 171.003

Voidable Actions

The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

Private Corporation

It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the

nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

Conflicts Disclosure Statement

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:
    a. A contract between the district and the vendor has been executed; or
    b. The district is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:
    a. A contract between the district and the vendor has been executed; or
    b. The district is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

Gifts—Exception

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

Filing Date

A local government officer shall file the conflicts disclosure statement with the records administrator of the district not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

Vendor Questionnaire

A person who is both a local government officer and a vendor of a district is required to file the required vendor questionnaire only if

the person enters or seeks to enter into a contract with the district or is an agent of a person who enters or seeks to enter into a contract with the district. [See CHE] *Local Gov't Code 176.006(e)*

Definitions

Agent "Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

Business Relationship "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(1-a)

Contract "Contract" means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

Family Member "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2)*

Family Relationship "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2-a)*

Gift "Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

Investment Income "Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business checking or savings account, share draft or share account, or other similar account;

2. A personal or business investment; or

3. A personal or business loan.

Local Gov't Code 176.001(2-d)

Local Government Officer

"Local government officer" means a member of the board, the superintendent, or an agent of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

Records Administrator

"Records administrator" means the director, superintendent, or other person responsible for maintaining the records of the district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

Vendor

"Vendor" means a person who enters or seeks to enter into a contract with a district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Duties of Records Administrator

A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and

2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

Local Gov't Code 176.0065

Internet Posting

A district that maintains an internet website shall provide access to the statements and to questionnaires required to be filed under Local Government Code Chapter 176 on that website. *Local Gov't Code 176.009*

Violations

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of this provision that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after

the date the officer received notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Local Government Code 176. [See DF series]

Local Gov't Code 176.013(a), (d), (f)

[See CHE for violations by a vendor.]

Affidavit Disclosing Interest in Property

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

The affidavit must:

1. State the name of the public servant and the public servant's office, public title, or job designation;
2. Fully describe the property;
3. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
4. State the date when the person acquired an interest in the property;
5. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
6. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

Gov't Code 553.002

Definition

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

Violations

A person commits an offense if the person violates Government Code 553.002 and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Government Code 553.002 by not filing the required affidavit is presumed to have the intent to commit an offense. *Gov't Code 553.003*

Trustee Financial Statement

The board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The commissioner by order shall require the members of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B in the same manner as the members of a board that have adopted a resolution if the commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Local Government Code Chapter 171;
2. The district financial accounting practices are not adequate to safeguard state and district funds; or
3. The district has not met a standard set by the commissioner in the financial accountability rating system.

The commissioner may require filing financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board subject to an order issued by the commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described above continues to exist.

Government Code Chapter 572, Subchapter B applies to a trustee subject to these provisions as if the trustee were a state officer, and

governs the contents, timeliness of filing, and public inspection of a statement filed under these provisions.

Violations

A trustee serving in a district that has adopted a resolution or that is subject to an order issued by the commissioner commits an offense if the trustee fails to file the statement required by the resolution or order.

Education Code 11.064

Prohibited Activities by Public Servants—State Law

"Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

1. An officer, employee, or agent of government; or
2. A candidate for nomination or election to public office.

Penal Code 1.07(a)(41)(A), (E)

Bribery

A person commits an offense if the person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another, any benefit:

1. As consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or voter;
2. As consideration for a violation of a duty imposed by law on a public servant; or
3. That is a political contribution as defined by Election Code Title 15 or an expenditure made and reported in accordance with Government Code Chapter 305 (regarding registration of lobbyists), if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), .02

Illegal Gifts

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the public servant's discretion. *Penal Code 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under the provision above may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(d), (i)*

Exceptions

Illegal Gifts does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which the public servant gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Government Code Chapter 572, or a report under Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:
   a. The benefit and the source of any benefit in excess of $50 is reported in the statement; and
   b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
4. A political contribution as defined by Election Code Title 15;
5. An item with a value of less than $50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
7. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Penal Code 36.10

Honoraria and Expenses

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the person's official position or duties. This provision does not prohibit a public servant from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

Abuse of Official Capacity	A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government that has come into the public servant's custody by virtue of the person's office or employment. *Penal Code 39.02(a)* "Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)* "Misuse" means to deal with property contrary to: 1. An agreement under which the public servant holds the property; 2. A contract of employment or oath of office of a public servant; 3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or 4. A limited purpose for which the property is delivered or received. *Penal Code 39.01(2)*
Official Oppression	A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment. A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)(3), (b), (c)*
Misuse of Official Information	A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:

1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

2. Speculates or aids another to speculate on the basis of the information; or

3. As a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant discloses or uses information for a nongovernmental purpose that:

1. The person has access to by means of the person's office or employment; and

2. Has not been made public.

"Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Government Code Chapter 552 (the Public Information Act).

Penal Code 39.06(a), (b), (d)

Nepotism

Except as provided by law, a public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The individual is related to the public official within the third degree by consanguinity (blood) or within the second degree by affinity (marriage); or

2. The public official holds the appointment or confirmation authority as a member of a local board and the individual is related to another member of the board within a prohibited degree.

Gov't Code 573.002, .041 [See DBE]

"Public official" means:

1. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or

2. An officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state.

Gov't Code 573.001(3)

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

Counties with Population 35,000 or More

If, under the district's employment policy [see DC], the board delegates to a superintendent the final authority to select district personnel:

1. The superintendent is a public official for the purposes of the nepotism prohibitions of Government Code Chapter 573 only with respect to a decision made under that delegation of authority; and

2. Each member of the board remains subject to the nepotism prohibitions with respect to all district employees.

For purposes of this provision, a person hired by a district before September 1, 2007, is considered to have been in continuous employment [see DBE] and is not prohibited from continuing employment with the district subject to the abstention requirements.

Education Code 11.1513(f), (h)

Counties with Population Less Than 35,000

The provisions at Counties with Population 35,000 or More do not apply to a district that is located:

1. Wholly in a county with a population of less than 35,000; or

2. In more than one county, if the county in which the largest portion of district territory is located has a population of less than 35,000.

Education Code 11.1513(g)

A member of a board that has delegated to the superintendent final authority for personnel selection is not a public official with appointment authority for purposes of the nepotism prohibitions of Government Code 573.041. *Atty. Gen. Op. GA-123 (2003)*

With respect to renewed contracts, however, board members may be the relevant public officials for nepotism purposes. *Atty. Gen. Op. GA-177 (2004)*

Former Board Member Employment

A trustee of a district may not accept employment with the district until the first anniversary of the date the trustee's membership on the board ends. *Education Code 11.063*

Incompatibility of Office

The common law rule of incompatibility prohibits one person from holding two offices if the duties are in conflict or if one is subordinate to the other. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. *Thomas v. Abernathy County Line Indep. Sch. Dist., 290 S.W. 152 (Tex. Comm. App. 1927); Turner v. Trinity Indep. Sch. Dist., 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM-634 (1987), MW-450 (1982)*

Instructional Materials Violations

Rebates

Gifts

A trustee commits an offense if the trustee receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the trustee is associated.

A trustee commits an offense if the trustee accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence a trustee in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include staff development, in-service, or teacher training; or ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Free Materials

A person commits an offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

Prohibited Activities by Public Servants—Federal Law

Bribery—General

"Public official" includes a person acting for or on behalf of the United States, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency, or branch of government. The term includes any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed. *18 U.S.C. 201(a); Dixson v. U.S., 465 U.S. 482, 499 (1984) ("To be a public official under section 201(a), an individual*

must possess some degree of official responsibility for carrying out a federal program or policy."); U.S. v. Franco, 632 F.3d 880 (5th Cir. 2011)

A public official commits an offense if the public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

1. Being influenced in the performance of any official act;
2. Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or
3. Being induced to do or omit to do any act in violation of the official duty of such official or person.

18 U.S.C. 201(b)(2)

Bribery—Federal Programs

"Agent" means a person authorized to act on behalf of another person or a government and, in the case of a government, includes a servant or employee, and a partner, director, officer, manager, and representative.

"Government agency" means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program.

If a district receives, in any one year period, benefits in excess of $10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of federal assistance, an agent of the district commits an offense if the agent:

1. Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that:
   a. Is valued at $5,000 or more, and
   b. Is owned by, or is under the care, custody, or control of the district; or
2. Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with

any business, transaction, or series of transactions of the district involving anything of value of $5,000 or more.

This provision does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

18 U.S.C. 666

APPENDIX 7: TASB: Effective Board Practices: An Inventory for School Boards

1. A vision statement is in place for the district.

		Yes	No	Unsure
1.1	The vision statement meets the criteria for a well-developed vision statement listed in the supporting materials.	☐	☐	☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

		Yes	No	Unsure
a.	Your vision statement is written.	☐	☐	☐
b.	It lists or describes desired qualities for at least each of the following: students of the district, the community, and the schools in the district.	☐	☐	☐
c.	Staff and community input was solicited in some fashion and was considered.	☐	☐	☐
d.	All current members of the board and the superintendent have agreed, in a formal adoption or readoption by the board, to be guided by the vision.	☐	☐	☐

1.2 The board reviews and readopts the vision through formal board action. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board has formally adopted or readopted its vision statement within the last five years. Yes ☐ No ☐ Unsure ☐

b. The board's annual calendar of activities or another written document clearly specifies when the vision statement will next be considered for review. Yes ☐ No ☐ Unsure ☐

1.3 The vision is disseminated throughout the district. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The vision statement is clearly posted in the board meeting room or copies are available at each meeting. Yes ☐ No ☐ Unsure ☐

b. The vision statement is available on all campuses and all staff members have been informed about it. Yes ☐ No ☐ Unsure ☐

2. A comprehensive statement of goals for the district is in place.

2.1 The board adopts or reaffirms a comprehensive list of district goals each year through formal board action. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board formally adopted or reaffirmed a list of goals within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. Workshop documents from the goal-setting process indicate the board considered a broad range of district issues and student achievement measures before limiting the goals to those included in its list. Yes ☐ No ☐ Unsure ☐

c. Each member of the board can state in general terms the substantive content of current goals. Yes ☐ No ☐ Unsure ☐

d. The board can point to specific, written criteria that will be used to assess whether the district is succeeding in reaching its goals. Yes ☐ No ☐ Unsure ☐

2.2 Mechanisms for disseminating the goals for the district are clearly identified and in writing. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Current goals are either posted in the board room or made available to the audience at board meetings. Yes ☐ No ☐ Unsure ☐

b. The goals are available on all campuses and the district Web site, and all staff members have been informed about them. Yes ☐ No ☐ Unsure ☐

2.3 The board is familiar with administration's written plans for accomplishing the goals. The plans include time lines for implementation, specific mechanisms for assessing the effectiveness of the plans, and specific times for reporting to the board on progress. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board has looked at copies of, or been formally briefed about, the administration's plans for accomplishing the current district goals. Yes ☐ No ☐ Unsure ☐

b. The written plans state what results the board will see after implementation and include time lines for implementation, procedures for assessing effectiveness, and a schedule for progress reports to the board. Yes ☐ No ☐ Unsure ☐

3. Board actions reinforce the central importance of the goals to the work of the district.

3.1 Deliberation on major items before the board routinely includes a discussion of the recommended action's impact on meeting district goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials routinely summarize the impact agenda items will have on the achievement of current goals. Yes ☐ No ☐ Unsure ☐

b. Board deliberations routinely include an acknowledgement of whether the given agenda item directly or indirectly supports a district goal. Yes ☐ No ☐ Unsure ☐

3.2 The board's superintendent evaluation instrument and process focus first and foremost on the superintendent's success in addressing the board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board formally adopts written priority performance goals for the superintendent at the beginning of the evaluation cycle. Yes ☐ No ☐ Unsure ☐

b. The majority of the priority performance goals for the superintendent are clearly derived from current or former district goals. Yes ☐ No ☐ Unsure ☐

c. The board's regularly scheduled formative and summative evaluation conferences begin with reports by the superintendent on actions taken in support of the priority performance goals or with summaries of reports provided earlier. Yes ☐ No ☐ Unsure ☐

3.3 The board's budget review process specifically identifies how goals are funded in the proposed budget, whether funding is adequate, and whether funding priorities are consistent with board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board annually discusses budget priorities with the superintendent in advance of the superintendent's budget preparation. Yes ☐ No ☐ Unsure ☐

b. Budget review materials used in adopting the current district budget clearly identify the funding associated with each district goal. Yes ☐ No ☐ Unsure ☐

4. The board monitors plan implementation and district success in a formal, scheduled manner.

4.1 Time lines in the plans for reporting to the board are incorporated into the board's annual activity calendar and included on appropriate monthly agendas. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agendas or minutes from the past 12 months indicate the board received and formally discussed at least one report of progress on district goals. Yes ☐ No ☐ Unsure ☐

b. The board's calendar for the coming year lists the months in which reports on goal implementation will be provided. Yes ☐ No ☐ Unsure ☐

5. Goals, performance standards, and/or benchmarks have been established for major aspects of district operations.

5.1 The board receives information annually from the superintendent on the goals, standards, or benchmarks the administration uses to assess effectiveness for the major areas of district operations. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes from the past 12 months indicate the board and superintendent formally discussed goals, standards, or benchmarks the superintendent uses in assessing operational effectiveness in major areas. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document or documents outlining the measures used by the administration to assess success in at least three major areas of district operations. Yes ☐ No ☐ Unsure ☐

5.2 The board receives regular, scheduled updates on operations effectiveness as measured against standards or benchmarks. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board received a report on operations success relative to established standards or benchmarks within the last 12 months. Yes ☐ No ☐ Unsure ☐

6. The board is familiar with the broad outlines of the systems the superintendent has put in place to manage district operations.

6.1 The board and superintendent have a schedule for periodic updates on major management systems in the district, including presentations on how benchmark data is used to plan improvements. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board received a briefing on at least one major management system within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document with a schedule for briefings on major management systems. Yes ☐ No ☐ Unsure ☐

6.2 The board's evaluation of the superintendent's performance as a manager focuses on the superintendent's establishing appropriate measures and standards of performance for major district operations, monitoring success, and using data for improvement. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Items on the board's evaluation instrument that assess management skills focus on whether appropriate performance standards are in place for major areas of district operations, whether the standards are being monitored, and whether they are being met. Yes ☐ No ☐ Unsure ☐

Board-Superintendent Team Operations

7. The board and superintendent team regularly checks expectations and assesses board-superintendent operations.

7.1 The board and superintendent participate in an annual team-building activity. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board and superintendent participated together in a team-building session or self-assessment discussion during the past 12 months. Yes ☐ No ☐ Unsure ☐

b. Written documents or reports from the team-building session indicate the session included review of actual board practices and behaviors and resulted in agreements about future operations. Yes ☐ No ☐ Unsure ☐

c. Board agenda materials, board minutes, or documents related to the most recent team-building session indicate the board formally discussed continuing education needs as a part of its team-building activity. Yes ☐ No ☐ Unsure ☐

d. The board can point to written plans for continuing education for its members that include, at a minimum, the topics to be addressed. Yes ☐ No ☐ Unsure ☐

7.2 The board has adopted and annually reaffirms an ethics statement or code of conduct for board members. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to a code of conduct or ethics statement that has been formally adopted by the board. Yes ☐ No ☐ Unsure ☐

b. Board agenda materials or minutes indicate the statement has been affirmed by all current members of the board, or the board's calendar of activities includes reaffirmation of the ethics statement or code of conduct as an agenda item within the next six months. Yes ☐ No ☐ Unsure ☐

8. Written operating procedures for the board and superintendent are in place.

8.1 A written annual calendar of board events, outlining major board activities by month, is in place. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. All members of the board have copies of a written, 12-month calendar on which major board responsibilities have been scheduled. Yes ☐ No ☐ Unsure ☐

b. At least 75 percent of the board tasks on the calendar for the past 12 months were performed in the months scheduled or were rescheduled on the calendar for another specific time. Yes ☐ No ☐ Unsure ☐

8.2 Operating procedures are codified in a written board-superintendent procedures document; new board members are oriented to operating procedures within the first 60 days of service. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to written board operating procedures. Yes ☐ No ☐ Unsure ☐

b. The operating procedures are stated in terms of observable actions: what the board, trustee, or superintendent is actually expected to do or not do. Yes ☐ No ☐ Unsure ☐

c. Any members who have joined the board-superintendent team within the last 12 months have copies of all written board operating procedures. Yes ☐ No ☐ Unsure ☐

8.3 An annual review of operating procedures is included on the board activity calendar. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials, minutes, or other documents indicate the board and superintendent have formally discussed operating procedures within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The review of operating procedures usually occurs in the same month each year. Yes ☐ No ☐ Unsure ☐

Advocacy

9. The board is an active advocate for the district within the community.

9.1 The board has an active plan for its generating support for the district, its vision, and its goals with patrons, the business community, and other organizations in the area. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed each year. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to generate support and partnerships within the community. Yes ☐ No ☐ Unsure ☐

9.2 The board reviews board and board member success in generating support for the district annually. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 12 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

10. The board is an active advocate for the district with other elected officials.

10.1 The board has an active plan for advocating for the district's interest with legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed at least every two years. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to support the district's interest before legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

10.2 Every two years, the board reviews board and board member success in advocating for the district with legislators and other elected officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 24 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

San Elizario ISD
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San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Roster of T-TESS Second Appraisers for 2023 - 2024 school year
Date: June 13, 2023

HISTORY:

The Superintendent or designee shall select the second appraiser from an established roster of trained appraisers for the purpose of the Texas Teacher Evaluation Support System (T-TESS) as stated in board policy DNA (LOCAL).

RATIONALE:

The list of qualified appraisers who may appraise a teacher in place of the teacher's supervisor shall be approved by the Board.

BUDGET:

There is no budget impact.

ADMINISTRATIVE RECOMMENDATION:

The administrative recommendation is to approve the Roster of T-TESS Second Appraisers for the 2023 - 2024 school year as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

Soaring to Excellence

M E M O R A N D U M

TO: Board of Trustees
FROM: Dr. Rogelio Segovia, Associate Superintendent
DATE: June 13, 2023
RE: Roster of T-TESS Second Appraisers for 2023 - 2024 school year

The Superintendent or designee shall select the second appraiser from an established roster of trained appraisers for the purpose of the Texas Teacher Evaluation Support System (T-TESS) as stated in board policy DNA Local: The list of qualified appraisers who may appraise a teacher in place of the teacher's supervisor shall be approved by the Board.

The following personnel have met the requirements to serve as second appraisers for the 2023 – 2024 school year for San Elizario Independent School District:

Appraiser	Title
Dr. Jeannie Meza-Chavez	Superintendent of Schools
Dr. Rogelio Segovia	Associate Superintendent
Blanca Cruz	Human Resources Director
Lisa Renegar	Administrator, Research and Evaluation
Susana Frescas	Administrator of Instructional Programs
Sandra Sanchez	Administrator Career and Technical Education
April Marioni	Principal – San Elizario High School
Jaime Parra	Assistant Principal – San Elizario High School
Brenda Pallares	Assistant Principal – San Elizario High School
Melissa Nunn	Assistant Principal – San Elizario High School
Richard Salcido	Principal – Garcia-Enriquez Middle School
Alexander Corona	Assistant Principal – Garcia-Enriquez Middle School
Leticia De Santos	Principal – Alarcon Elementary School
Lorena Robles	Assistant Principal – Alarcon Elementary School
Ernesto Seigel	Principal – Sambrano Elementary School
Sandra Rico	Assistant Principal – Sambrano Elementary School
Julissa Esquivel	Principal – Loya Primary School

The San Elizario Independent School District does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in its programs, activities, or employment.
El Distrito Escolar de San Elizario no discrimina en base a raza, color, religión, sexo, nacionalidad, edad y/o discapacidad en sus programas, actividades o empleo.

San Elizario ISD
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San Elizario, TX 79849
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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Student Code of Conduct 2023 -2024
Date: June 13, 2023

HISTORY:

As per Legal Policy FO, the Board shall adopt a Student Code of Conduct for a district. The Code of Conduct is an informational document and does not supersede any Board policies already in place by the Board of Trustees. When in question, Board policy will always be referenced as the primary guide in addition to TEA guidelines and the Texas Education Code. The campus administrators and cabinet members have reviewed the 2022 - 2023 Student Code of Conduct.
Note: The student code of conduct is subject to change based on legislative updates.

RATIONALE:

In accordance with Education Code Chapter 37, rules of conduct and discipline shall not have the effect of discriminating based on gender, race, color, disability, religion, ethnicity, or national origin. At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be: Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and made available on the district's website and/or as a hard copy to students, parents, teachers, administrators, and others on request. Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

BUDGET:

There is no budget impact.

ADMINISTRATIVE RECOMMENDATION:

The administrative recommendation is to approve the 2023 – 2024 SEISD Student Code of Conduct

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

Student Code of Conduct

2023 - 2024

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact SEISD Help Desk at (915) 872-3939 ext. 3489.

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 *San Elizario Independent School District* 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.seisd.net and at *Parent* link on the SEISD website.

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) 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 school resource officers (SROs), and district security personnel. 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 security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL). The law enforcement duties of school resource officers include but are not limited to:

Officers commissioned by the board are subject to the general duties of officers set out in Chapter 2 of the Code of Criminal Procedure. *Code of Criminal Procedure 2.12(8)*

A peace officer has the duty to preserve the peace within the officer's jurisdiction by using all lawful means.

The peace officer shall:

1. In every case authorized by the Code of Criminal Procedure, interfere without warrant to prevent or suppress crime;
2. Execute all lawful process issued to the officer by any magistrate or court;
3. Give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
4. Arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried. (CKE LEGAL, 2018)

The law enforcement duties of district security personnel include but are not limited to:

1. Patrols district buildings and grounds to prevent fire, theft, vandalism, and illegal entry.
2. Confronts unauthorized persons on school property for questioning, routes or detains them, or calls police assistance, according to emergency plan.
3. Responds to and investigates any calls from campuses concering security, vandalism, theft, and burglary.
4. Assists law enforcement personnel as needed.

"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 22, 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; take 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. Chapter 37 requires the Code to include standards that schools expect from students. Modify the list to emphasize conduct the district would like to encourage.

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 16, **DAEP Placement** on page 18, **Placement and/or Expulsion for Certain Offenses** on page 25**,** and **Expulsion** on page 28, 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 14.

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 management techniques 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 25.)
- 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 conduct that constitutes 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 25.)
- 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 25.)

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;
- Knuckles;
- *A location-restricted knife;
- Multi-tool knife
- *A club;
- *A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- 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 25. 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:

- Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device on school property during the school day.

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 18and **Expulsion** on page 28 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- 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.
- Cheat or copy the work of another.
- 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.
- Truancy/Persistent tardies/Unexcused Absences: No more than 5 allowed for habitual offenders

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 adhere to their responsibilities as 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).

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.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 16.
- Placement in a DAEP, as specified in **DAEP** on page 18.
- Placement and/or expulsion in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 25.
- Expulsion, as specified in **Expulsion** on page 28.
- 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).]
- 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://www.seisd.net/*

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance.

Removal from the School Bus

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal or campus behavior coordinator 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 the campus behavior coordinator 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, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student 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.

For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

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 behaviors prohibited in the General Conduct Violations section of this Code.

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.
- 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 28.) (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 28.)
  - 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.
- 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 28.)

- 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:

1. The student receives deferred prosecution (see glossary),
2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
3. 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 children 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 the teacher, in the case of a teacher removal.

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:

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, or
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.

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:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. 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://www.seisd.net/

Appeals shall begin at *Level One* 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

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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 parent 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 parent 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) 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;
- 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:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. 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:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. 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:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. 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 18)

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, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- 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:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
    a) Public lewdness under Penal Code 21.07;
    b) Indecent exposure under Penal Code 21.08;
    c) Criminal mischief under Penal Code 28.03;
    d) Hazing under Education Code 37.152; or
    e) 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).]
    - 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 children.
  - 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 parent 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 board of trustees delegates to the Associate Superintendent authority to conduct hearings and expel students.

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 Associate 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:

1. The student is a threat to the safety of other students or to district employees, or
2. 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:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. 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:

1. The student is a threat to the safety of other students or district employees, or
2. 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:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. 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:
    a) 65 years of age or older, or
    b) 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:
    a) Any vegetation, fence, or structure on open-space land; or
    b) 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:
    a) Recklessly damages or destroys a building belonging to another, or
    b) 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:

1. 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;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. 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;
2. 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
3. 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, 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. 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:

1. Cause action by an official or volunteer agency organized to deal with emergencies;

2. Place a person in fear of imminent serious bodily injury; or
3. 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:

1. 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;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

Firearm silencer is defined by Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a 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:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. 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
3. 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:
    a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
    b) 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;
    c) 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; and
    d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

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:

1. Any type of physical brutality;
2. 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;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. 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:

1. 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:
    a) An explosive weapon;
    b) A machine gun;
    c) A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

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:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;

3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
    a) Public lewdness under Penal Code 21.07;
    b) Indecent exposure under Penal Code 21.08;
    c) Criminal mischief under Penal Code 28.03;
    d) Hazing under Education Code 37.152; or
    e) 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:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. 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;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. 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;
- 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 children 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).]

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.

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SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

2023-2024

Código de Conducta Estudiantil

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CÓDIGO DE CONDUCTA ESTUDIANTIL

Accesibilidad

Si Ud. tiene dificultad para acceder a la información de este documento a causa de discapacidad, favor de contactar a *el Help Desk (915) 872-3939 ext. 3489.*

Propósito

El Código de Conducta Estudiantil es la respuesta del distrito a los requisitos del Capítulo 37 del Código de Educación de Texas.

El código establece métodos y ofrece opciones para controlar a los estudiantes en la clase y en la escuela, para imponer disciplina y para prevenir e intervenir en problemas de comportamiento.

La ley exige que el distrito defina actos de mala conducta que puedan—o deban—resultar en una escala de consecuencias disciplinarias, entre ellas: remoción del estudiante de la clase o escuela regular, suspensión fuera de la escuela, asignación a un programa alternativo de enseñanza por proceso disciplinario (DAEP), asignación a un programa alternativo de enseñanza por justicia juvenil (JJAEP), o expulsión de la escuela.

Este Código de Conducta Estudiantil ha sido adoptado por la Mesa Directiva de San Elizario ISD y desarrollado con el asesoramiento del comité del distrito. El Código de Conducta Estudiantil les da a conocer a los padres y a los estudiantes las normas de conducta, las consecuencias de mal comportamiento y los procedimientos para implementar medidas disciplinarias. Permanece en vigor durante la escuela de verano y en todos los eventos y actividades relacionados a la escuela que ocurren fuera del año escolar hasta que una versión actualizada, adoptada por la Mesa Directiva, se pone en vigor para el próximo año escolar.

De acuerdo con la ley estatal, cada escuela anunciará el Código de Conducta Estudiantil o tendrá una copia disponible para revisión en la oficina del director. También, el Código de Conducta Estudiantil estará disponible en la oficina del coordinador de conducta del campus y anunciado en el sitio Web del distrito. A los padres se les notificará toda infracción del código que pueda resultar en la suspensión, asignación a un DAEP o JJAEP, expulsión del estudiante o detención por un oficial de la ley bajo Capítulo 37 del Código de Educación.

Debido a que el Código de Conducta Estudiantil fue adoptado por la Mesa Directiva del distrito, tiene el vigor de norma reglamentaria; por lo tanto, en casos de conflicto entre el código y el manual estudiantil, prevalecerá el código.

Nótese: La disciplina de estudiantes discapacitados con derecho a los servicios conforme a la ley federal, específicamente la Ley Educativa de Individuos Discapacitados y la Sección 504 de la Ley de Rehabilitación de 1973, está sujeta a las disposiciones de estas leyes.

Autoridad y jurisdicción del distrito escolar

Las normas escolares y la autoridad del distrito para imponer medidas disciplinarias se implementan cuando el interés del distrito está en juego, ya sea en las instalaciones escolares o fuera de estas, junto con las clases o las actividades patrocinadas por la escuela o independientemente de estas.

El distrito tiene autoridad disciplinaria sobre un estudiante:

1. Durante el día de clase y mientras el estudiante utiliza el transporte del distrito para ir o venir de la escuela o de una actividad patrocinada por la escuela o relacionada con la escuela;
2. Durante el período de almuerzo, cuando se permite al estudiante salir de la escuela;
3. Mientras el estudiante se encuentra en cualquier actividad relacionada con la escuela, independientemente de la hora o del lugar;
4. Por todo acto de mala conducta relacionado con la escuela, independientemente de la hora o del lugar;
5. Cuando se amenaza a un empleado, un miembro de la Mesa Directiva, o voluntario de la escuela, o se toman represalias contra estos, independientemente de la hora o del lugar;
6. Cuando un estudiante participa en la intimidación cibernética, según se describe en el Código de Educación 37.0832;
7. Cuando se dañan bienes ajenos, ya sea en el predio escolar o un evento relacionado con la escuela, o bien fuera de estos;
8. En el caso de ciertos delitos cometidos dentro de los 300 pies del predio escolar, medidos desde cualquier punto del límite de la propiedad inmobiliaria de la escuela;
9. En el caso de ciertos delitos cometidos en el predio escolar o mientras asiste a actividades patrocinadas o relacionadas con la escuela de otro distrito en Texas;
10. Cuando el estudiante comete un delito grave, como se dispone en Código de Educación 37.006 o 37.0081; y
11. Cuando el estudiante está obligado a registrarse como delincuente sexual.

Coordinador de conducta del campus

Como lo exige la ley, se debe designar a una persona en cada campus para que se desempeñe como coordinador de conducta del campus. La persona designada puede ser el director del campus o cualquier otro administrador del campus escogido por el director. El coordinador de conducta del campus es responsable ante todo de mantener la disciplina estudiantil. El distrito publicará en su sitio web y en el Manual del estudiante, para cada campus, la dirección de correo electrónico y el número de teléfono de la persona que se desempeñe como coordinador de conducta del campus. Puede conocer la información de contacto en *www.seisd.net*.

Equipo escolar de seguridad y apoyo y de evaluación de amenazas

El coordinador de conducta del campus y otro administrador adecuado trabajarán en estrecha relación con el equipo escolar de seguridad y apoyo y de evaluación de amenazas para implementar el reglamento y los procedimientos de evaluación de amenazas del distrito, tal como lo exige la ley, y tomarán las medidas disciplinarias adecuadas de conformidad con el Código de Conducta.

Inspecciones

Los funcionarios del distrito pueden realizar inspecciones de los estudiantes, sus pertenencias y sus vehículos de acuerdo con la ley federal y estatal y el reglamento del distrito. Las inspecciones de estudiantes deberán realizarse de manera razonable y sin discriminación. Remítase a los reglamentos del distrito en FNF(LEGAL) y FNF(LOCAL) para obtener más información acerca de las investigaciones e inspecciones.

El distrito escolar tiene el derecho de inspeccionar un vehículo conducido a la escuela por un estudiante y estacionado en el predio escolar, si existe una sospecha razonable para creer que el vehículo contiene artículos o materiales prohibidos por el distrito.

Los escritorios, los casilleros, la tecnología proporcionada por el distrito y otros artículos similares son propiedad del distrito y se proporcionan para que los estudiantes los utilicen a efectos de conveniencia. La propiedad del distrito está sujeta a registros o inspecciones en cualquier momento, sin aviso.

Denuncia de delitos

El director o coordinador de conducta del campus y otro personal administrativo, según corresponda, denunciarán los delitos conforme a la ley y llamarán a las fuerzas locales del orden público cuando se sospeche que se ha cometido un delito en la escuela.

Personal de seguridad

Para garantizar la seguridad y la protección suficiente de los estudiantes, del personal y de la propiedad, la Mesa Directiva emplea oficiales de policía asignados a la escuela (SRO), y a personal de seguridad. De acuerdo con la ley, la Mesa Directiva ha organizado con el coordinador de conducta del campus y otros empleados del distrito que, para garantizar las tareas adecuadas de cumplimiento de la ley, esta función se asigne al personal de seguridad. Las tareas de cumplimiento que competen a los agentes de las fuerzas del orden del distrito se enumeran en el reglamento CKE(LOCAL). Las tareas de cumplimiento que competen a los oficiales de policía asignados a la escuela son:

Los oficiales comisionados por la junta están sujetos a los deberes generales de los oficiales establecidos en el Capítulo 2 del Código de Procedimiento Penal. Código de Procedimiento Penal 2.12 (8) Un oficial de paz tiene el deber de preservar la paz dentro de la jurisdicción del oficial utilizando todos los medios legales. El oficial de paz deberá:

1. En todos los casos autorizados por el Código de Procedimiento Penal, interferir sin orden judicial para prevenir o reprimir el delito;

2. Ejecutar todo proceso legal emitido al oficial por cualquier magistrado o tribunal;

3. Notificar a algún magistrado sobre todos los delitos cometidos dentro de la jurisdicción del oficial, donde el oficial tiene buenas razones para creer que ha habido una violación de la ley penal; y

4. Arrestar a los delincuentes sin orden judicial en todos los casos en que el oficial esté autorizado por ley, para que puedan ser llevados ante el magistrado o tribunal apropiado y ser juzgados. (CKE LEGAL, 2018)

Las tareas de cumplimiento de la ley del personal de seguridad del distrito incluyen, pero no se limitan a:

1. Patrullar los edificios y terrenos del distrito para evitar incendios, robos, vandalismo y entrada ilegal.

2. Enfrenta a personas no autorizadas en la propiedad de la escuela para interrogarlas, enrutarlas o detenerlas, o llama a la asistencia policial, según el plan de emergencia.

3. Responde e investiga cualquier llamada de los campus sobre seguridad, vandalismo, robo y robo.

4. Asiste al personal de aplicación de la ley según sea necesario.

"Padre" definido

A lo largo del Código de Conducta Estudiantil y otras reglas de disciplina relacionadas, el término "padre" incluye un padre o madre, tutor legal, u otra persona que tiene control legal del niño.

Participar en actividades de graduación

El distrito tiene el derecho de limitar la participación de un estudiante en las actividades de graduación por violar el Código del distrito.

Participar en las actividades de graduación puede incluir una posición de oración, conforme al reglamento y los procedimientos del distrito.

Estudiantes elegibles a dar comentario al principio o al fin de la ceremonia de graduación estarán notificados por el director. A pesar de cualesquiera otros requisitos de elegibilidad, para ser considerado como orador estudiantil elegible para dar comentario al principio o al fin de la graduación, un estudiante no será involucrado en cualquier mala conducta que viola el Código, y que resulta en una suspensión fuera de escuela, asignación a un DAEP, o expulsión durante el semestre inmediatamente antes de la graduación.

El estudiante con promedio más alto de la clase y el estudiante con promedio segundo más alto también pueden tener posiciones de oración en la graduación. Ningún estudiante será elegible de tener tal posición de oración si él o ella hubiera participado en cualquiera mala conducta que viola el Código y que resulta en una suspensión fuera de la escuela, asignación a un DAEP, o expulsión durante el semestre inmediatamente antes de la graduación.

Personas no autorizadas

De acuerdo con el Código de Educación 37.105, un administrador de la escuela, oficial de policía asignado a la escuela (SRO) u oficial de policía del distrito tendrá la autoridad de denegar la entrada o expulsar a una persona de propiedad del distrito si la persona se niega a salir pacíficamente bajo pedido y:

1. La persona presenta un riesgo sustancial de daño a cualquier persona; o
2. La persona se comporta en una manera que no es apropiada para un ambiente escolar, y la persona persiste en el comportamiento después de recibir una advertencia verbal de que el

comportamiento es inapropiado y puede resultar en la denegación de entrada o la expulsión.

Las apelaciones respecto a la denegación de entrada o expulsión de la propiedad del distrito se pueden presentar de acuerdo con los reglamentos FNG(LOCAL) o GF(LOCAL), según corresponda. Sin embargo, los plazos para los procedimientos de reclamo del distrito se ajustarán conforme sea necesario para permitir que la persona se dirija a la mesa directiva personalmente dentro de los 90 días, a menos que la queja se resuelva antes de la audiencia.

Vea **DAEP – Restricciones en asignación** en la página 23 para obtener información sobre un estudiante asignado a DAEP al momento de la graduación.

Normas reglamentarias de la conducta estudiantil

Todo estudiante debe:

- Demostrar cortesía, aun cuando otros no lo hagan.
- Comportarse de manera responsable, demostrando siempre autodisciplina.
- Asistir regular y puntualmente a todas las clases.
- Prepararse para cada clase y llevar las tareas y los materiales adecuados.
- Cumplir con las normas de aseo y atuendo del distrito y de la escuela.
- Obedecer todas las reglas del salón de clase y de la escuela.
- Respetar los derechos y privilegios de los estudiantes, de los maestros y del personal y voluntarios del distrito.
- Respetar la propiedad ajena, incluso los bienes e instalaciones del distrito.
- Cooperar y ayudar al personal de la escuela a mantener la seguridad, el orden y la disciplina.
- Cumplir las normas reglamentarias del Código de Conducta Estudiantil.

Contravenciones de conducta

Las categorías de conducta que se indican a continuación están prohibidas en la escuela, y en vehículos del distrito u operados por el distrito, y en todas las actividades relacionadas con la escuela, aunque la lista no incluye las infracciones más severas. En las secciones que siguen sobre Suspensión Fuera de la Escuela, Asignación a un DAEP, Asignación y expulsión por ciertas infracciones y Expulsión, se detallan ciertas transgresiones que requieren o permiten ciertas medidas disciplinarias específicas. Sin embargo, cualquier infracción puede considerarse lo suficientemente severa para no permitir que el estudiante permanezca en el entorno educativo regular, como se detalla en la sección pertinente de este código.

Desobediencia a la autoridad

Todo estudiante tiene prohibido:

- Desobedecer órdenes o instrucciones del personal de la escuela (insubordinación).
- Salir sin permiso de la escuela o de funciones patrocinadas por la escuela.
- Desobedecer las reglas de conducta en los vehículos del distrito.
- Rehusarse a aceptar las medidas disciplinarias implementadas por el maestro o el director.

Maltrato de otras personas

Todo estudiante tiene prohibido:

- Usar lenguaje grosero o vulgar o hacer gestos obscenos.
- Reñir o pelear. (Para agresión ver **Asignación a un DAEP y Expulsión**)
- Amenazar a otro estudiante, empleado o voluntario del distrito, incluso fuera de la escuela, si la conducta causa una perturbación considerable del entorno educativo.
- Intimidar, participar en la intimidación cibernética, hostigar o preparar listas de víctimas. (Vea el **glosario** para las definiciones de estos términos)
- Divulgar o amenazar a divulgar material visual del tipo íntimo de un menor o un estudiante que tiene edad de 18 años o mayor sin el consentimiento del estudiante.
- Participar en conducta que constituye hostigamiento sexual u hostigamiento basado en el género o abuso sexual, ya sea verbal o por medio de gestos, ademanes u otro tipo de conducta, dirigida a otra persona, entre ellas un estudiante, empleado, miembro de la Mesa Directiva, o voluntario del distrito.
- Participar en conducta que constituye violencia entre novios. (Vea el **glosario**.)
- Exhibir de manera impropia o indecente las partes pudendas.
- Participar en novatadas. (Vea el **glosario**)
- Forzar a un individuo a actuar usando violencia o amenaza de violencia (coerción).
- Cometer actos de extorsión o chantaje (obtener dinero o algún objeto de valor contra la voluntad de una persona).
- Participar en conducta verbal, física o sexual impropia dirigida hacia otra persona, incluso un estudiante, empleado o voluntario del distrito.
- Grabar la voz o imagen de otra persona sin previo consentimiento de la misma, o si perturba de alguna manera el entorno educativo o invade la intimidad de otros.

Daños en propiedad ajena

Todo estudiante tiene prohibido:

- Dañar o cometer actos de vandalismo en propiedad ajena. (Para daños graves en propiedad ajena ver **Asignación a un DAEP y Expulsión**)
- Estropear o dañar bienes de la escuela—entre ellos libros de texto, tecnología y recursos electrónicos, casilleros, muebles u otros equipos—con grafitos o por cualquier otro medio.
- Robar a otros estudiantes, al personal o a la escuela.
- Robar o participar en un robo o hurto aunque no constituya un delito grave según el Código Penal. (Para delitos graves de robo, robo con agravantes y hurto vea **Asignación a un DAEP y Expulsión**)

Tenencia de artículos prohibidos

Todo estudiante tiene prohibido o usar:

- fuegos artificiales de cualquier tipo, bombas de humo, bombas fétidas o cualquier otro tipo de dispositivo pirotécnico;
- hojas de afeitar, cortadoras de cartón, cadenas o algún otro objeto utilizado de una manera que amenace o que resulte en lesiones corporales de otra persona;
- imitaciones de armas que está destinado a estar utilizado como arma o razonablemente puede estar percibido como un arma;
- rifles de aire comprimido o pistolas de balines;
- municiones o balas;
- instrumentos de mano diseñados para cortar o apuñalar a otra persona al ser lanzado;
- manoplas
- *cuchillos restringidos por sitio;
- garrotes;
- *armas de fuego;
- pistolas paralizantes;
- cortaplumas o cualquier tipo de cuchillo;
- material pornográfico;
- productos de tabaquería, cigarrillos, e-cigarrillos, y cualquier componente, parte, o accesorio para un dispositivo de e-cigarrillos;
- cerillos o encendedor;
- láser para apuntar, si se usa de manera no aprobada; o
- todo artículo que generalmente no se considere un arma, como útiles escolares, si el director o una persona autorizada determina que representa un peligro.

*Para armas y armas de fuego ver **Asignación a un DAEP y Expulsión**. En muchas circunstancias, la tenencia de estos artículos es castigada con la expulsión obligatoria en función de la ley federal o estatal.

Tenencia de aparatos de telecomunicaciones u otros dispositivos electrónicos

- Todo estudiante tiene prohibido:

- Exhibir, prender o usar un aparato de telecomunicaciones, incluso a un teléfono celular, u otro aparato electrónico en la escuela durante el día de clase.

Drogas ilegales, medicamentos recetados y de venta libre

Todo estudiante tiene prohibido:

- Poseer, usar, dar, o vender el alcohol o una droga ilegal. (También vea **Asignación a un DAEP y Expulsión** para las consecuencias obligatorias y permisibles bajo la ley estatal.)
- Tener o vender semillas o pedazos de marihuana en una cantidad mínima que no se puede consumir.
- Tener, usar, dar o vender parafernalia relacionada con alguna sustancia prohibida. (Vea el **glosario** para la definición de "parafernalia")
- Tener, usar, abusar, o vender sustancias parecidas a las drogas o intentar pasar artículos como drogas o contrabando.
- Abusar o usar indebidamente su propio medicamento obtenido con receta médica, dar un medicamento recetado a otro estudiante o tener o estar bajo la influencia de drogas recetadas para otra persona en la escuela o en una función relacionada con la escuela. (Vea el **glosario** para la definición de "abuso")
- Abusar o usar indebidamente drogas de venta libre. (Vea el **glosario** para la definición de "abuso")
- Estar bajo la influencia de medicamentos recetados o de venta libre que causan deterioro de las facultades físicas y mentales. (Vea el **glosario** para la definición de "bajo la influencia")
- Tener o tomar medicamentos recetados o drogas de venta libre en la escuela de manera diferente a la detallada en los reglamentos del distrito.

Uso indebido de los recursos tecnológicos y de la red Internet

Todo estudiante tiene prohibido:

- Violar las normas, reglas o acuerdos del uso de recursos tecnológicos firmados por el estudiante o por sus padres.
- Tratar de acceder o evadir contraseñas o alguna otra información relacionada a la seguridad del distrito, de los estudiantes o de los empleados o cargar o crear un virus en la computadora, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo.
- Intentar alterar, destruir o inhabilitar recursos tecnológicos del distrito, incluyendo pero no limitado a las computadoras y equipos de computación del distrito, datos del distrito, datos de otros u otras redes conectadas al sistema del distrito, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo.
- Usar la red Internet u otro medio de comunicación electrónica para amenazar u hostigar a estudiantes, empleados, miembros de la Mesa Directiva o voluntarios del distrito, incluso fuera de la escuela si la conducta causa una perturbación considerable del entorno educativo o infringe en los derechos de otro estudiante en la escuela.
- Enviar, incorporar, entregar, o poseer mensajes electrónicos abusivos, obscenos, de índole sexual, amenazantes, hostigadores, perjudiciales para la reputación de otra persona o

ilegales, incluso a la intimidación electrónica y “sexting”, en la escuela o fuera de la escuela, si la conducta causa una perturbación considerable del entorno educativo o infringe en los derechos de otro estudiante en la escuela.

- Usar la red Internet u otra comunicación electrónica para participar en o fomentar conductas ilegales o para amenazar la seguridad de la escuela, incluso a las acciones fuera de propiedad de la escuela si la conducta causa una interrupción sustancial al ambiente educativo o infringe en los derechos de otro estudiante de la escuela.

Transgresiones en contra de la seguridad

Todo estudiante tiene prohibido:

- Poseer publicaciones o material electrónico diseñado para promover o fomentar conductas ilegales o que podrían poner en peligro la seguridad de la escuela.
- Participar en altercados orales o escritos que amenacen la seguridad de otros estudiantes o de empleados o bienes de la escuela.
- Hacer acusaciones falsas o cometer acciones engañosas con respecto a la seguridad de la escuela.
- Participar en conducta tal que el personal de la escuela pueda razonablemente creer perturbará considerablemente los programas escolares o incitará a actos de violencia.
- Arrojar objetos que pueden causar lesiones corporales o daños a bienes.
- Descargar un extintor de incendios sin justificación.

Otras infracciones

Todo estudiante tiene prohibido:

- Desobedecer las normas de aseo personal y de atuendo detalladas en el manual estudiantil.
- Hurtar o copiar la tarea de otra persona.
- Hacer apuestas.
- Falsificar registros, pases o cualquier otro documento relacionado a la escuela.
- Participar en acciones o manifestaciones que perturben considerablemente o interfieran materialmente con las actividades escolares.
- Desobedecer repetidamente las normas de conducta de la escuela o del salón de clase.
- • Absentismo escolar/tardanzas persistentes/ausencias injustificadas: No se permiten más de 5 para infractores habituales

Además de las normas detalladas en el código, el distrito puede imponer otras reglas de conducta en la escuela y en el salón de clase que se anunciarán en los salones de clase o se entregarán a los estudiantes. El incumplimiento de estas reglas puede o no constituir violaciones del código.

Técnicas para el control de la disciplina

La disciplina estará diseñada para mejorar la conducta y para fomentar en los estudiantes el cumplimiento de sus responsabilidades como miembros de la comunidad escolar. Toda acción disciplinaria estará basada en el criterio profesional de los maestros y del personal administrativo, y en una escala de medidas disciplinarias, incluso prácticas restaurativas. La disciplina se basará en la gravedad de la infracción, la edad del estudiante, su grado académico, la frecuencia del mal comportamiento, la actitud del estudiante, el impacto de la mala conducta en el entorno escolar y los requisitos de la ley.

Estudiantes discapacitados

La disciplina para estudiantes discapacitados se regirá por las leyes estatales y federales pertinentes, además de las normas detalladas en el Código de Conducta Estudiantil. En caso de que se presente un conflicto, el distrito cumplirá con la ley federal. Para obtener más información acerca de la disciplina de estudiantes discapacitados, vea el reglamento FOF(LEGAL).

De acuerdo con el Código de Educación del Estado, un estudiante que recibe servicios de educación especial no puede ser disciplinado por conducta que corresponda a la definición de intimidación, intimidación cibernética, hostigamiento o preparación de listas de víctimas (ver el **glosario**) hasta que no se haya efectuado la reunión del comité de admisión, revisión y baja de un estudiante discapacitado (ARD por sus siglas en inglés) para considerar los detalles de dicha conducta.

Antes de ordenar la suspensión fuera de la escuela, la asignación a un DAEP o la expulsión, a pesar de que la acción sea obligatoria o discrecional, el distrito tomará en cuenta si la discapacidad ha dificultado considerablemente la capacidad del estudiante de reconocer el error de su conducta.

Técnicas

Las siguientes técnicas o estrategias disciplinarias pueden usarse solas, en combinación, o como parte de intervenciones progresivas para controlar comportamientos prohibidos por el Código de Conducta Estudiantil o por las reglas de la escuela o del salón de clase:

- Corrección oral o escrita.
- Tiempo para calmarse o una breve “pausa” (time-out), de conformidad con la ley.
- Cambio de asiento en el salón de clase o en vehículos del distrito u operados por el distrito.
- Confiscación temporal de artículos que perturban el proceso educativo.
- Premios o deméritos.
- Contratos de buen comportamiento.
- Asesoramiento por parte de los maestros, los consejeros de la escuela o por el personal administrativo.
- Conferencias de padres y maestros.
- Entrenamiento de comportamiento.
- Clases de control de la ira.
- Meditación (víctima-delincuente).

- Círculos en clase.
- Conferencias del grupo familiar.
- Reducción de las calificaciones por copiar o plagiar o como lo permitan las normas reglamentarias.
- Detención, incluso a la detención fuera de horas regulares de la escuela.
- Envío del estudiante a la oficina o a un área designada, o suspensión dentro de la escuela.
- Asignación de labores en la escuela, como limpieza o recolección de basura.
- Pérdida de privilegios, tales como participar en actividades extracurriculares, ser candidato o desempeñar cargos honoríficos, o ser miembro de organizaciones y clubes patrocinados por la escuela.
- Medidas disciplinarias o castigos identificados en las normas de conducta para actividades extracurriculares de organizaciones a las que pertenece el estudiante.
- Pérdida o restricción de los privilegios del transporte escolar.
- Período probatorio dictado y administrado por la escuela.
- Suspensión fuera de la escuela, según se especifica en la sección titulada **Suspensión Fuera de la Escuela de este código**.
- Asignación a un DAEP, según se especifica en la sección titulada **Asignación a un DAEP de este código**.
- Expulsión o colocación en un entorno educacional alternativo, según se especifica en la sección Asignación o expulsión por ciertas infracciones de este código.
- Expulsión, según se especifica en la sección de **Expulsión** de este código.
- Remisión del estudiante a una dependencia fuera de la escuela o a una autoridad jurídica para enjuiciamiento penal, además de las medidas disciplinarias que imponga el distrito.
- Otras estrategias y consecuencias que determinen las autoridades directivas de la escuela.

Técnicas aversivas prohibidas

Está prohibido el uso de técnicas aversivas con los estudiantes. Estas se definen como técnicas o intervenciones que pretenden reducir la reincidencia de una conducta infligiendo intencionalmente dolor físico, malestar emocional o dolor significativos. Las técnicas aversivas incluyen:

- Usar técnicas diseñadas para causar dolor físico, que no sea el castigo corporal que permite el reglamento del distrito, o que probablemente lo causen. [Ver reglamento FO(LOCAL)].
- Usar técnicas diseñadas para causar dolor físico mediante descarga eléctrica o cualquier procedimiento que implique puntos de presión o bloqueo de articulaciones, o que probablemente causen dicho dolor.
- La liberación directa de rociada, bruma o sustancia desagradable, tóxica o nociva cerca del rostro de un estudiante.
- Denegar el sueño adecuado, aire, comida, agua, refugio, ropa de cama, comodidad física, supervisión o acceso a un sanitario.
- Ridiculizar o degradar a un estudiante de manera tal que afecte negativamente o ponga en riesgo el aprendizaje o la salud mental del estudiante o constituya un acto de abuso verbal.

- Emplear un dispositivo, material u objeto que inmovilice las cuatro extremidades del estudiante, incluso la inmovilización en el suelo boca arriba o boca abajo.
- Alterar la respiración del estudiante, lo que incluye aplicar presión en el torso o el cuello del estudiante o colocar algo en la boca o la nariz del estudiante o sobre esta, o tapar el rostro del estudiante.
- Restringir la circulación del estudiante,
- Asegurar al estudiante a un objeto fijo mientras el estudiante permanece sentado o de pie.
- Impedir, reducir o entorpecer la capacidad de comunicación del estudiante.
- Usar restricciones químicas.
- Utilizar la pausa de manera tal que evite que el estudiante pueda participar y progrese adecuadamente en el currículo requerido o en cualquier objetivo del programa de educación individualizado (IEP), lo que incluye aislar al estudiante mediante el uso de obstáculos físicos.
- Privar al estudiante de uno de sus sentidos o más, a menos que la técnica no provoque el malestar del estudiante o cumpla con el IEP del estudiante o con su plan de intervención conductual (BIP).

Notificación

El coordinador de conducta del campus avisará inmediatamente a los padres del estudiante por teléfono o en persona de cualquier infracción que puede resultar en suspensión dentro de la escuela o fuera de la escuela, asignación a un DAEP, asignación a un JJAEP, o expulsión. El coordinador de conducta del campus también avisará a los padres del estudiante si el estudiante está detenido por un oficial de la ley bajo las provisiones disciplinarias del Código de Educación. Se hará un esfuerzo de buena fe en el día en que se tomó la acción a proveer al estudiante noticia escrita de la acción disciplinaria para entrega a los padres. Si no se haya contactado a los padres por teléfono o en persona para la hora 5:00 de la tarde del primer día de negocios después del día en que se tomó la acción disciplinaria, el coordinador de conducta del campus enviará noticia escrita por U.S. Mail. Si el coordinador de conducta del campus no se puede proveer notificación al padre, el director o el designado proveerá la notificación.

Antes de que el director u otra administrador asigna a un estudiante menor de 18 años a detención fuera de las horas regulares de la escuela, se dará noticia al padre o madre del estudiante para informarle de la razón para la detención y permitir preparativos para el transporte necesario.

Apelaciones

Las preguntas de los padres con respecto a estas medidas disciplinarias deberán ser dirigidas al maestro, al personal administrativo de la escuela, o el coordinador de conducta del campus, dependiendo del caso. Las apelaciones o quejas sobre el uso de técnicas disciplinarias específicas deberán estar manejadas de acuerdo con el reglamento FNG (LOCAL). Se puede obtener una copia de este reglamento en la oficina del director de la escuela, en la oficina del coordinador de conducta del campus, o en la oficina central de administración o en el enlace Policy on Line en la siguiente dirección de la red Internet: *https://www.seisd.net*
El distrito no demorará una consecuencia disciplinaria mientras un estudiante o un padre presenta una queja.

Remoción del estudiante del autobús

Un conductor del autobús puede enviar a un estudiante a la oficina del director o la oficina del coordinador de conducta del campus para mantener disciplina efectiva en el autobús. El director o coordinador de conducta del campus debe usar medidas disciplinarias adicionales, como apropiado, que se puede incluir restringir o revocar los privilegios de un estudiante subirse al autobús.

Desde que la responsabilidad primaria del distrito en el transporte de estudiantes es hacerlo con tanto seguridad posible, el operador del vehículo tiene que enfocarse en conducir y no tener su atención interrumpido por el mal comportamiento estudiantil. Entonces, cuando las medidas apropiadas disciplinarias no llegan a mejorar el comportamiento estudiantil o cuando el mal comportamiento específico merece la extracción inmediata, el director o el coordinador de conducta del campus puede restringir o revocar los privilegios del transporte de un estudiante, en concordancia con la ley.

Remoción del estudiante fuera del entorno escolar regular

Además de otras técnicas disciplinarias, la mala conducta puede resultar en la remoción del estudiante fuera del entorno escolar regular, ya sea por una remisión de rutina o mediante la remoción formal.

Remisión de rutina

Una remisión de rutina sucede cuando el maestro manda al estudiante a la oficina del coordinador de conducta del campus como medida disciplinaria. El coordinador de conducta del campus usará técnicas alternativas de maneja disciplinaria, incluso a intervenciones progresivas. Un maestro o administrador **puede** sacar a un estudiante de clase para conducta que viola este Código para mantener disciplina efectiva en la clase.

Remoción formal

El maestro también **puede** iniciar la remoción formal del estudiante si:

1. El maestro ha documentado que la conducta del estudiante ha interferido repetidamente con la capacidad del maestro de dictar su clase o con la capacidad del resto de los alumnos de aprender; o
2. La conducta es tan rebelde, impertinente o abusiva, que el maestro no puede enseñar y los estudiantes en el salón no pueden aprender.

Dentro de un plazo de tres días escolares desde que se haya retirado formalmente al estudiante de la clase, el coordinador de conducta del campus o personal administrativo autorizado programará una conferencia con el padre del estudiante, el estudiante, el maestro que ha retirado al estudiante de la clase y con cualquier otro miembro del personal administrativo que corresponda.

Durante la conferencia, el coordinador de conducta del campus o personal administrativo autorizado le informará al estudiante sobre la presunta mala conducta y las consecuencias propuestas. El estudiante tendrá la oportunidad de responder a las acusaciones.

Cuando un maestro retira a un estudiante del salón regular de clase y aún está pendiente la conferencia, el coordinador de conducta del campus u otro administrador puede usar una de las siguientes estrategias con el estudiante:

- Colocación en otro salón de clase que sea adecuado
- Suspensión dentro de la escuela
- Suspensión fuera de la escuela
- Asignación a un DAEP

Un maestro o administrador debe sacar a un estudiante de clase si el estudiante participa en conducta que bajo el Código de Educación requiere o permite la asignación a DAEP o expulsión. Cuando la extracción ocurre por estas razones, seguirá los procedimientos en las secciones subsiguientes de DAEP o expulsión.

Regreso del estudiante al salón de clase

Cuando un maestro retira formalmente a un estudiante del salón de clase por conducta en contra de dicho maestro que contiene elementos de agresión, agresión con agravantes, agresión sexual, agresión sexual con agravantes, homicidio calificado, homicidio con pena de muerte o tentativa de homicidio calificado o de homicidio con pena de muerte, el estudiante no puede regresar a la clase del maestro sin el consentimiento del mismo.

Si un maestro retira formalmente de la clase a un estudiante por cualquier otra conducta, el estudiante puede regresar a la clase sin el consentimiento del maestro, si el comité que evalúa las colocaciones por problemas disciplinarios determina que la clase de dicho maestro es la mejor o única alternativa disponible.

Suspensión fuera de la escuela

Mala conducta

Se puede suspender a un estudiante por todo comportamiento que se detalla en el código como contravenciones de conducta, por infracciones que resulten en asignación a un DAEP o por delitos que ameriten la expulsión.

El distrito no usará la suspensión fuera de la escuela para estudiantes en el grado 2 o abajo a menos que la conducta cumpla con los requisitos establecidos en la ley.

Un estudiante de un grado inferior a 3.º o que no tenga hogarno será colocado en suspensión fuera de la escuela a menos que, al encontrarse en el predio escolar o en una actividad patrocinada por la escuela o relacionada con esta en el predio escolar o fuera de este, el estudiante participe en:

- Conducta que contiene los elementos de un delito de armas, como se establece en el Código Penal Sección 46.02 o 46.05;
- Conducta que contiene los elementos de agresión, agresión sexual, agresión agravado, o agresión sexual agravado, como se establece en el Código Penal; o
- Vender, dar, o entregar a otra persona o poseer, usar, o estar bajo la influencia de cualquier cantidad de marihuana, una bebida alcohólica, o sustancia controlada o droga peligrosa como define la ley federal o estatal.

El distrito usará un programa positivo de comportamiento como alternativa disciplinaria para los estudiantes de un grado inferior a 3.º que cometan violaciones generales de conducta en vez de la suspensión o asignación en un DAEP. El programa cumplirá con los requisitos de la ley.

Proceso

La ley estatal permite suspender a un estudiante por un máximo de tres días de clase por cada acto de mala conducta y no impone límites en el número de veces que se lo puede suspender dentro de un semestre o de un ciclo escolar.

Antes de suspenderlo, se le concederá al estudiante una conferencia informal con el coordinador de conducta del campus o personal administrativo autorizado, que le informará al estudiante la presunta mala conducta. El estudiante tendrá la oportunidad de responder a la acusación antes de que el personal administrativo tome su decisión.

El coordinador de conducta del campus determinará el número de días que el estudiante será suspendido, que no deberá exceder de tres días de clase.

Antes de ordenar la suspensión fuera de la escuela del estudiante, el distrito tendrá en consideración:

3. Si la conducta fue en defensa propia (vea el **glosario**),
4. Si hubo intención o falta de intención en el momento en que el estudiante participó en la conducta,
5. El registro de antecedentes disciplinarios del estudiante,
6. Una discapacidad que impida sustancialmente la capacidad del estudiante de entender la ilicitud de su conducta,

7. La situación del estudiante en custodia del Departamento de Servicios para la Familia y de Protección (acogimiento familiar), o
8. La situación del estudiante como persona sin hogar.

El personal administrativo autorizado determinará las restricciones en la participación del estudiante en actividades cocurriculares y extracurriculares relacionadas o patrocinadas por la escuela durante el período de suspensión.

Trabajo de clase durante la suspensión

El distrito garantizará que el estudiante tenga acceso al trabajo de clase correspondiente a los cursos del currículo básico mientras el estudiante esté en suspensión en la escuela o fuera de esta. Esto contempla la recepción de este trabajo de clase a través de un medio, como mínimo, que no requiera el uso de Internet.

Los estudiantes que sean retirados de la clase regular y colocados en suspensión dentro de la escuela u otro entorno, aparte de un DAEP, tendrán la oportunidad de completar, antes del comienzo del próximo año escolar, cada curso en el que el estudiante estaba inscrito en el momento del retiro del salón de clases regulares. El distrito puede proporcionar dicha oportunidad a través de cualquier método alternativo disponible, por ejemplo, un curso por correspondencia, otra opción de aprendizaje a distancia o una escuela de verano. El distrito no cobrará al estudiante por ningún método de finalización proporcionado por el distrito.

Asignación a un programa alternativo de enseñanza por proceso disciplinario (DAEP)

El DAEP ocurrirá en un ambiente que no sea el salón de clase normal del estudiante. Un estudiante de la escuela primaria no puede ser asignado a un DAEP con un estudiante que no es de la escuela primaria.

Por el propósito de DAEP, la clasificación primaria será kindergarten–grado 6 y la clasificación secundaria será los grados 7–12.

Los programas del verano del distrito servirán a los estudiantes asignados a un DAEP juntamente con otros estudiantes.

Un estudiante expulsado por una infracción que de otra manera hubiera resultado en asignación a un DAEP no tendrá que ser asignado a un DAEP además de la expulsión.

Antes de ordenar la asignación a un DAEP, a pesar de que la acción sea obligatoria o discrecional, el coordinador de conducta del campus tendrá en consideración:

1. Si la conducta fue en defensa propia (vea el **glosario**),
2. Si hubo intención o falta de intención en el momento en que el estudiante participó en la conducta,
3. El registro de antecedentes disciplinarios del estudiante,
4. Una discapacidad que impida sustancialmente la capacidad del estudiante de entender la ilicitud de su conducta,
5. La situación del estudiante en custodia del Departamento de Servicios para la Familia y de Protección (acogimiento familiar), o
6. La situación del estudiante como persona sin hogar.

Asignación discrecional: Mala conducta que puede resultar en asignación a un DAEP

Un estudiante puede ser asignado a un DAEP por comportamientos prohibidos en la sección de Contravenciones de conducta de este código.

Mala conducta identificada en la ley estatal

Conforme a la ley estatal, un estudiante **puede** ser asignado a un DAEP por uno de los siguientes delitos:

- Participar en la intimidación que alienta a un estudiante a suicidarse o intentar a suicidarse.
- Incitar violencia contra un estudiante por intimidación de un grupo.
- Divulgar o amenazar con divulgar material visual de tipo íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Participación en una cofradía, hermandad o sociedad secreta de una escuela pública, ya sea como miembro o futuro miembro, o fomentando el interés de otra persona en convertirse en miembro de una cofradía, hermandad, sociedad secreta o pandilla de una escuela pública. (Ver el glosario)
- Participación en actividades delictivas de una pandilla. (Ver el glosario)
- Cualquier tipo de daños en propiedad ajena, incluso si constituyen un delito grave.
- Agresión (sin daño corporal) con la amenaza del daño corporal inminente.

- Agresión por contacto físico ofensivo o provocador.

De acuerdo a la ley estatal, se **puede** asignar a un estudiante a un DAEP si el superintendente o el personal autorizado determinan que hay razón para creer (ver el **glosario**) que el estudiante ha participado en conducta punible como delito grave, distinta a robo con agravantes o a las que se detallan como delitos en el Título 5 del Código Penal (ver el **glosario**), que sucedió fuera de la escuela y no durante una función patrocinada o relacionada con la escuela, si la presencia del estudiante en el salón regular de clase representa un peligro para los otros estudiantes o para los maestros o va a ser perjudicial para el proceso educativo.

El coordinador de conducta del campus **puede**, pero no está obligado, a asignar un estudiante a un DAEP por conducta por la cual la ley exige colocación en un DAEP, si la conducta ocurrió fuera de la escuela y el personal administrativo no tiene conocimiento de la conducta antes del primer aniversario de la fecha en que dicha conducta tuvo lugar.

Asignación obligatoria: Mala conducta que requiere asignación a un DAEP

Un estudiante **debe** ser asignado a un DAEP si:

- Participa en conducta relacionada a una falsa alarma (incluso amenaza de bomba) o una amenaza terrorista que afecte una escuela pública. (Ver el glosario)
- Comete los siguientes delitos en la escuela o dentro de los 300 pies del plantel escolar medidos desde cualquier punto del perímetro limítrofe de los bienes inmuebles de la escuela, o mientras asiste a una actividad patrocinada o relacionada con la escuela ya sea dentro o fuera del plantel escolar:
  - Participa en conducta punible como delito grave.
  - Comete una agresión (ver el **glosario**) conforme a la Sección 22. 01(a) (1) del Código Penal.
  - Vende, da o entrega a otra persona o tiene, consume o está bajo la influencia de marihuana, de una substancia regulada o de una droga peligrosa en una cantidad que no llega a constituir un delito grave. Un estudiante con una receta válida para canabis bajo en THC como autorizado por Capítulo 487 del Código de Salud y Seguridad no viola esta provisión. (Los delitos graves relacionados a una escuela que involucran drogas están detallados en la sección de **Expulsión**) (Ver el **glosario** para “bajo la influencia”)
  - Vende, da o entrega a otra persona una bebida alcohólica; comete un acto o infracción grave mientras está bajo la influencia del alcohol; o tiene, consume o está bajo la influencia del alcohol, si la conducta no se sanciona como delito grave. (Los delitos graves relacionados con una escuela que involucran alcohol están detallados en la sección de **Expulsión**.)
  - Se comporta de una manera que contiene los elementos de un delito relacionado al uso indebido de sustancias químicas volátiles.
  - Se comporta de una manera que contiene los elementos de los delitos de lascivia pública o exhibición indecente. (Consulte el **glosario**).
  - Participa en una conducta que contiene los elementos de un delito de acoso contra un empleado según el Código Penal 42.07(a)(1), (2), (3) o (7).
- Participa en conducta que resulta en expulsión y tiene entre seis y nueve años.

- Comete un delito federal relacionado con armas de fuego y es menor de seis años.
- Participa en conducta que contiene los elementos del delito de represalia en contra de un empleado o voluntario de la escuela ya sea dentro o fuera de la escuela. (Cometer represalia conjuntamente con otro delito que resulta en expulsión se detalla en la sección de Expulsión de este código.)
- Participa en conducta que se sanciona como robo con agravantes o delito grave de acuerdo al Título 5 (ver el **glosario**) del Código Penal cuando la conducta ocurre fuera de la escuela y no en una función patrocinada o relacionada con la escuela y:
  - El estudiante recibe enjuiciamiento diferido (ver el glosario),
  - Un juzgado o un jurado determina que el estudiante ha participado en conducta delictiva (ver el glosario) o
  - El superintendente o el personal autorizado determinan que existe razón para creer (ver el glosario) que el estudiante ha participado en esa conducta.

Agresión sexual y asignación de escuela

Si se determina judicialmente que un estudiante ha cometido abuso sexual continuado de un menor o si se determina judicialmente que cometió agresión sexual o agresión sexual con agravantes en contra de otro estudiante en la misma escuela, o si se difiere el fallo por uno de estos delitos, y los padres de la víctima u otra persona autorizada para actuar en nombre de la víctima solicita que la Mesa Directiva traslade al agresor a otra escuela, se trasladará el agresor a otra escuela en el distrito. Si no hay otra escuela en el distrito que ofrezca el nivel escolar del agresor, se lo colocará en un DAEP.

Proceso

La asignación de un estudiante a un DAEP será determinada por el coordinador de conducta del campus.

Conferencia

Cuando se retira un estudiante de la clase por una infracción que amerite colocarlo en un DAEP, el coordinador de conducta del campus o personal administrativo autorizado programará una conferencia dentro de los tres días de clase con el estudiante, sus padres y el maestro, si fue el maestro quien lo retiró de la clase.

En la conferencia, el coordinador de conducta del campus o personal administrativo le hará saber al estudiante, oralmente o por escrito, las razones por las cuales se lo retiró de la clase, le explicará los fundamentos de las mismas y le dará una oportunidad de responder.

Si a pesar de los esfuerzos del distrito no se consigue que las personas interesadas asistan, se llevará a cabo la conferencia y se tomará una decisión con respecto a la asignación a un DAEP aunque el estudiante o los padres no estén presentes.

Consideración de factores atenuantes

Al decidir si asignar a un estudiante a DAEP, independientemente de que la acción sea obligatoria o discrecional, el coordinador de conducta del campus tendrá en consideración:

1. Si la conducta fue en defensa propia (vea el glosario),

2. Si hubo intención o falta de intención en el momento en que el estudiante participó en la conducta,
3. El registro de antecedentes disciplinarios del estudiante,
4. Una discapacidad que impida sustancialmente la capacidad del estudiante de entender la ilicitud de su conducta,o
5. La situación del estudiante en custodia del Departamento de Servicios para la Familia y de Protección (acogimiento familiar), o
6. La situación del estudiante como persona sin hogar

Orden de asignación

Después de la conferencia, si al estudiante se lo asigna a un DAEP, el coordinador de conducta del campus escribirá la orden. Se enviará una copia de la orden de asignación a un DAEP al estudiante y a sus padres.

Dentro de los dos días hábiles después de la conferencia, la persona designada por la Mesa Directiva entregará al juzgado de menores una copia de la orden de asignación y toda la información que requiere la Sección 52.04 del Código de Familia.

Si se asigna un estudiante a un DAEP y el período de asignación no es consecuente con las normas que se establecen en este código, la orden de asignación detallará esta información.

Aviso sobre tarea del curso

El padre o tutor de un estudiante asignado a un DAEP recibirá un aviso por escrito sobre la oportunidad del estudiante de completar un curso del currículo básico en el que el estudiante haya estado matriculado en el momento de la remoción y que se requiera para la graduación, de manera gratuita para el estudiante. El aviso incluirá información sobre todos los métodos disponibles para completar las tareas.

Duración de la asignación

El coordinador de conducta del campus determinará la duración de la asignación de un estudiante a un DAEP.

La duración de la asignación de un estudiante será determinada teniendo en cuenta cada caso en particular, en función de la gravedad de la infracción, la edad y el grado académico del estudiante, la frecuencia de su mal comportamiento, la actitud del estudiante y los requisitos de la ley.

El período máximo de asignación a un DAEP será de un año calendario, con las siguientes excepciones.

A menos que se especifique lo contrario en la orden de asignación, los días de inasistencia a un DAEP no contarán para cumplir con el número total de días requeridos en la orden de asignación de un estudiante.

El distrito administrará las evaluaciones antes del tiempo en DAEP y después del tiempo en DAEP que son requeridas para estudiantes asignados a DAEP por un periodo de 90 días o más de acuerdo con procesos administrativos establecidos del distrito para administrar otros tipos de evaluaciones diagnósticas.

Asignación que excede un año

La asignación a un DAEP puede exceder un año cuando una revisión del distrito determina que el estudiante es una amenaza a la seguridad de otros estudiantes o empleados del distrito.

Los límites impuestos por la ley a la duración de la asignación a un DAEP no se aplican cuando la Mesa Directiva coloca a un estudiante en un DAEP por participar en la agresión sexual de otro estudiante para impedir que el agresor y la víctima estén asignados a la misma escuela.

Asignación que excede el ciclo escolar

Los estudiantes que, al final del ciclo escolar, cometen delitos por los cuales la asignación a un DAEP es requerida pueden ser obligados a continuar en el DAEP al comienzo del ciclo escolar siguiente hasta cumplir el período asignado.

Para continuar la asignación de un estudiante a un DAEP después que finalice el ciclo escolar, el coordinador de conducta del campus o designado de la Mesa Directiva deberá determinar que:

1. La presencia del estudiante en el salón regular de clase o en la escuela regular representa un peligro de daño físico para el estudiante o para otras personas o
2. El estudiante ha exhibido mal comportamiento excesivo o persistente (ver el glosario) en incumplimiento del código del distrito.

Asignación que excede los 60 días

Antes de prolongar la asignación de un estudiante a un DAEP por más de 60 días o hasta después del siguiente período de calificaciones, sea cual fuere que ocurra primero, se les notificará a los padres del estudiante y se les dará la oportunidad de participar en una audiencia ante la Mesa Directiva o ante el personal autorizado.

Apelaciones

Las preguntas de los padres sobre las medidas disciplinarias deberán ser dirigidas al personal administrativo de la escuela.

Las apelaciones de un estudiante o padre sobre la asignación de un estudiante a un DAEP deberán ser dirigidas de acuerdo con el reglamento FNG(LOCAL).

Se puede obtener una copia de este reglamento en la oficina del director de la escuela, en la oficina de coordinador de conducta del campus, en la oficina central de administración o en el enlace Policy On Line en la siguiente dirección de la red Internet: https:/www.seisd.net

Las apelaciones empiezan en *Primer Nivel* con el director de le escuela.

El distrito no retrasará las consecuencias disciplinarias a la espera del resultado de una apelación. La decisión de colocar a un estudiante en un DAEP no se puede apelar más allá de la Mesa Directiva.

Restricciones durante la asignación

El distrito escolar no permite que un estudiante asignado a un DAEP participe en actividades cocurriculares o extracurriculares patrocinadas o relacionadas con la escuela, incluso postularse

o desempeñar cargos honoríficos o ser miembro de organizaciones y clubes patrocinados por la escuela.

No se le proporcionará transporte a un estudiante asignado a un DAEP a menos que sea un estudiante con discapacidades que tenga derecho al transporte de conformidad con su programa de educación individualizado (IEP) o el plan de la Sección 504.

Para los estudiantes en el último año de la preparatoria que cumplan los requisitos para graduarse y que estén asignados a un DAEP al tiempo de la graduación, la colocación en el programa continuará hasta después de la graduación y no se les permitirá que asistan ni a la ceremonia ni a las actividades relacionadas con la graduación.

Revisión de la asignación

El coordinador de conducta del campus revisará la situación de un estudiante colocado en un DAEP, incluso el progreso académico, en intervalos que no pueden exceder los 120 días. En el caso de un estudiante de la escuela preparatoria, también se evaluarán el plan de graduación del estudiante y su progreso. Durante la revisión, el estudiante y sus padres tendrán la oportunidad de abogar para que el estudiante regrese al salón regular de clase o a su escuela. No se permitirá el regreso del estudiante al salón del maestro que lo retiró de la clase sin el consentimiento de dicho maestro.

Otros actos de mala conducta

Si durante el período de asignación a un DAEP el estudiante participa en mala conducta para la cual se requiere o se permite colocación en un DAEP o expulsión, el coordinador de conducta del campus puede iniciar procesos que resulten en una orden disciplinaria adicional.

Notificación de proceso penal

Cuando un estudiante está asignado a DAEP por ciertos delitos, la fiscalía notificará al distrito si:

1. Se rehusó enjuiciamiento del estudiante por falta de méritos para procesar o por pruebas insuficientes y no se iniciará un proceso formal, un fallo diferido (ver el glosario) o un enjuiciamiento diferido; o si
2. El juzgado o un jurado determinaron que el estudiante no es culpable o que no participó en conducta delictiva o conducta que indica la necesidad de supervisión y la causa se desestimó sin derecho a nuevo juicio.

Si al estudiante se le asignó un DAEP por ese tipo de conducta, cuando se reciba la notificación de la fiscalía, el superintendente o el personal autorizado evaluarán la colocación del estudiante y programarán una junta con los padres dentro de los tres días desde que el superintendente o el personal autorizado reciban la notificación de la fiscalía. El estudiante no podrá regresar al salón regular de clase mientras la revisión esté pendiente.

Después de revisar la notificación y de recibir información de los padres del estudiante, el superintendente o el personal autorizado pueden continuar la colocación del estudiante si existe razón para creer que la presencia del estudiante en el salón regular de clase amenaza la seguridad de otros estudiantes o de los maestros.

El estudiante o sus padres pueden apelar la decisión del superintendente a la Mesa Directiva. El estudiante no podrá regresar al salón regular de clase mientras la apelación esté pendiente. En caso de apelación, la Mesa Directiva, en su próxima sesión regular, evaluará la notificación de la fiscalía y recibirá información del estudiante, de sus padres y del superintendente o personal autorizado y confirmará o revocará la decisión tomada por el superintendente o por el personal autorizado. La Mesa Directiva levantará un acta del proceso.

Si la Mesa Directiva confirma la decisión del superintendente o del personal autorizado, el estudiante o sus padres pueden apelar al Comisionado de Educación. El estudiante no podrá regresar al salón regular de clase mientras la apelación esté pendiente.

Estudiantes que se retiran del distrito durante el proceso

Cuando un estudiante viola el código del distrito de una manera que requiere o permite la asignación a un DAEP y el estudiante se retira del distrito antes que se haya terminado la orden de asignación, el coordinador de conducta del campus puede finalizar el proceso y emitir una orden de asignación. Si después el estudiante se inscribe nuevamente en el distrito durante el mismo ciclo escolar o uno posterior, el distrito puede reactivar la orden en ese momento, menos el período que haya cumplido el estudiante mientras ha estado inscripto en otro distrito. Si el coordinador de conducta del campus o la Mesa Directiva no emiten una orden de asignación después que el estudiante se retira de la escuela, el siguiente distrito en el cual se inscriba el estudiante puede finalizar el proceso y emitir una orden de asignación.

Estudiantes recién inscriptos

El distrito continuará la colocación en un DAEP de un estudiante que se inscribe en el distrito y que fue asignado a un DAEP en una escuela chárter de inscripción abierta o en otro distrito.

Un estudiante que se inscribe en este distrito y que fue asignado a un DAEP por el distrito de otro estado será colocado como cualquier otro estudiante recién inscripto si la conducta que cometió es una razón para asignarlo a un DAEP en este distrito.

Si el estudiante fue asignado a un DAEP por un distrito escolar en otro estado por un período mayor a un año, este distrito, conforme a la ley estatal, reducirá el período de asignación para que el término total no exceda el año. Sin embargo, después de una revisión, se puede extender el período de asignación por más de un año si el distrito determina que el estudiante es una amenaza para la seguridad de otros estudiantes o empleados o si extender el período protege el interés superior del estudiante.

Proceso para asignación de emergencia

Cuando una asignación de emergencia sea necesaria a causa de que el comportamiento del estudiante es tan indisciplinado, disruptivo o abusivo que seriamente interfiere con las operaciones de clase o de la escuela, se le dará al estudiante notificación oral del motivo de la acción. Dentro de los diez días de la fecha de asignación se llevará a cabo la conferencia con el estudiante conforme a los requisitos para asignación a un DAEP.

Servicios de transición

De conformidad con la ley y los procedimientos del distrito, el personal del campus proporcionará servicios de transición a un estudiante que se reincorpore al salón de clases regular después de un programa de educación alternativo, entre ellos, el DAEP. Consulte el reglamento FOCA(LEGAL) para obtener más información.

Asignación o expulsión por ciertas infracciones

Esta sección incluye dos categorías de infracciones para las cuales el Código de Educación establece procesos únicos y consecuencias específicas.

Delincuentes sexuales registrados

Al recibir notificación conforme a la ley estatal de que un estudiante está actualmente obligado a registrarse como delincuente sexual, el distrito debe retirar al estudiante del salón regular de clase y determinar la colocación adecuada a menos que un juez ordene la colocación en el programa alternativo de enseñanza del sistema judicial de menores (JJAEP por sus siglas en inglés).

Si el estudiante está bajo algún tipo de supervisión judicial, entre ellos libertad vigilada, supervisión comunitaria o libertad condicional, se lo asignará un DAEP o se lo colocará en el JJAEP por lo menos por un semestre.

Si el estudiante no está bajo algún tipo de supervisión judicial, se lo puede colocar en un DAEP o en el JJAEP por un semestre o en un salón regular de clase. No se puede colocar a un estudiante en el salón regular de clase si la Mesa Directiva o el personal autorizado determinan que la presencia del estudiante:

1. Amenaza la seguridad de otros estudiantes o de los maestros,
2. Va a ser perjudicial para el proceso educativo o
3. Es contraria al interés superior de los estudiantes del distrito.

Comité de revisión

Al final del primer semestre de la colocación de un estudiante en un entorno alternativo de enseñanza y antes del comienzo de cada ciclo escolar en el cual el estudiante permanece en el entorno alternativo, el distrito convocará un comité, de acuerdo con la ley estatal, para evaluar la colocación del estudiante. El comité recomendará si el estudiante debe regresar al salón regular de clase o permanecer en el entorno alternativo. Excepto en caso de conclusiones especiales, la Mesa Directiva o el personal autorizado deberá aceptar la recomendación del comité.

La evaluación de la colocación de un estudiante discapacitado que recibe educación especial debe hacerla el comité ARD.

Estudiantes recién inscriptos

Si un estudiante se inscribe en un distrito durante el período de colocación obligatoria por ser un delincuente sexual registrado, el distrito puede contar el tiempo que el estudiante ya estuvo en un entorno alternativo o puede exigir un semestre más en un entorno alternativo sin hacer la revisión.

Apelación

Un estudiante o sus padres pueden apelar la colocación en un entorno alternativo solicitando una conferencia con la Mesa Directiva o el personal autorizado, el estudiante y sus padres. La conferencia se limita a determinar si el estudiante está obligado a registrarse como delincuente

sexual. Toda decisión de la Mesa Directiva o del personal autorizado con respecto a esta sección es definitiva y no se puede apelar.

Ciertos delitos graves

Sin tener en cuenta si la asignación o expulsión del estudiante es obligatoria o permitida por una de las razones en las secciones de Asignación a un DAEP o Expulsión, según la Sección 37.0081 del Código de Educación, se **puede** expulsar a un estudiante o colocarlo en un DAEP o en el JJAEP si la Mesa Directiva o el coordinador de conducta del campus llegan a ciertas conclusiones y las siguientes circunstancias existen en relación robo con agravantes o a un delito grave tipificado en el Título 5 (vea el glosario) del Código Penal. El estudiante debe:

- Haber recibido enjuiciamiento diferido por conducta definida como robo con agravantes o delito grave en el Título 5;
- Haber sido declarado responsable por un juez o jurado de participar en conducta delictiva definida como robo con agravantes o delito grave en el Título 5;
- Haber sido acusado de participar en conducta definida como robo con agravantes o delito grave en el Título 5;
- Haber sido remitido a un juzgado de menores por presuntamente participar en conducta delictiva definida como robo con agravantes o delito grave en el Título 5;
- Haber recibido libertad vigilada o un fallo diferido o haber sido arrestado, acusado o condenado por robo con agravantes o un delito grave tipificado en el Título 5.

Bajo estas circunstancias el distrito puede expulsar al estudiante u ordenar su colocación sin tener en cuenta:

1. La fecha cuando ocurrió la conducta del estudiante,
2. El lugar donde ocurrió la conducta,
3. Si la conducta ocurrió cuando el estudiante estaba inscripto en el distrito o
4. Si el estudiante ha cumplido con todos los requisitos impuestos por resolución judicial en conexión con la conducta.

Audiencia y conclusiones requeridas

Primero el estudiante debe tener una audiencia ante la Mesa Directiva o el personal autorizado quienes deben determinar que, además de las circunstancias mencionadas anteriormente que permiten la expulsión, la presencia del estudiante en el salón regular de clase:

1. Amenaza la seguridad de otros estudiantes o de los maestros,
2. Será perjudicial para el proceso educativo o
3. Es contraria al interés superior de los estudiantes del distrito.

Toda decisión de la Mesa Directiva o del personal autorizado con respecto a esta sección es definitiva y no se puede apelar.

Duración de la asignación

El estudiante está sujeto a la colocación hasta que:

1. El estudiante egrese de la escuela preparatoria,
2. Se desestimen los cargos o se reduzcan a un delito menor o

3. El estudiante cumpla con el término de colocación y se le asigne otro programa.

Revisión de la asignación

Un estudiante colocado en un DAEP o JJAEP, ante estas circunstancias, tiene derecho a que el coordinador de conducta del campus o la persona designada por la Mesa Directiva revise su situación, incluida la situación académica, en intervalos que no superen los 120 días. En el caso de un estudiante de la escuela preparatoria, también se evaluarán el plan de graduación del estudiante y su progreso. Durante la revisión, el estudiante o sus padres tendrán la oportunidad de abogar para que el estudiante regrese al salón regular de clases o a su escuela.

Estudiantes recién inscriptos

Si un estudiante se inscribe en el distrito antes de cumplir la colocación de acuerdo a esta sección de otro distrito escolar, debe terminar el período de asignación.

Expulsión

Antes de ordenar la expulsión de un estudiante, a pesar de que la acción sea obligatoria o discrecional, el coordinador de conducta del campus tendrá en consideración:

1. Si la conducta fue en defensa propia (vea el **glosario**),
2. Si hubo intención o falta de intención en el momento en que el estudiante participó en la conducta,
3. El registro de antecedentes disciplinarios del estudiante,
4. Una discapacidad que impida sustancialmente la capacidad del estudiante de entender la ilicitud de conducta,
5. La situación del estudiante en custodia del Departamento de Servicios para la Familia y de Protección (acogimiento familiar), o
6. La situación del estudiante como persona sin hogar.

Expulsión discrecional: Mala conducta que puede resultar en expulsión

Algunos de los tipos de mala conducta siguientes pueden resultar en asignación obligatoria en un DAEP, si un estudiante está expulsado o no. (Vea **Asignación a un DAEP**)

En cualquier lugar

Se **puede** expulsar a un estudiante por:

- Participar en la intimidación que alienta a un estudiante suicidarse o intentar a suicidarse.
- Incitar la violencia contra un estudiante por la intimidación de un grupo.
- Divulgar o amenazar con divulgar material visual de tipo íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Conducta que contiene los elementos de agresión conforme a la Sección 22.01(a)(1) del Código Penal en represalia en contra de un empleado o voluntario de la escuela.
- Daños en propiedad ajena si se sanciona como delito grave.
- Participar en conducta que contiene los elementos de uno de los siguientes delitos en contra de otro estudiante:
  - Agresión con agravantes.
  - Agresión sexual.
  - Agresión sexual con agravantes.
  - Homicidio calificado.
  - Homicidio con pena de muerte.
  - Tentativa de homicidio calificado o de homicidio con pena de muerte.
  - Robo con agravantes.
- Incumplimiento de la seguridad de computación. (Vea **glosario**)
- Participar en conducta relacionada con una falsa alarma (incluso una amenaza de bomba) o una amenaza terrorista que afecte una escuela pública.

En la escuela, dentro de los 300 pies o en una función escolar

Un estudiante **puede** ser expulsado si comete una de las siguientes ofensas en o dentro de 300 pies de la propiedad escolar, medido desde cualquier punto de la línea limítrofe en la propiedad

de la escuela, o mientras asiste a una actividad patrocinada o relacionada con la escuela ya sea en o fuera de la propiedad de la escuela:

- Vender, dar o entregar a otra persona o tener, consumir o estar bajo la influencia de marihuana, de una substancia regulada o de una droga peligrosa si la conducta no se sanciona como delito grave. Un estudiante con una receta válida para canabis bajo en THC como autorizado por Capítulo 487 del Código de Salud y Seguridad no viola esta provisión. (Vea el glosario para "bajo la influencia".)
- Vender, dar o entregar a otra persona una bebida alcohólica o tener, consumir o estar bajo la influencia del alcohol; o cometer un acto o una infracción grave mientras está bajo la influencia del alcohol, si la conducta no se sanciona como delito grave.
- Participar en conducta que contiene los elementos de un delito relacionado con el uso indebido de sustancias químicas volátiles.
- Participar en conducta que contiene los elementos de agresión conforme a la Sección 22.01(a)(1) del Código Penal en contra de un empleado o voluntario.
- Participar en conducta temeraria. (Vea el **glosario**)

Dentro de los 300 pies de la escuela

Un estudiante **puede** ser expulsado por participar en las siguientes conductas mientras está dentro de los 300 pies de la propiedad escolar, medido desde cualquier punto del límite de la propiedad inmobiliaria de la escuela:

- Agresión con agravantes, agresión sexual o agresión sexual con agravantes.
- Incendio premeditado. (Vea el **glosario**.)
- Homicidio calificado, homicidio con pena de muerte o tentativa de homicidio calificado o de homicidio con pena de muerte.
- Acto deshonesto con un menor, secuestro con agravantes, homicidio sin premeditación, homicidio por negligencia criminal o robo con agravantes.
- Abuso sexual continuado de un menor.
- Delito grave relacionado con las drogas o el alcohol.
- Llevar ilegalmente en o alrededor de la persona del estudiante una pistola o un cuchillo restringido por sitio, como define estos términos la ley estatal. (Vea **glosario**.)
- Poseer, fabricar, transportar, reparar, o vender un arma prohibido, como se define la ley estatal. (Vea **glosario**.)
- Posesión de un arma de fuego, como lo define la ley federal. (Vea **glosario**.)

Propiedad de otro distrito

Se **puede** expulsar a un estudiante por cometer un delito por el cual la expulsión es obligatoria conforme a la ley estatal si el delito se comete en otro distrito en Texas o mientras el estudiante asiste a una actividad patrocinada o relacionada con una escuela de otro distrito en Texas.

Durante el período en un DAEP

Se **puede** expulsar a un estudiante por participar en comportamiento grave y documentado en incumplimiento del código del distrito, a pesar de intervenciones documentadas durante el

período de asignación a un DAEP. Para los propósitos de expulsión discrecional de un DAEP, mal comportamiento significa:

1. Comportamiento violente y deliberado que representa una amenaza directa a la salud o seguridad de otras personas;
2. Extorsión, significando obtener dinero u otra propiedad por la fuerza o la amenaza;
3. Conducta que constituye la coacción, como definido por Sección 1.07, Código Penal; o
4. Conducta que constituye el delito de:
   a. Lascivia pública según el Código Penal 21.07;
   b. Exhibición indecente según el Código Penal 21.08;
   c. Daño a bienes ajenos según el Código Penal 28.03;
   d. Novatadas, según el Código de Educación 37.152; u
   e. Hostigamiento, según el Código Penal 42.07(a)(1), de un estudiante o un empleado del distrito.

Expulsión obligatoria: Mala conducta que requiere expulsión

Un estudiante **debe** ser expulsado bajo la ley federal o estatal por cualquier de los delitos siguientes que ocurren en la propiedad de la escuela o mientras asiste a una actividad patrocinada por o relacionada con la escuela y que toma lugar en o fuera de propiedad escolar.

Bajo la ley federal

- Llevar a la escuela o poseer en la escuela, incluso a cualquier escenario bajo el control o supervisión del distrito por el propósito de una actividad de la escuela, un arma de fuego, como lo define la ley federal. (Vea **glosario**.)

Nota*:* La expulsión obligatoria bajo la ley federal Gun Free Schools Act no se aplica a un arma de fuego que está colocada legalmente en un vehículo cerrado con llave, o a armas de fuego usadas en actividades aprobadas de y autorizadas por el distrito cuando el distrito haya adoptado las garantías adecuadas para garantizar la seguridad de los estudiantes.

Bajo el Código Penal

- Llevar ilegalmente en o alrededor de la persona de estudiante lo siguiente, de la manera prohibida por el Código Penal 46.02:
  - Una pistola, que la ley estatal define como cualquier arma de fuego diseñada, hecha o adaptada para ser usada con una mano. (Vea glosario,) **Nota**: Un estudiante no puede ser expulsado solamente en función del uso, exhibición o posesión por parte del estudiante de un arma de fuego que ocurre en una instalación de campo de tiro aprobado que no está situado en un campus de escuela, mientras participa en o se prepara para una competición de tiro deportivo auspiciada por la escuela o una actividad educativa de tiro deportivo que es auspiciada por o apoyada por el Departamento de Parques y Fauna, o una organización sancionadora de tiro deportivo que trabaja con el Departamento. [Vea la regla FNCG(LEGAL)].
  - Un cuchillo restringido por sitio, como lo define la ley estatal. (Vea el **glosario**.)
- Poseer, fabricar, transportar, reparar, o vender un arma prohibida, como lo define la ley estatal. (Vea el **glosario**)

- Comportarse de una manera que contenga los elementos de los siguientes delitos según el Código Penal:
  - Agresión con agravantes, agresión sexual o agresión sexual con agravantes.
  - Incendio premeditado. (Vea el **glosario**)
  - Homicidio calificado, homicidio con pena de muerte o tentativa de homicidio calificado o de homicidio con pena de muerte.
  - Acto deshonesto con un menor.
  - Secuestro con agravantes.
  - Robo con agravantes.
  - Homicidio sin premeditación.
  - Homicidio por negligencia criminal.
  - Abuso sexual continuado de un menor.
  - Comportamiento punible como un delito grave que involucra vender, dar o entregar a otra persona o tener, usar o estar bajo la influencia de marihuana, de una sustancia regulada, de una droga peligrosa o de alcohol; o cometer un acto o infracción grave mientras se está bajo la influencia de alcohol.
- Participar en represalia contra un empleado o voluntario de la escuela en combinación con unos de los delitos detallados anteriormente para los cuales la expulsión es obligatoria.

Menores de diez años

Cuando un estudiante menor de diez años participe en conducta para la cual la expulsión es obligatoria, no se lo expulsará pero se le asignará un DAEP. No se colocará en un DAEP a un estudiante menor de seis años a menos que cometa un delito relacionado con las armas de acuerdo a la ley federal.

Proceso

Si se cree que un estudiante ha cometido una infracción por la cual se lo puede expulsar, el coordinador de conducta del campus o el personal administrativo autorizado programará una audiencia dentro de un plazo razonable. Se invitará por escrito a los padres del estudiante a asistir a la audiencia.

Mientras esté pendiente la audiencia el coordinador de conducta del campus u otro administrador puede implementar una de las siguientes medidas:

- Colocación en otro salón de clase que sea adecuado
- Suspensión en la escuela
- Suspensión fuera de la escuela
- Asignación a un DAEP

Audiencia

Al estudiante que se contempla expulsar se le otorgará una audiencia con las garantías procesales. El estudiante tiene derecho a:

1. Ser representado por sus padres u otro adulto que pueda asesorar al estudiante y que no sea un empleado del distrito,

2. Tener la oportunidad de atestiguar y de presentar pruebas y testigos en su defensa, y
3. Tener la oportunidad de interrogar a los testigos llamados por el distrito en la audiencia.
4. Después de notificar al estudiante y a sus padres de la audiencia, el distrito puede celebrar la audiencia aunque el estudiante o sus padres no estén presentes.

La Mesa Directiva delega al superintendente asociado la autoridad para celebrar las audiencias y decidir sobre la expulsión de los estudiantes.

Revisión de la expulsión por la Mesa Directiva

Después de la audiencia con garantías procesales, el estudiante que fue expulsado puede solicitar que la Mesa Directiva reconsidere la decisión. El estudiante o sus padres pueden presentar una solicitud por escrito al superintendente dentro de los siete días de recibir la decisión por escrito. El superintendente debe proporcionar al estudiante o a sus padres notificación por escrito de la fecha, hora y lugar de la junta en la cual la Mesa Directiva evaluará la decisión.

La Mesa Directiva revisará el acta de la audiencia de expulsión en una junta privada a menos que los padres del estudiante soliciten por escrito una sesión abierta al público. La Mesa Directiva puede además oír una declaración del estudiante o de sus padres y del personal administrativo autorizado.

La Mesa Directiva escuchará declaraciones de las personas que participaron en la evaluación y basará su decisión en las pruebas reflejadas en el acta y en las declaraciones que hagan las partes. La Mesa Directiva tomará una decisión y la anunciará oralmente al terminar la sesión. No se diferirán las consecuencias mientras se espera el resultado de la audiencia.

Orden de expulsión

Antes de ordenar la expulsión, la Mesa Directiva o coordinador de conducta del campus tendrá en consideración:

1. Si la conducta fue en defensa propia (vea el glosario),
2. Si hubo intención o falta de intención en el momento en que el estudiante participó en la conducta,
3. El registro de antecedentes disciplinarios del estudiante,
4. Una discapacidad que impida sustancialmente la capacidad de un estudiante de entender la ilicitud de su conducta,
5. La situación del estudiante en custodia del Departamento de Servicios para la Familia y de Protección (acogimiento familiar), o
6. La situación del estudiante como persona sin hogar.

Si se expulsa al estudiante, la Mesa Directiva o el personal autorizado entregarán al estudiante y a sus padres una copia de la orden de expulsión.

Dentro del segundo día hábil después de la audiencia, el superintendente asociado entregará al juzgado de menores una copia de la orden de expulsión y la información requerida por la Sección 52.04 del Código de Familia.

Si el período de expulsión no está de acuerdo con las normas establecidas en el Código de Conducta Estudiantil, la orden de expulsión incluirá la falta de concordancia.

Duración de la expulsión

El período de expulsión se basará en la gravedad de la infracción, la edad y grado académico del estudiante, la frecuencia del mal comportamiento, la actitud del estudiante y los requisitos de la ley.

La duración de la expulsión del estudiante se determinará individualmente, caso por caso. El período máximo de expulsión es de 12 meses con las siguientes excepciones.

La expulsión no puede exceder un año a menos que, después de una revisión, el distrito determine que:

1. El estudiante es una amenaza para la seguridad de los otros estudiantes o de los empleados del distrito o
2. La expulsión por un largo plazo protege el interés superior del estudiante.

La ley federal y estatal exigen que un estudiante sea expulsado del salón regular de clase por lo menos por un año (12 meses) por llevar a la escuela un arma de fuego que corresponda a la definición de la ley federal. Sin embargo, el superintendente autorizado puede, dependiendo del caso, modificar el período de expulsión.

Los estudiantes que cometen infracciones que exigen la expulsión al final del ciclo escolar pueden ser expulsados durante el siguiente año hasta cumplir el período de expulsión.

Estudiantes que se retiran del distrito durante el proceso

Cuando un estudiante ha violado el código del distrito de una manera que exige o permite la expulsión del distrito y el estudiante se retira del distrito antes que se lleve a cabo la audiencia de expulsión, el distrito puede celebrar la audiencia después de notificar por escrito al estudiante y a sus padres.

Si el estudiante se inscribe nuevamente en el distrito durante el mismo ciclo escolar o el siguiente, el distrito puede reactivar la orden de expulsión, descontando el período de expulsión que el estudiante haya cumplido mientras ha estado inscripto en otro distrito.

Si el coordinador de conducta del campus o la Mesa Directiva no emiten una orden de expulsión después que el estudiante se retira del distrito, el siguiente distrito en el que se inscriba el estudiante puede finalizar el proceso de expulsión.

Otros actos de mala conducta

Si durante el período de expulsión el estudiante participa en otros actos de conducta para la cual asignación a un DAEP o expulsión es obligatoria o permitida, el coordinador de conducta del campus o la Mesa Directiva pueden iniciar procesos que resulten en una orden disciplinaria adicional.

Restricciones durante la expulsión

Los estudiantes expulsados tienen prohibido estar en el plantel escolar o asistir a actividades patrocinadas o relacionadas con la escuela durante el período de expulsión.

El distrito no otorgará crédito académico a un estudiante durante el período de expulsión a menos que el estudiante esté inscripto en el JJAEP o en otro programa aprobado por el distrito.

Estudiantes recién inscriptos

El distrito continuará el período de expulsión de todo estudiante recién inscripto que haya sido expulsado de otro distrito o de alguna escuela chárter de inscripción abierta hasta que se cumpla el plazo de expulsión.

Si un estudiante expulsado en otro estado se inscribe en el distrito, el distrito puede continuar la expulsión de acuerdo con los términos de la orden, puede colocar al estudiante en un DAEP por el período especificado en la orden de expulsión o puede permitir que el estudiante asista a clase en un salón regular si:

1. El distrito de otro estado le proporciona al distrito una copia de la orden de expulsión y
2. La infracción que resultó en expulsión también exige la expulsión en el distrito en el cual el estudiante se inscribe.

Si el estudiante es expulsado de un distrito en otro estado por más de un año y el distrito continúa la expulsión o asigna al estudiante a un DAEP, el plazo de expulsión o asignación a un DAEP se reducirá para que el período completo no exceda el año a menos que, después de una revisión, se determine que:

1. El estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito o
2. Asignación por un largo plazo protege el interés superior del estudiante.

Procedimiento para expulsión de emergencia

Cuando una expulsión de emergencia es necesaria para proteger a personas o propiedad de daño inminente, se le dará al estudiante notificación oral del motivo de la acción. Dentro de los diez días de la fecha de expulsión de emergencia se le otorgará al estudiante el debido proceso requerido para un estudiante que va a ser expulsado.

Asignación de estudiantes expulsados a un DAEP

El distrito tiene la opción de proporcionar servicios educativos en un DAEP a un estudiante que ha sido expulsado; sin embargo, tiene la obligación de hacerlo si el estudiante es menor de diez años.

Servicios de transición

De conformidad con la ley y los procedimientos del distrito, el personal del campus proporcionará servicios de transición a un estudiante que se reincorpore al salón de clases regular después de un programa de educación alternativo, como DAEP o JJAEP. Consulte los reglamentos FOCA(LEGAL) y FODA(LEGAL) para obtener más información.

Glosario

El glosario proporciona definiciones legales y definiciones establecidas localmente con el objeto de ayudar a entender los términos relacionados al Código de Conducta Estudiantil.

Abuso es uso impropio o excesivo.

Agresión se define en parte en §22.01(a)(1) del Código Penal como causar lesiones corporales a otra persona intencionalmente, con conocimiento o temerariamente; §22.01(a)(2) como amenazar a otra persona con lesiones corporales inminentes intencionalmente o con conocimiento; y §22.01(a)(3) como causar intencionalmente o con conocimiento el contacto físico con otra persona que razonablemente se puede considerar como ofensivo o provocador.

Amenaza terrorista es definido por el Código Penal 22.07 como amenaza de violencia a otra persona o a bienes con la intención de:

1. Causar una reacción de cualquier tipo por parte de una entidad oficial o voluntaria organizada para asistir en caso de emergencia;
2. Provocar en una persona miedo de recibir lesiones corporales graves e inminentes;
3. Impedir o interrumpir el uso de un edificio, una sala, un lugar de asamblea o un lugar al cual tiene acceso el público; un lugar de trabajo o empleo; una aeronave, un automóvil o algún otro medio de transporte; o algún otro lugar público;
4. Causar deterioro o interrupción de los medios de comunicación o transporte públicos; del sistema de agua potable, gas o electricidad o de algún otro servicio público;
5. Alarmar al público o a un grupo considerable del público con amenaza de lesiones corporales graves; o
6. Influenciar la conducta o las actividades de un organismo del gobierno federal, estatal o una subdivisión política del estado (incluso el distrito).

Ametralladora es definido por el Código Penal 46.01 como un arma de fuego capaz de disparar más de dos tiros automáticamente sin tener que recargarla manualmente y apretando sólo una vez el gatillo.

Aparato para liberar sustancias químicas es definido por el Código Penal 46.01 como un instrumento diseñado, hecho o adaptado para dispensar una sustancia que puede causar un efecto sicológico o fisiológico adverso en un ser humano. Los pequeños dispositivos químicos que se venden comercialmente para protección personal no se incluyen en esta categoría.

Arma de fuego se define en la ley federal (18 U.S.C. 921(a)) como:

1. Cualquier arma (incluso a pistola de arranque) que va, o es diseñado por, o puede fácilmente ser convertido a expulsar un proyectil por acción de un explosivo;
2. El marco o el receptor de cualquier arma;
3. Cualquier silenciador de arma de fuego o arma de fuego; o
4. Cualquier dispositivo destructivo, como cualquier explosivo o bomba incendiaria o de gas venenosa, o granada.

Dicho término no incluye un arma de fuego antiguo.

Arma de fuego de cañón corto es definido por el Código Penal 46.01 como un rifle con un cañón cuya longitud no alcanza las 16 pulgadas o una escopeta con un cañón cuya longitud no

alcanza las 18 pulgadas o cualquier arma hecha de un rifle o de una escopeta, que modificada tiene una longitud total menor de 26 pulgadas.

Arma de fuego artesanal o de fabricación casera es definido por el Código Penal 46.01 como un artefacto o combinación de artefactos que originariamente no eran un arma de fuego pero que han sido adaptados para expulsar un proyectil a través de un cañón de ánima lisa o de un cañón de ánima estriada por medio del uso de energía generada por una explosión o por una sustancia combustible.

Arma explosiva es definido por el Código Penal 46.01 como toda bomba explosiva o incendiaria, granada, cohete o mina y su mecanismo, que está diseñada, hecha o adaptada con el propósito de infligir lesiones corporales graves o la muerte; o de causar daños considerables a bienes; o que tiene la intención principal de causar un ruido tan fuerte que infunde excesivo pánico y terror en el público.

Arma parecida significa un objeto que se asemeja a un arma pero que no está destinado a ser utilizado para causar lesiones corporales graves.

Arma prohibida bajo el Código Penal 46.05(a) significa:

1. Los objetos siguientes a menos que está registrado con la Oficina de Alcohol, Tabaco, Armas de Fuego, y Explosivos de EEUU o de otra manera no sujeto a ese requisito de registro o menos que el objeto está clasificado como una curiosidad o reliquias por el Departamento de Justicia de EEUU.
   a. Un arma explosiva;
   b. Ametralladora;
   c. Un arma de fuego de canon corto;
2. Municiones que perforan armaduras;
3. Aparato para liberar sustancias químicas;
4. Arma de fuego de fabricación casera; o
5. Dispositivo de desinflar llantas.
6. Un dispositivo explosivo improvisado; o
7. Un silenciador de arma de fuego, menos que está clasificado como una curiosidad o reliquias por el Departamento de Justicia de EEUU o el actor de otra manera posee, fabrica, transporte, repara, o vende el silenciador de arma de fuego de acuerdo con la ley federal.

Bajo la influencia significa sin el uso normal de las facultades mentales o físicas. El deterioro de las facultades mentales y físicas de una persona se puede evidenciar por un patrón de comportamiento anormal o errático, la presencia de síntomas físicos de consumo de drogas o de alcohol, o por admisión. Un estudiante “bajo la influencia” no necesita estar al nivel que establece la ley para desencadenar una acción disciplinaria.

Cofradía, hermandad, sociedad secreta o pandilla de una escuela pública significa una organización compuesta totalmente o en parte por estudiantes que trata de perpetuarse aceptando otros estudiantes inscriptos en la escuela como participantes en base a la decisión de los miembros y no en la libre elección de un estudiante que llena los requisitos. Las organizaciones educativas detalladas en la Sección 37.121(d) del Código de Educación son excepciones de esta definición.

Conducta delictiva es una conducta que viola una ley estatal o federal y que se sanciona con confinamiento en una prisión o cárcel. Incluye conducta que quebranta ciertas órdenes del juzgado de menores, entre ellas condiciones de libertad vigilada, pero no incluye el incumplimiento de las leyes de tráfico.

Conducta temeraria según el Código Penal 22.05, ocurre cuando una persona imprudentemente participa en una conducta que pone a otra en peligro inminente de lesiones corporales graves, como disparar con conocimiento un arma en la dirección de otro individuo, de una vivienda, de un edificio o de un vehículo.

Consumo significa introducir voluntariamente dentro del propio cuerpo, por cualquier medio, una sustancia regulada.

Defensa propia es el uso de fuerza en contra de otro a tal grado que la persona razonablemente cree que la fuerza es inmediatamente necesaria para protegerse.

Delitos graves tipificados en el Título 5 son aquellos crímenes listados en el Titulo 5 del Código Penal que típicamente involucran lesiones a una persona y pueden incluir:

- Asesinato, homicidio involuntario u homicidio calificado bajo Secciones 19.02, – .05;
- Secuestro bajo Sección 20.03;
- Trata de personas bajo Sección 20A.02;
- Contrabando o el tráfico continuo de personas bajo Secciones 20.05 – .06;
- Agresión bajo Sección 22.01 ;
- Agresión agravada bajo Sección 22.02;
- Agresión sexual bajo Sección 22.011;
- Agresión sexual agravada bajo Sección 22.021;
- Privación ilegal de movimiento bajo Sección 20.02;
- Abuso sexual continuo de un niño o niños bajo Sección 21.02;
- Bestialidad bajo Sección 21.09;
- Relaciones inapropiadas entre educador y estudiante bajo Sección 21.12;
- Voyeurismo bajo Sección 21.17;
- Acto deshonesto con un menor bajo Sección 21.11;
- Grabación visual invasiva bajo Sección 21.15;
- Divulgación o promoción de material visual intimo bajo Sección 21.16;
- Coerción sexual bajo Sección 21.18;
- Lesiones a un menor, a una persona anciana o a persona minusválida de cualquier edad bajo Sección 22.04;
- Abandono o situación peligrosa de un menor bajo Sección 22.041;
- Conducta temeraria bajo Sección 22.05;
- Amenaza terrorista bajo Sección 22.07;
- Asistencia para que una persona se suicide bajo Sección 22.08; y
- Adulteración de un producto comercial bajo Sección 22.09.

  [Vea FOC(EXHIBIT)]

Discrecional significa que algo se deja a criterio o que está regulado por una persona o entidad local.

Dispositivo de desinflar llantas se define en parte en el Código Penal 46.01 como un dispositivo, incluida una banda de materia con puntos, que, cuando se maneja un coche sobre dicho dispositivo, inhibe o detiene el movimiento del vehículo con ruedas al pinchar una o más de sus llantas.

Dispositivo explosivo improvisado es definido por el Código Penal 46.01 como una bomba completa y operacional diseñada para causar lesiones corporales graves, la muerte, o daño sustancial de propiedad que se fabrica de manera improvisada utilizando componentes no militares.

E-cigarrillo es un cigarrillo electrónico o cualquier otro dispositivo que simula fumar mediante el uso de un elemento de calentamiento mecánico, una pila o circuito electrónico para repartir nicotina u otras sustancias al individuo que inhala del dispositivo. El término incluye cualquier dispositivo que sea fabricado, distribuido o vendido como e-cigarrillo, e-puro, o e-pipa o con otro nombre del producto o descripción y un componente, parte o accesorio para el dispositivo, aunque el componente, parte o accesorio se venda separadamente del dispositivo.

Enjuiciamiento diferido puede ser ofrecido a un menor como una alternativa en vez de tratar de conseguir una determinación judicial de participación en conducta delictiva o conducta que indica la necesidad de supervisión.

Exhibición indecente es definida por el Código Penal 21.08 como un delito que ocurre cuando una persona expone su ano o cualquier parte de sus genitales con la intención de despertar o gratificar el deseo sexual de cualquier persona, y es imprudente de si está presente otro que se ofenderá o se alarmará por el acto.

Fallo diferido es una alternativa a tratar de conseguir una condena judicial que se le puede ofrecer a un menor por conducta delictiva o conducta que indica la necesidad de supervisión.

Falsa alarma o falso reporte según el Código Penal 42.06 ocurre cuando una persona con conocimiento inicia, comunica o circula un informe falso de una bomba, de un fuego, de un delito o de otra emergencia pasada, presente o por suceder, sabiendo que el informe es falso y sin fundamento y que generalmente:

1. Causa acción por parte de una entidad oficial o voluntaria organizada para asistir en caso de emergencia;
2. Provoca en una persona miedo de lesiones corporales graves e inminentes; o
3. Impide o interrumpe el uso de un edificio, de una sala o de un lugar para asambleas.

Fármaco peligroso se define en el Código de Salud y Seguridad, 483.001, como un dispositivo o fármaco que no es seguro para la automedicación y que no se incluye en las Clasificaciones I a V ni en los Grupos de Pena 1 a 4 de la Ley de Sustancias Controladas de Texas. El término incluye los dispositivos o fármacos que la ley federal prohíbe dispensar sin receta o cuyo uso restringe a los veterinarios matriculados o a la receta de estos.

Garrote es definido por el Código Penal 46.01 como un instrumento especialmente diseñado, hecho o adaptado con el propósito de infligir lesiones corporales graves o la muerte. Las

cachiporras, la porra de policía, los aerosoles irritantes o paralizantes y las hachas están en la misma categoría.

Grafito incluye marcas o dibujos hechos con pintura, con un marcador indeleble, o con un aparato de aguafuerte o grabado en bienes materiales sin el consentimiento del dueño. Las marcas pueden incluir inscripciones, lemas, dibujos o cuadros.

Hostigamiento incluye:

1. La conducta que corresponde a la definición establecida en las normas reglamentarias del distrito DIA(LOCAL) y FFH(LOCAL);
2. La conducta que amenaza con causar daños o lesiones corporales a otra persona, incluso a un estudiante del distrito, empleado del distrito, miembro de la Mesa Directiva o voluntario del distrito, que es sexualmente intimidante, que causa daño físico a la propiedad de otro estudiante, que somete a otro estudiante a reclusión o confinamiento físico o que maliciosamente y considerablemente daña la salud física o emocional o la seguridad de otro estudiante, como se define en la Sección 37.001(b)(2) del Código de Educación; o
3. La conducta que es punible como delito según el Código Penal 42.07, entre ellas, los siguientes tipos de conductas, si se realizan con la intención de hostigar, molestar, alarmar, abusar, atormentar o avergonzar a otra persona:
    a. Iniciar la comunicación y, en el transcurso de ella, hacer un comentario, una solicitud, una sugerencia o una proposición que sea obscena, según lo define la ley;
    b. Amenazar, de una manera que sea razonablemente probable que alarme a la persona que recibe la amenaza, con infligir una herida corporal en la persona o con cometer un delito grave contra la persona, un miembro de la familia o del grupo familiar de la persona o los bienes de la persona;
    c. Transmitir, de una manera que sea razonablemente probable que alarme a la persona que recibe la información, información falsa, que quien la transmite sabe que es falsa, de que otra persona ha muerto o sufrido una herida corporal grave; y
    d. Enviar comunicaciones electrónicas repetidas de una manera que sea razonablemente probable que hostigue, moleste, alarme, abuse, atormente, avergüence u ofenda a otro.

Incendio premeditado es definido en parte por el Código Penal 28.02 como:

1. Un delito que involucra prender un fuego o causar una explosión con la intención de destruir o dañar:
    a. Cualquier tipo de vegetación, barda o estructura en espacios abiertos o
    b. Cualquier tipo de edificio, vivienda o vehículo:
        1) Con conocimiento de que está dentro de los límites de una ciudad o de un pueblo incorporado,
        2) Con conocimiento de que está asegurado contra daños o destrucción,
        3) Con conocimiento de que está sujeto a una hipoteca o a una garantía,
        4) Con conocimiento de que está ubicado en propiedad ajena,
        5) Con conocimiento de que adentro hay propiedad ajena o

6) Cuando la persona que prende el fuego es imprudente y no tiene en cuenta si el fuego o la explosión pondrán en peligro la vida de un individuo o la seguridad de las propiedades de otros.

2. Un delito que involucra prender un fuego o causar una explosión con imprudencia mientras manufacturando o intentando a manufacturar una sustancia controlada y el incendio o explosión haga daño a cualquier edificio, vivienda, o vehículo; o
3. Un delito que involucra prender un fuego o causar una explosión intencionadamente y en hacer esto:
   a. Hace daño o destruye, con imprudencia, un edificio ajeno, o
   b. Causa a una persona sufrir lesiones al cuerpo o morirse.

Incumplimiento de la seguridad de computación incluye acceder conscientemente a una computadora, un red de computadoras, o un sistema de computadoras sin el consentimiento efectivo del dueño como definido en el Código Penal 33.02, si la conducta involucra acceder a una computadora, red de computadoras, o sistema de computadoras propiedad de u operado a nombre de un distrito escolar; y el estudiante conscientemente altera, daña, o elimina propiedad o información del distrito; o comete un incumplimiento de cualquier otra computadora, red de computadoras, o sistema de computadoras.

Intimidación es definido en Sección 37.0832 del Código de Educación como un acto único significativo o un patrón de actos por uno o más estudiantes dirigido a otro estudiante que explota un desequilibrio de poder e involucra participación en expresiones escritos u orales, expresión por medios electrónicos, o confrontaciones físicas que:

1. Tiene el efecto o tendrá el efecto de lastimar físicamente a un estudiante, de dañar sus bienes o de provocar en el estudiante temor razonable de que lo van a lastimar o de que van a dañar sus pertenencias;
2. Es suficientemente severa, persistente o bastante generalizada que la acción o amenaza crea un entorno educativo intimidante, amenazante o abusivo para el estudiante;
3. Interrumpe materialmente y sustancialmente el proceso educativo o las operaciones ordenadas de la clase o de la escuela; o
4. Infringe en los derechos de la víctima en la escuela.

La intimidación incluye la intimidación cibernética. (Vea abajo) Esta ley estatal de la prevención de la intimidación se aplica a:

1. La intimidación que ocurre en o está entregado a propiedad escolar o al sitio de una actividad auspiciado por la escuela o relacionado con la escuela en o fuera de la propiedad escolar;
2. La intimidación que ocurre en un autobús escolar de propiedad pública o privada o en un vehículo usado para el transporte de estudiantes a o de la escuela o una actividad auspiciado por la escuela o relacionado a la escuela; y
3. La intimidación cibernética que ocurre fuera de la propiedad de la escuela o fuera de una actividad auspiciado por la escuela o relacionado a la escuela si la intimidación cibernética interfiere con las oportunidades educativas de estudiante o sustancialmente interrumpe las operaciones ordenadas de una clase, una escuela, o una actividad auspiciado por o relacionado a la escuela.

Intimidación cibernética se define en la Sección 37.0832 del Código de Educación como intimidación hecha por el uso de cualquier dispositivo de comunicación electrónica incluyendo el uso de un teléfono celular u otro tipo de teléfono, una computadora, una cámara, correo electrónico, mensajes instantes, mensajes de texto, una aplicación de medios sociales, un sitio Web de Internet, o cualquier otro dispositivo de comunicación basado en el Internet.

Lascivia pública se define en el Código Penal como un delito que ocurre cuando una persona conscientemente participa en un acto de relaciones sexuales, relaciones sexuales desviadas, o contacto sexual en un sitio público o, si no en un sitio público, es imprudente acerca de si hay otro presente que se ofenda o se alarme por el acto.

Lista de víctimas es definida en la Sección 37.001(b)(3) del Código de Educación como una lista de personas identificadas con el propósito de hacerles daño con un arma de fuego, con una navaja o con algún otro objeto que se usa con la intención de causar lesiones corporales.

Mal comportamiento grave significa:

1. Comportamiento violente y deliberado que representa una amenaza directa a la salud o seguridad de otras personas;
2. Extorsión, significando obtener dinero u otra propiedad por la fuerza o la amenaza;
3. Conducta que constituye la coacción, como definido por Sección 1.07, Código Penal de Texas; o
4. Conducta que constituye el delito de:
    a. Lascivia pública según el Código Penal 21.07;
    b. Exhibición indecente según el Código Penal 21.08;
    c. Daño a bienes ajenos según el Código Penal 28.03;
    d. Novatadas, según el Código de Educación 37.152; u
    e. Hostigamiento, según el Código Penal 42.07(a)(1), de un estudiante o un empleado del distrito.

Mal comportamiento grave o persistente incluye pero no se limita a:

- Comportamiento que se considera como motivo para expulsión permisible o asignación a un DAEP.
- Comportamiento identificado por el distrito como motivo para una asignación discrecional a un DAEP.
- Acciones o manifestaciones que perturban de manera considerable o que interfieren materialmente con las actividades de la escuela.
- Rechazo de intentar o completar la tarea como instruido.
- Insubordinación.
- Lenguaje grosero o vulgar o gestos obscenos.
- Salirse de la escuela sin permiso.
- Falsificación de registros, de pases o de algún otro documento relacionado con la escuela.
- Rehusarse a aceptar la disciplina implementada por el maestro o el director.

Manoplas significa cualquier instrumento que consista en anillos o guarniciones para los dedos de la mano, hecho de una sustancia dura, y diseñado o adaptado para infligir lesiones corporales graves o la muerte golpeando a la persona con el puño cerrado en la manopla.

Material visual de tipo íntimo es definido por el Código de Remedios y Prácticas Civiles 98B.001 y el Código Penal 21.16 como material visual que representa a una persona con los partes íntimos de la persona expuestos o participando en la conducta sexual. “Material visual” significa cualquier película, fotografía, cinta de video, negativo o diapositiva de cualquier reproducción fotográfica o cualquier otro medio físico que permite que una imagen se muestre en una pantalla de la computadora o de video y cualquier imagen transmitida a una pantalla de computadora o de video.

Municiones que perforan armaduras son definidas por el Código Penal 46.01 como municiones que se usan en pistolas y revólveres y que están diseñadas principalmente con el propósito de penetrar metales o armaduras.

Cuchillo restringido por sitio se define en el Código Penal 46.01(6) como un cuchillo con una hoja que mide más de cinco pulgadas y media.

Novatadas es definido por Sección 37.151 del Código de Educación como actos intencionales, conscientes o imprudentes cometidos ya sea dentro o fuera de la escuela, por una persona sola o en colaboración con otros, dirigidos contra un estudiante con el propósito de solicitar admisión en una organización estudiantil, de iniciarlo, de afiliarlo, de desempeñar un cargo o de continuar siendo miembro, si dicho acto cumple con los elementos enunciados en el Código de Educación 37.151, entre ellos:

1. Cualquier tipo de brutalidad física;
2. Una actividad que somete al estudiante a un riesgo irrazonable de daño o que afecta negativamente la salud mental o física del estudiante, como privación del sueño, exposición a los factores meteorológicos, confinamiento en espacios reducidos, calistenia, o consumo de alimentos, líquidos, drogas u otras sustancias.
3. Una actividad que induce, causa o requiere que el estudiante realice una tarea o actividad que viole el Código Penal; y
4. Coaccionar a un estudiante para que consuma una droga o bebida alcohólica en una cantidad que llevaría a una persona sensata a creer que el estudiante está intoxicado.

Obligatorio significa que algo se exige o se requiere por una autoridad.

Pandilla con actividad delictiva se define en el Código Penal 71.01, como un grupo de tres o más personas que se identifican por señales, símbolos o líderes en común y que regularmente o continuamente se asocian para la comisión de actividades delictivas.

Parafernalia son instrumentos que pueden ser usados para inhalar, ingerir, inyectar o de alguna otra manera introducir una sustancia regulada en un cuerpo humano.

Pistola se define en el Código Penal 46.01 como cualquier arma de fuego que esté diseñada, fabricada o adaptada para ser disparado con una mano.

Razón para creer es aquella que cualquier persona común de inteligencia promedio y mente sana creería. El Capítulo 37 exige determinadas decisiones disciplinarias cuando el superintendente o su designado tienen una razón para creer que un estudiante participó en una conducta punible como delito grave. Para formar esa razón para creer, el superintendente

o su designado pueden usar toda la información disponible, incluso el aviso de detención de un estudiante, conforme al Artículo 15.27 del Código de Procedimientos Penales.

Robo con agravantes se define en parte en la Sección 29.03(a) del Código Penal como cuando una persona comete un robo y:

1. Causa daño serio al cuerpo de otra persona;
2. Usa o exhibe un arma mortal; o
3. Causa daño al cuerpo de otra persona, amenaza a otra persona, o hace que otra persona tiene miedo de lesiones inminentes del cuerpo o del muerto, si la otra persona es:
   a. Una persona de edad mayor de 65 años, o
   b. Una persona con discapacidades.

Silenciador de arma de fuego es definido por el Código Penal 46.01 como cualquier aparato diseñado, hecho, o adaptado para amortiguar el sonido de un arma de fuego.

Sustancia controlada significa las sustancias, incluidas las drogas, los adulterantes y los diluyentes, enumeradas en las Clasificaciones I a V o el Grupo de Pena 1, 1-A, 2, 2-A, 3 o 4 de la Ley de Sustancias Controladas de Texas. El término incluye el peso total de cualquier mezcla, solución u otra sustancia que contenga una sustancia controlada. El término no incluye el cannabis, según lo define el Código de Agricultura 121.001, ni el tetrahidrocannabinol (THC) que contiene el cannabis.

Tenencia significa que una persona posee un artículo ya sea consigo o en bienes personales, incluso pero no exclusivamente, en la ropa, bolsa o mochila; en un vehículo privado que se usa como medio de transporte para ir y venir a la escuela o a actividades relacionadas con la escuela, entre ellos pero no exclusivamente, un automóvil, una camioneta, motocicleta o bicicleta; dispositivos de telecomunicaciones o dispositivos electrónicos; o en cualquier otro bien de la escuela que usa el estudiante, incluso aunque no exclusivamente, un casillero o escritorio.

Violencia entre parejas de novios ocurre cuando una persona en una relación amorosa actual o del pasado usa el abuso físico, sexual, verbal o emocional para lastimar, amenazar, intimidar o controlar otra persona. La violencia entra parejas de novios también ocurre cuando una persona comete actos contra una persona en una relación amorosa o matrimonial con el individuo que está, o estaba en el pasado, en una relación amorosa o matrimonial con la persona que comete el delito, según la definición de la Sección 71.0021 del Código de Familia.

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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent, and Ms. Susana Frescas, Instructional Programs Administrator
Subject: Professional Development for Leadership and Teachers
Date: June 13, 2023

HISTORY: At the beginning of every school year district leadership, campus administration, and instructional specialists attend specialized academies to kick off instructional goals and the learning for a new school year. These sessions focus on specialized professional development presented during Leadership Academy and Teacher Professional Development Week.

RATIONALE: As per DMA (LOCAL), Professional Development, the Board must approve the district Professional Development Plan. In an effort to meet the student outcome goals set by the Board of Trustees, district leadership, campus leadership, instructional specialists and teachers are provided professional development that is designed to provide leadership and instructional best practices.

BUDGET: There is no budget impact for this item.

ADMINISTRATIVE RECOMMENDATION: The Administrative recommendation is to approve the Professional Development plan as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Leadership Academy

DATE	SESSION	TIME	AUDIENCE
February 20, 2023 March 20, 2023 April 11 and 24, 2023 May 1 and 15, 2023	IL Planning Sessions • Schedules • Intervention • PD plans • Assessments • Data • Tutoring and Sat. School • Co-Support Plan	3:00-4:00 PM	Instructional Leadership Team (Superintendent, Assoc. Superintendent, Principals, APs, School Improvement Coord., ISs, IOs, Program Admins)
May 16-17, 2023	Solution Tree PLC Training	8:30 AM-3:30 PM	Instructional Leadership Team
June 8, 2023	Solution Tree PLC Training	8:30 AM-3:30 PM	Instructional Leadership Team
July 11, 2023	Data Review	8:00-11:00 AM	Instructional Leadership Team
July 11, 2023	T-PESS Training	1:00-4:00 PM	Campus Principals

revised 06/06/23

New Teacher Orientation
July 18, 2023

DATE	SESSION	TIME	AUDIENCE
Tue, July 18	Welcome	8:00-8:15	All New Teachers
Horacio Hernandez	Technology Dept	8:15-12:00	All New Teachers Lap Tops Needed (issued by your campus admin)
	Lunch	12:00-12:30	Lunch will be provided
Instructional Officers	T-TESS	12:30-4:30	All New Teachers

Professional Development – All Staff
July 19 – 24, 2023

DATE	SESSION	TIME	AUDIENCE
Wed, July 19	Mental Health PD @ Chito Samaniego	8:00-9:00 (campus) 9:00-4:00 (PD)	All teachers (and any staff not yet trained) Lunch will be provided
Thu, July 20	PLC PD (campus coalition teams)	8:00-4:00	All teachers
Fri, July 21	Convocation @ SEHS	7:00-12:00	All employees
Fri, July 21	Campus PD	12:30-4:30	All staff
Mon, July 24	Workday	8:00-4:00	All teachers

revised 4/28/23

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.

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MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Revision to 2023-2024 District Calendar
Date: June 13, 2023

HISTORY: The 2023-2024 district calendar was originally approved by the Board of Trustees on January 18, 2023. One of the designations on the calendar are the extra days that our 194-day employees work that other employees do not work. These days are illustrated with a black dashed line around those dates and are also noted in the calendar Legend.

RATIONALE: The Human Resources Department just created the 2023-2024 Days on Duty calendar for all employees. It was determined that 194-day employees will be 190-day employees, and it is no longer necessary to show 4 particular dates on the calendar with a dashed line:

07/17/2023, 10/09/2023, 12/18/2023, and 03/4/2024

The reference to 194-day Employee Workday in the Legend was also changed to 190-day Employee Workday.

BUDGET:
There are no budgetary considerations.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board approve these changes.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

2023-2024 District Calendar San Elizario ISD

The District of Choice

Holidays/District Closure

July 4	Independence Day
July 3, 5-7, 10, 17	District Closure
Sept. 4	Labor Day
Oct. 3-13	Fall Intersession
Nov. 10	Veteran's Day (Observed)
Nov. 21-24	Thanksgiving Break
Dec. 19-Jan. 1	Winter Holidays
Jan. 15	Martin Luther King, Jr. Day
Mar. 5-8	Spring Intersession
Mar. 12-15	Spring Break
Mar. 29	Good Friday
May 27	Memorial Day

Grading Periods

1st 9-Weeks	July 25--Sept. 29
2nd 9-Weeks	Oct. 17--Dec. 15
3rd 9-Weeks	Jan. 3--Mar. 1
4th 9-Weeks	Mar. 19--May 31

Parent/Teacher Conferences--Fall and Spring

GEMS	Sept. 12 and Feb. 20
SEHS	Sept. 14 and Feb. 22
Alarcon/Borrego	Oct. 24 and Mar. 21
Loya/Sambrano	Oct. 26 and Mar. 26

Smart Snack Exemption Days
Oct. 31, Dec. 15, Feb. 14, Mar. 28, May 31

New Teacher Orientation Training
July 18

Early Release for Students and Staff
Dec. 15, Mar. 28

Graduation Day
May 31

Teacher Professional Development (3.5 total days)
July 19-20 (full days), July 21 (1/2 day), Oct. 31 (1/2 day), Feb. 14 (1/2 day)

Teacher Guided Lesson Planning (1 day)
Sept. 29 (1/2 day), Apr. 5 (1/2 day)

Teacher Workdays (3 total days)
July 24, Jan. 2, June 3

Inclement Weather Make-up Days (As Needed)
Apr. 8, Apr. 15, Apr. 22, Apr. 29, May 6, May 13, May 20

Teacher Contract Days (155 Days)
Fall Semester: 75 Spring Semester: 80

Student Learning Days (149 Days)
Fall Semester: 71 Spring Semester: 78

Annual Instructional Minutes
Required Total for Grades PPK-12: 75,600

July 2023

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	{21	22
23	24	25	26	27	28	29
30	31					

August 2023

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	^29	30

October 2023

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	^{31				

November 2023

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	>15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

January 2024

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	^{14	15	16	17
18	19	*20	*21	*22	*23	24
25	26	*27	*28	*29		

March 2024

S	M	T	W	T	F	S
					*1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	*19	*20	*21	*22	23
24/31	25	*26	*27	*>28	29	30

April 2024

S	M	T	W	T	F	S
	1	2	3	4	^5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	~31	1

June 2024

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

LEGEND

- Teacher Professional Development
- { Teacher 1/2 Day Prof. Development
- ^ Early Release for Students
- Teacher Guided Planning Full Day
- ◇ Teacher Guided Planning Half-Day
- > Early Release for Students and Staff
- Teacher Workday
- New Teacher Orientation
- Parent/Teacher Conferences
- First or Last Day of 9-Weeks
- ~ Graduation Day
- Eagle Mondays/District Closure
- 190-day Employee Workday
- Intersession
- △ Inclement Weather Make-up Day
- Holiday/District Closure
- Smart Snack Exemption Day
- * TELPAS State Testing Window
- STAAR State Testing Window

**Note: State Testing Windows are subject to change as per TEA.*

Approval Date: 1/18/2023

Revised: June 2023

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MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Revised Student Outcome Goals and Goal Progress Measures for 2023-2024
Date: June 13, 2023

HISTORY:

House Bill 3 (HB 3), enacted in 2019, requires districts to have 5-year plans for early childhood literacy, math, and CCMR (college, career, and military readiness). The requirements include STAAR progress monitoring for grade 3 reading and math and a plan to track and increase CCMR points.

RATIONALE:

Much has changed since the original HB 3 plans were created for SEISD in 2019. Set to expire soon, it is time to refresh and rewrite our goals to focus more on academic growth with the implementation of MAP testing.

Creating these goals and goal progress measures was a team effort involving multiple stakeholders. The SEISD Leadership team was presented with the goals on May 15, 2023, to provide feedback. The Board participated in a workshop on May 17, 2023, to assist in developing the goals and goal progress measures. The District Advisory Team, consisting of teachers, district leaders, parents, and community members, met on May 18, 2023, to discuss and provide feedback on the goals.

The goals and goal progress measures in the attachment are a culmination of these efforts and will be reviewed and approved annually.

Since the goals are being revised, there is also a revised Board Monitoring Calendar as an additional attachment for the 2023-2024 school year.

BUDGET:

There is no identified budget.

ADMINISTRATIVE RECOMMENDATION:

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

HB 3 Student Outcome Goals and Goal Progress Measures; 2023-2028

Student Outcome Goal 1 (HB 3; 5-year Goal)
The percentage of 3rd grade students that score at the approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥85% by June 2028.

Goal Progress Measure (GPM) 1.1 (District; 1-year Goal)
The average percentage of all PK-4 students meeting early mathematics skills benchmarks at MOY (Wave 2) will increase from 57% in May 2023 to ≥58% by June 2024 as measured by the CIRCLE Progress Monitoring School Benchmark Growth Report.

Goal Progress Measure (GPM) 1.2 (District; 1-year Goal)
Students in grades K-2 will increase the percentage meeting their MOY mathematics growth projection from 49% in May 2023 to ≥50% by June 2024 as measured by MAP mathematics assessments.

Goal Progress Measure (GPM) 1.3 (District; 1-year Goal)
Students in grade 3 will increase the percentage meeting their MOY mathematics growth projection from 60% in May 2023 to ≥61% by June 2024 as measured by MAP mathematics assessments.

Student Outcome Goal 2 (HB 3; 5-year Goal)
The percentage of 3rd grade students that score at the approaches level on STAAR reading will increase from 57% in June 2022 to ≥80% by June 2028.

Goal Progress Measure (GPM) 2.1 (District; 1-year Goal)
The average percentage of all PK-4 students meeting early reading skills benchmarks at MOY (Wave 2) will increase from 63% in May 2023 to ≥64% by June 2024 as measured by the CIRCLE Progress Monitoring School Benchmark Growth Report.

Goal Progress Measure (GPM) 2.2 (District; 1-year Goal)
Students in grades K-2 will increase the percentage meeting their MOY reading growth projection from 39% in May 2023 to ≥40% by June 2024 as measured by MAP reading assessments.

Goal Progress Measure (GPM) 2.3 (District; 1-year Goal)
Students in grade 3 will increase the percentage meeting their MOY reading growth projection from 51% in May 2023 to ≥52% by June 2024 as measured by MAP reading assessments.

Student Outcome Goal 3 (HB 3; 5-year Goal)
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System.

Goal Progress Measure (GPM) 3.1 (District; 1-year Goal)
The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 30% in May 2023 to ≥40% by June 2024, as measured by the OnData Suite CCMR Early Warning System.

Board Monitoring Calendar 2023-2024

Month	HB 3 or Other Progress Monitoring District	Progress Monitoring Campus	Campus Update (Video)	Board Training Information (Dates Subject to Change)	Review, Update & Approve, Misc.
July 2023					
August 2023	Analysis of STAAR/EOC Scores from Spring 2023 Testing; TELPAS Results from Spring 2023			Team of 8 (Completed May 25, 2023, FWTSBA Spring Workshop)	Approve Board Operating Procedures; Review & Readopt Vision & Mission Statements; Annual Review of CDA (LOCAL) Investments; Annual Review of FFG (LOCAL) Child Abuse and Neglect; Renew Annually of CNA (LOCAL) Student Transportation
September 2023	(HB 3) Goal 3—Overall CCMR Percentage for SEHS; Campus and District Improvement Plans for 2023-2024	SEHS—Math and reading progress monitoring grades 9-12	SEHS	MASBA | Sept.14 -16, 2023 TASA/TASB | Sept 29 - Oct 01, 2023	
October 2023	A-F Accountability Ratings for 2023			TASA/TASB | Sept 29 - Oct 01, 2023	
November 2023	(HB 3) Goal 1--Overall Academic Growth in Mathematics	GEMS—Math and reading progress monitoring grades 7-8	GEMS	FWTSBA (TBA)	
December 2023					

Board Monitoring Calendar 2023-2024

Month	HB 3 or Other Progress Monitoring District	Progress Monitoring Campus	Campus Update (Video)	Board Training Information (Dates Subject to Change)	Review, Update & Approve, Misc.
January 2024	(HB 3) Goal 2—Overall Academic Growth in Reading				Review & Update RYHT Advocacy Plan; Review & Update Voting Website
February 2024	(HB 3) GPM 1.1—Math Growth for PK (HB 3) GPM 1.2—Math Growth for Grades K-2	Loya—Math and reading progress monitoring for grades PPK and PK	Loya		
March 2024	(HB 3) GPM 1.3—Math Growth for Grade 3	Alarcon—Math and reading progress monitoring grades 3-6	Alarcon		
April 2024	(HB 3) GPM 2.1—Reading Growth for PK (HB 3) GPM 2.2—Reading Growth for Grades K-2	Sambrano—Math and reading progress monitoring grades K-2	Sambrano		Review HB 3 Student Outcome Goals
May 2024	(HB 3) GPM 2.3—Reading Growth for Grade 3	Borrego—Math and reading progress monitoring grades 3-6	Borrego	FWTSBA/TASB Spring Workshop (TBA)	Hold Budget Workshops Hold Instruction Workshop
June 2024	(HB 3) GPM 3.1—Meeting TSI criteria in ELA/Reading and Math				Conduct Board Self-Evaluation; Annual Review Board Operating Procedures, Review & Approve DMA (LOCAL) Professional Development; Approve Budget & Update Trustee Badges

San Elizario ISD
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Phone 915.872.3900
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MEMORANDUM

To: Members of the Board of Trustees
From: Susana Frescas, Instructional Programs Administrator
Subject: Emergent Bilingual Early Childhood Summer School Hours
Date: June 13, 2023

HISTORY: Texas Education Code Sec. 29. 060 and Texas Administrative Code 89.1250 requires that the district, or local education agency (LEA), offer 120 hours of summer school for bilingual education students entering Kindergarten and entering First Grade. These 120 hours of instruction must be supplemental to the regular school day/year. LEAs may choose how to complete this supplemental program throughout the school year.

RATIONALE: This supplemental program provides multiple opportunities for students to engage with meaningful linguistic and academic experiences to prepare them for the next grade level. We are opting to spread the 120 hours between the October intersession, March intersession, and summer school. Thirty hours will be completed at each of the two intersession periods, the remaining 60 hours will be offered during the month of June in summer school.

BUDGET IMPACT: Funding is initially paid out by the school district. Then, a reimbursement can be made to the district on a unit basis in such an allocation system to ensure a pupil/teacher ratio of not more than 18:1 (TAC 89.1250 (4)(A)(ii).

ADMINISTRATIVE RECOMMENDATION: At this time, a recommendation to approve this supplemental program schedule is being made.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

2023-2024 District Calendar
San Elizario ISD
EB Summer School Hours

Holidays/District Closure

July 4	Independence Day
July 3, 5-7, 10, 17	District Closure
Sept. 4	Labor Day
Oct. 3-13	Fall Intersession
Nov. 10	Veteran's Day (Observed)
Nov. 21-24	Thanksgiving Break
Dec. 19-Jan. 1	Winter Holidays
Jan. 15	Martin Luther King, Jr. Day
Mar. 5-8	Spring Intersession
Mar. 12-15	Spring Break
Mar. 29	Good Friday
May 27	Memorial Day

Grading Periods

1st 9-Weeks	July 25--Sept. 29
2nd 9-Weeks	Oct. 17--Dec. 15
3rd 9-Weeks	Jan. 3--Mar. 1
4th 9-Weeks	Mar. 19--May 31

Parent/Teacher Conferences--Fall and Spring

GEMS	Sept. 12 and Feb. 20
SEHS	Sept. 14 and Feb. 22
Alarcon/Borrego	Oct. 24 and Mar. 21
Loya/Sambrano	Oct. 26 and Mar. 26

Smart Snack Exemption Days
Oct. 31, Dec. 15, Feb. 14, Mar. 28, May 31

New Teacher Orientation Training
July 18

Early Release for Students and Staff
Dec. 15, Mar. 28

Graduation Day
May 31

Teacher Professional Development (3 total days)
July 19-20 (full days), Oct. 31 (1/2 day), Apr. 5 (1/2 day)

Teacher Guided Lesson Planning (2 total days)
July 21 (full day), Sept. 29 (1/2 day), Feb. 14 (1/2 day)

Teacher Workdays (3 total days)
July 24, Jan. 2, June 3

Inclement Weather Make-up Days (As Needed)
Apr. 8, Apr. 15, Apr. 22, Apr. 29, May 6, May 13, May 20

Teacher Contract Days (155 Days)
Fall Semester: 75 Spring Semester: 80

Student Learning Days (149 Days)
Fall Semester: 71 Spring Semester: 78

Annual Instructional Minutes
Required Total for Grades PPK-12: 75,600
SEISD Instructional Minutes: 76,515

July 2023

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17				21	22
23	24	25	26	27	28	29
30	31					

August 2023

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11		13		15	16
17	18	19	20	21	22	23
24	25	26	27	28	^29	30

October 2023

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23		25		27	28
29	30	^{31				

November 2023

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	>15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

January 2024

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	^14	15	16	17
18	19		*21		*23	24
25	26	*27	*28	*29		

March 2024

S	M	T	W	T	F	S
					*1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	*19	*20		*22	23
24/31	25		*27	*>28	29	30

April 2024

S	M	T	W	T	F	S
	1	2	3	4	^{5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	~31	1

June 2024

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

LEGEND

- Teacher Professional Development
- { Teacher 1/2 Day Prof. Development
- ^ Early Release for Students
- Teacher Guided Planning Full Day
- ◇ Teacher Guided Planning Half-Day
- > Early Release for Students and Staff
- Teacher Workday
- New Teacher Orientation
- Parent/Teacher Conferences
- First or Last Day of 9-Weeks
- ~ Graduation Day
- Eagle Mondays/District Closure
- 194-day Employee Workday
- Intersession
- △ Inclement Weather Make-up Day
- Holiday/District Closure
- Smart Snack Exemption Day
- * TELPAS State Testing Window
- STAAR State Testing Window

*Note: State Testing Windows are subject to change as per TEA.

Approval Date: 1/18/2023 Revised: January 2023

Instruction Sheet

TASB Localized Policy Manual Update 121

San Elizario ISD

Code	Type	Action To Be Taken	Note
AC	(LEGAL)	Replace policy	Revised policy
AF	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CFB	(LOCAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CKE	(LOCAL)	DELETE policy	See explanatory note
CKEC	(LOCAL)	ADD policy	See explanatory note
CL	(LEGAL)	Replace policy	Revised policy
CLA	(LEGAL)	Replace policy	Revised policy
CLB	(LEGAL)	Replace policy	Revised policy
CLB	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRF	(LOCAL)	Replace policy	Revised policy
CSA	(LEGAL)	No policy enclosed	See explanatory note
CVA	(LOCAL)	Replace policy	Revised policy
CVB	(LOCAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DEA	(LOCAL)	Replace policy	Revised policy
DEAB	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAD	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy

Instruction Sheet

TASB Localized Policy Manual Update 121

San Elizario ISD

Code	Type	Action To Be Taken	Note
EHBAF	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	ADD policy	See explanatory note
EHBH	(LEGAL)	Replace policy	Revised policy
EHBI	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FD	(LEGAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy
FDA	(LEGAL)	Replace policy	Revised policy
FDC	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAF	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFI	(LEGAL)	Replace policy	Revised policy
FFI	(LOCAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
G	(LEGAL)	Replace table of contents	Revised table of contents
GB	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GBAA	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 121

San Elizario ISD

AC(LEGAL) GEOGRAPHIC BOUNDARIES

This legal policy has been revised to include additional Education Code provisions related to ways in which a district's geographic boundaries may change, such as by detachment, annexation, consolidation, and abolition.

AF(LEGAL) INNOVATION DISTRICTS

Amended Administrative Code rules, effective October 25, 2022, revised the list of Education Code sections and administrative rules from which a district of innovation may not be exempted. Changes include a requirement to provide TEA a link to the local innovation plan posted on the district's website. Previously, the rule required the district to provide TEA with a copy of the local innovation plan.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Changes reflect revised Administrative Code provisions regarding compliance investigations by TEA, effective October 26, 2022. Other changes are to better reflect legal sources.

BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Provisions regarding confidentiality of the email address and personal phone number of an election judge or clerk have been moved from GBA(LEGAL) to this code addressing elections.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

An existing requirement to include the district's bullying prevention policy and procedures in the district improvement plan has been added to this policy.

C(LEGAL) BUSINESS AND SUPPORT SERVICES

The C section table of contents has been revised to add the new code CKED, Security Personnel: Other Security Arrangements. We have also added for future expansion new codes addressing facility standards at CSA (Safety and Security) and CSB (Gas and Pipelines).

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Revisions are to better reflect legal sources.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

Citations have been updated to reflect the repeal and replacement of an Administrative Code provision regarding the bond guarantee program, effective March 1, 2023. References to Administrative Code provisions regarding the instructional facilities allotment and existing debt allotment have been clarified.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

This policy has been revised to reflect the increased homestead exemption of $40,000 approved by voters on May 7, 2022.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

We have added a note regarding the expiration of the Texas Economic Development Act on December 31, 2022, and the continued application of the law to limitations on appraised value in existence at that time.

San Elizario ISD

CFB(LOCAL) ACCOUNTING: INVENTORIES

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

CH(LEGAL) PURCHASING AND ACQUISITION

We have replaced the citation to a repealed Administrative Code rule regarding purchases of automated information systems with a citation to a new rule effective December 19, 2022.

CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

To better align the district's legal and local policies, provisions addressing school resource officers have been relocated to CKEC(LOCAL).

CKEC(LOCAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

Provisions addressing school resource officers have been relocated to this code from CKE(LOCAL). Please review the provisions for accuracy. If revisions are needed regarding other security personnel, please contact your policy consultant.

CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

We have replaced the citation to repealed Administrative Code provisions regarding public pool sanitation and safety with a citation to new provisions effective January 1, 2023.

CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY

New Administrative Code rules, effective February 2, 2023, have been added to address required warning signs regarding human trafficking.

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

Changes reflect revisions to Administrative Code rules regarding integrated pest management, effective January 16, 2023.

CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

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

An Administrative Code provision, effective June 7, 2022, has been added regarding purchasing technological equipment with the instructional materials and technology allotment.

San Elizario ISD

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

Provisions have been added regarding the use of school bus warning signals.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

New Administrative Code provisions were adopted regarding appeals related to federal food and nutrition programs administered by the Texas Department of Agriculture. A reference to these provisions, effective November 27, 2022, has been added.

CQ(LEGAL) TECHNOLOGY RESOURCES

A reference to Administrative Code provisions regarding management of electronic transactions and signed records has been clarified.

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

The link to the Texas Department of State Health Services Guidelines for the Care of Students with Food Allergies has been updated.

CRF(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CSA(LEGAL) FACILITY STANDARDS: SAFETY AND SECURITY

The Commissioner of Education proposed new School Safety Requirements in the Commissioner's Rules Concerning School Facilities in November 2022. The public comment period closed December 12, 2022, but the rules are not yet finalized. The proposed rules require local policy provisions. Policy Service will include legal provisions in this new policy code and provide local policy provisions for consideration following publication of the final rules.

CVA(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CVB(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

Changes have been made to better reflect legal sources and to delete obsolete provisions.

San Elizario ISD

DEA(LOCAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly.* Other revisions are recommended for policy style and to clarify the circumstances under which certain employees will receive premium pay during an emergency closing for a disaster.

If the district no longer wants to provide premium pay for nonexempt employees who are required to work during an emergency closing for a disaster, please contact your policy consultant for appropriate revisions to this policy.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

DEAB(LEGAL) COMPENSATION PLAN: WAGE AND HOUR LAWS

Changes have been made to better reflect legal sources.

E(LEGAL) INSTRUCTION

The E section table of contents has been updated to add the new code EHBCA, which includes provisions addressing accelerated instruction previously located at EHBC. The subtitle for policy EHBC has been changed to Compensatory Services and Intensive Programs.

EF(LEGAL) INSTRUCTIONAL RESOURCES

Legal definitions of "harmful materials" and "obscene" have been added for ease of access.

EHAD(LEGAL) BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

A reference to Administrative Code provisions has been added regarding driver education safety program requirements.

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

Changes reflect revised Administrative Code provisions regarding students who are homeless or in substitute care, effective January 1, 2023.

EHBAF(LEGAL) SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

Revisions reflect amended Administrative Code provisions, effective January 22, 2023, pertaining to filing certain documents electronically.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

Update 121 includes a reorganization of the information regarding compensatory, intensive, and accelerated instructional services. Provisions addressing accelerated instruction have been moved to the new code EHBCA. The remaining provisions at this code, now subtitled Compensatory Services and Intensive Programs, have been reordered and adjusted for clarity.

EHBCA(LEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

This new policy addressing accelerated instruction comprises provisions moved from EHBC(LEGAL). For clarity, we have reordered and adjusted the material.

San Elizario ISD

EHBH(LEGAL) SPECIAL PROGRAMS: OTHER SPECIAL POPULATIONS

An amended Administrative Code provision, effective January 18, 2023, has been added pertaining to regional day school programs for the deaf.

EHBI(LEGAL) SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION

Changes reflect revisions to Administrative Code provisions, effective November 24, 2022, regarding essential program components of adult education programs.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes include a new Administrative Code provision, effective February 26, 2023, regarding requests for approval of an innovative course by the State Board of Education.

EI(LEGAL) ACADEMIC ACHIEVEMENT

This legal policy has been revised to replace a repealed Administrative Code rule with a new rule, effective January 1, 2023, related to awarding credit to students who are homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district. Other changes are to better reflect legal sources.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Duplicative text regarding students who fail to perform satisfactorily on a state assessment instrument has been deleted and replaced with a note pointing to EHBC and EHBCA.

FD(LEGAL) ADMISSIONS

The policy has been updated to delete an Administrative Code rule repealed by the State Board of Education, effective March 9, 2023.

FD(LOCAL) ADMISSIONS

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

FDA(LEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS

This policy has been reorganized for clarity. Other changes are to better match statutory wording. Notes have been added to more clearly indicate the application of certain provisions.

FDC(LEGAL) ADMISSIONS: HOMELESS STUDENTS

A note has been added to clarify that information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, is located at FFC.

San Elizario ISD

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. A note has been added referring to the *Student Attendance Accounting Handbook* for additional guidance.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. We have also added a note referring to the *Student Attendance Accounting Handbook* for additional guidance, as well as existing statutory provisions for completeness and clarification.

FFAF(LEGAL) WELLNESS AND HEALTH SERVICES: CARE PLANS

Links to the Texas Department of State Health Services' guidance for the care of students with diabetes and of students with food allergies have been updated.

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

Revisions throughout this policy reflect amended Administrative Code provisions, effective January 1, 2023, regarding transition assistance for students experiencing homelessness or in substitute care.

FFI(LEGAL) STUDENT WELFARE: FREEDOM FROM BULLYING

A note has been added with a link to the Minimum Standards for Bullying Prevention finalized by TEA on January 31, 2023.

FFI(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING

The Minimum Standards for Bullying Prevention, completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

FL(LEGAL) STUDENT RECORDS

Provisions at Access, Disclosure, and Amendment, beginning on page 4, have been revised and reorganized for clarity and to better reflect legal sources. The definition of eligible student has been added. Additional reporting requirements under the National School Lunch Act or the Child Nutrition Act have also been added. A note has been added at the beginning of the policy to clarify that information regarding juvenile law enforcement records is located in GBA.

G(LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents has been revised to reflect the correct subtitle for GBA, Access to Public Information.

GB(LEGAL) PUBLIC INFORMATION PROGRAM

Update 121 includes a reorganization of the public information policies in the GB series. As part of the reorganization, we have deleted provisions that are duplicated at other policy codes and adjusted provisions for clarity and to better match statutory wording.

San Elizario ISD

GBA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

As part of the reorganization of the public information policies, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary, to improve usability.
- Moved provisions regarding confidentiality based on statutes outside the Public Information Act (Government Code Chapter 552) to the policy code addressing the specific topic.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

GBAA(LEGAL) ACCESS TO PUBLIC INFORMATION: REQUESTS FOR INFORMATION

As part of the reorganization of the GB series, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

GRA(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

This policy has been revised to include an Education Code provision prohibiting citation of a student alleged to have committed a school offense. Family Code definitions have also been added to support existing content regarding students taken into custody.

Boundary Descriptions and Maps

A district shall file with the Texas Education Agency (TEA):

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

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

Education Code 13.010

Changes in Boundaries

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

Minor Boundary Adjustments

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

1. No child who resides in the territory that is transferred from one jurisdiction to the other is enrolled in a school of the district from which the territory is transferred; and
2. The taxable value of the territory that is transferred from one jurisdiction to the other does not exceed one-tenth of one percent of the total taxable value of all property in the district from which the territory is transferred. "Taxable value" is defined at Government Code 403.302.

Education Code 13.231

Notice of Boundary Change

To Voter Registrar

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

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

To County Appraiser

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

Detachment and Annexation

In accordance with Education Code 13.051, territory may be detached from a district and annexed to another district that is contiguous to the detached territory. A petition requesting the detachment and annexation must be presented to the board of the district from which the territory is to be detached and to the board of the district to which the territory is to be annexed. Each board to which a petition is required to be presented must conduct a hearing and adopt a resolution for the annexation to be effective. *Education Code 13.051(a)*

Immediately following receipt of the petition as required by this section, each affected board shall give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Education Code 13.003. The notice must specify the place and date at which a hearing on the matter shall be held. Unless the districts hold a joint hearing, the districts must hold hearings on separate dates. At each hearing, affected persons are entitled to an opportunity to be heard. *Education Code 13.051(g)*

For more information about detachment and annexation, see Education Code Chapter 13, Subchapter B (Detachment and Annexation).

Detachment and Creation

A new district may be created by detaching territory from an existing district or existing contiguous districts and establishing a new district. A district created under Education Code Chapter 13, Subchapter C has all the rights and privileges of other independent school districts. *Education Code 13.101*

For more information about the creation of the district by detachment, including the requirement to hold an election, see Education Code Chapter 13, Subchapter C (Creation of District by Detachment).

Consolidation

By the procedure provided by Education Code Chapter 13, Subchapter D, two or more districts may consolidate into a single district. The consolidated district may include area in more than one county. *Education Code 13.151*

For more information about the consolidation of two or more districts, including election requirements, see Education Code Chapter 13, Subchapter D (Consolidation).

Abolition

Abolition of an independent school district is initiated by a petition requesting an election on the question. The petition must be signed by a majority of the board of the district to be abolished and must be presented to the county judge of each county in which part of the independent school district is situated. *Education Code 13.202*

For more information about the abolition of the district, including election requirements, see Education Code Chapter 13, Subchapter E (Abolition).

Definitions

“District-level committee” means the committee established under Education Code 11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.

“Innovation plan committee” means a committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

“Public hearing” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

“Public meeting” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.

“Unacceptable academic performance rating” means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.

“Unacceptable financial accountability rating” means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual.

19 TAC 102.1301

District of Innovation

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A board may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001; 19 TAC 102.1303

Public Hearing

After adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

The board may outline the parameters around which the innovation plan committee may develop the plan.

Education Code 12A.002; 19 TAC 102.1305

Local Innovation Plan

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See Exceptions, below]

The commissioner of education shall maintain a list of provisions from which designated districts of innovation are exempt. The commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, .004(b); 19 TAC 102.1305(d)

Prohibited Exemptions

A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the provisions listed in Education Code 12A.004 and 19 Administrative Code 102.1309.
Education Code 12A.004; 19 TAC 102.1309

An innovation district may not be exempted from the following sections of the Education Code and the rules adopted thereunder:

1. A state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under Education Code Chapter 12, Subchapter D, including, but not limited to, the requirements listed in Education Code 12.104(b), and:
    a. Education Code Chapter 22, Subchapter B;
    b. Education Code Chapter 25, Subchapter A, sections 25.001, .002, .0021, .0031, and .004;
    c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;
    d. Education Code Chapter 29, Subchapter G;
    e. Education Code Chapter 30, Subchapter A;
    f. Education Code 30.104;
    g. Education Code Chapter 34;
    h. Education Code Chapter 37, sections 37.005, .006(l), .007(e), .011, .012, .013, and .020;
    i. Education Code Chapter 39; and
    j. Education Code Chapter 39A.
2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;
3. Education Code Chapter 12, Subchapter C;
4. Education Code Chapter 12A;
5. Education Code Chapter 13;
6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;
7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203;
8. Education Code Chapter 46;
9. Education Code Chapter 48; and
10. Education Code Chapter 49.

In addition to the prohibited exemptions specified above, an innovation district may not be exempted from:

1. A requirement of a grant or other state program in which the district voluntarily participates;
2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute;
3. A requirement of a grant or other state program authorized in the Education Code that would otherwise entitle the district to participation in that program; and
4. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

19 TAC 102.1309; Education Code 12A.004

Adoption of Local Innovation Plan

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See Local Innovation Plan, above]

The district shall notify the commissioner of approval of the plan along with a list of approved exemptions by completing the agency’s form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, un-

	less the subsequent amendment or redesignation specifically applies to an innovation district. The district shall ensure that a copy of the plan is posted on the district's website in accordance with Education Code 12A.0071, for the term of the designation as an innovation district. *Education Code 12A.005; 19 TAC 102.1307*
Notice to TEA	Not later than the 15th day after the date on which the board finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a link to the local innovation plan as posted on the district's website to the Texas Education Agency (TEA). TEA shall promptly post the current local innovation plan on the agency's website. *19 TAC 102.1307(g); Education Code 12A.0071(b)*
Term	The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the TEA. A district may only have one innovation plan at any given time. *Education Code 12A.006; 19 TAC 102.1311*
Amendment, Rescission, or Renewal of Local Innovation Plan	A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed. A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year. During renewal, all sections of the plan and exemptions shall be reviewed, and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans. The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates. *Education Code 12A.007; 19 TAC 102.1313*
Website Posting	A district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website. *Education Code 12A.0071(a); 19 TAC 102.1307(f)*

The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*

Criminal History Background Checks

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (district employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 (National Criminal History Record Information Review of Certain Open-Enrollment Charter School Employees) may result in termination of the district's designation as a district of innovation.

Education Code 22.0815(b)–(c)

Termination by Commissioner

Discretionary Termination

The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

The commissioner may permit the district to amend the local innovation plan to address concerns specified by the commissioner in lieu of terminating the district's designation.

Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)(1)–(a)(2)

The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire:

1. Certain employees or applicants for employment under Education Code 12.1059;
2. Certain employees or applicants convicted of certain offenses under Education Code 22.085; or
3. Certain employees or applicants not eligible for employment in public schools under Education Code 22.092.

19 TAC 102.1315(a)(3); Education Code 12A.008(b-1) [See DBAA, DF]

Mandatory Termination

The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c); 19 TAC 102.1315(b)

No Appeal

The commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d); 19 TAC 102.1315(d)*

Special Investigations

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. When ten percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;

16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004–.007.

Commissioner Action

Based on the results of a special investigation, the commissioner may:

1. Take appropriate action under Education Code Chapter 39A, [see AIC];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements;
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39 and 39A; and
4. Qualification for funding under Education Code Chapter 48.

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (redesignated to Education Code 39.003, special investigations).

Activities described in item 1, above, are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC] and dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB].

19 TAC 97.1071(a)–(b)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)–(f)*

Appeals

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

Compliance Investigation

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special accreditation investigation subject to Education Code 39.003 and 39.004 (above). *19 TAC 102.1401(a)(1)*

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)]

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)*

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

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*

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

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*

Confidentiality

An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Government Code Chapter 552 (Public Information Act).

Exception

An email address or phone number of an election judge or clerk shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or
2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076

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*

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]
Bullying Prevention	The policy and any necessary procedures adopted under Education Code 37.083(c) (concerning bullying) must be included in the district improvement plan. *Education Code 37.0832(d)(2)* [See FFI]
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. *Education Code 38.351(k)(2)* [See FFEB]

Campus-Level Plan

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. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
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.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set timelines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Include goals and methods for violence prevention and intervention on campus.
9. Provide for a program to encourage parental involvement at the campus.

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:

    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;

    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)

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 C: BUSINESS AND SUPPORT SERVICES

CA	FISCAL MANAGEMENT GOALS AND OBJECTIVES
CAA	Financial Ethics
CB	STATE AND FEDERAL REVENUE SOURCES
CBA	State
CBB	Federal
CC	LOCAL REVENUE SOURCES
CCA	Bond Issues
CCB	Time Warrants
CCC	Certificates of Indebtedness
CCD	Recreational Facilities Bonds
CCE	Athletic Stadium Authority
CCF	Loans and Notes
CCG	Ad Valorem Taxes
CCGA	Exemptions and Payments
CCGB	Economic Development
CCH	Appraisal District
CD	OTHER REVENUES
CDA	Investments
CDB	Sale, Lease, or Exchange of School-Owned Property
CDBA	Revenue Bonds from Proceeds
CDC	Gifts and Solicitations
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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SECTION C: BUSINESS AND SUPPORT SERVICES

CH	PURCHASING AND ACQUISITION
CHB	Petty Cash Account
CHD	Purchasing Procedures
CHE	Vendor Disclosures and Contracts
CHF	Payment Procedures
CHG	Real Property and Improvements
CHH	Financing Personal Property Purchases
CI	SCHOOL PROPERTIES DISPOSAL
CJ	CONTRACTED SERVICES
CJA	Criminal History
CK	SAFETY PROGRAM/RISK MANAGEMENT
CKA	Inspections
CKB	Accident Prevention and Reports
CKC	Emergency Plans
CKD	Emergency Medical Equipment and Procedures
CKE	Security Personnel
CKEA	Commissioned Peace Officers
CKEB	School Marshals
CKEC	School Resource Officers
CKED	Other Security Arrangements
CL	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
CLA	Security
CLB	Maintenance
CLC	Traffic and Parking Controls
CLD	Records and Reports
CLE	Flag Displays
CM	EQUIPMENT AND SUPPLIES MANAGEMENT
CMA	Receiving and Warehousing
CMB	Authorized Uses of Equipment and Supplies
CMD	Instructional Materials Care and Accounting
CN	TRANSPORTATION MANAGEMENT
CNA	Student Transportation
CNB	District Vehicles
CNBA	Bus Maintenance
CNC	Transportation Safety
CO	FOOD AND NUTRITION MANAGEMENT
COA	Procurement
COB	Free and Reduced-Price Meals
COC	Vending Machines

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SECTION C: BUSINESS AND SUPPORT SERVICES

CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Websites
CQB	Cybersecurity
CQC	Equipment
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CSA	Safety and Security
CSB	Gas and Pipelines
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-at-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	CONTRACTS FOR FACILITIES
CY	INTELLECTUAL PROPERTY

The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate the actions of a district participating in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

Retirement and Insurance Contributions

Under the Texas Public School Retired Employees Group Benefits Act, Insurance Code Chapter 1575, a district that applies for money provided by the United States or a privately sponsored source shall, if any of the money will pay part or all of an active employee's salary, also apply for any legally available money to pay state contributions required by Insurance Code Chapter 1575, Subchapter E. *Insurance Code 1575.252*

Such district must comply with the requirements of Insurance Code Chapter 1575, Subchapter F. *Insurance Code 1575.252(2)–.257*

Under the Teacher Retirement System, Government Code, Title 8, Subtitle C, if a district applies for money provided by the United States, an agency of the United States, or a privately sponsored source, and if any of the money will pay part or all of an employee's salary, the district shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201. *Gov't Code 825.406(a)*

Such district must comply with the requirements of Government Code 825.406.

Block Grant Funds

If a district receives more than $5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds received by the district. The board may hold this meeting or hearing in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted in an announcement of the other meeting or hearing. *Gov't Code 2105.058*

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance (2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts, as described in 2 C.F.R. 200.101 (Applicability). *2 C.F.R.200.100(a)(1)*

Note: For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's EDGAR Materials and Resources[1] and the ED's EDGAR website[2] and Uniform Guidance website.[3]

General Compliance

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word "must" is used it indicates a requirement. Whereas, use of the word "should" or "may" indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

Disclosures

Conflicts

A district must disclose in writing any potential conflict of interest to the federal awarding agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with applicable federal awarding agency policy. *2 C.F.R. 200.112*

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

Procurement Standards

District Procedures

The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition,

below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327.

Oversight — The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest — The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Records — The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

2 C.F.R. 200.318(a), (b), (c)(1), (i)

[See 2 C.F.R. 200.334 for record retention requirements.]

Financial Management — The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See also 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

2 C.F.R. 200.302

Internal Controls

The district must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the award.
3. Evaluate and monitor the district's compliance with statutes, regulations and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the district considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal controls" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and
3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

2 C.F.R. 200.319

Procurement Methods

The district must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

Informal Procurement Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established

by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

Micro-Purchases—Definitions

"Micro-purchase" means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases as defined in 2 C.F.R. 200.320.

"Micro-purchase threshold" means the dollar amount at or below which a district may purchase property or services using micro-purchase procedures. Generally, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

2 C.F.R. 200.1

Micro-purchase threshold means $10,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Micro-Purchase Distribution

The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the maximum extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

Micro-Purchase Awards

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *2 C.F.R. 200.320(a)(1)(ii)*

Micro-Purchase Thresholds

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements

of 2 C.F.R. 200.320. The district may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the federal awarding agency and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold consistent with state law.

2 C.F.R. 200.320(a)(1)(iv)

Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request with the requirements included in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

Small Purchases—Procedures

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

Small Purchases—Simplified Acquisition Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. However, in no circumstances can this threshold exceed the dollar value established in the FAR (48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means $250,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal Procurement Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [*sic*].

In order for sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders are willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation

cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

5. Any or all bids may be rejected if there is a sound documented reason.

2 C.F.R. 200.320(b)(1)

Proposals A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district, with price and other factors considered; and

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

2 C.F.R. 200.320(b)(2)

Noncompetitive Procurement There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;

2. The item is available only from a single source;

3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or

5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Cooperative Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. *2 C.F.R. 200.318(e)*

Minority, Small, and Women's Businesses

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;

3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

Domestic Preference

As appropriate and to the extent consistent with law, the district should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

Pre-procurement Review

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;

4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

Contract Cost and Price

The district must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

Contract Provisions

The district's contracts must contain the applicable provisions described in appendix II to 2 C.F.R. Part 200. *2 C.F.R. 200.327*

Suspension and Debarment

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

Remedies for Noncompliance

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by im-

posing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205–46(a)].

2 C.F.R. 200.475(a), (d)

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the prop-

erty is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

Property Trust Relationship

Real property, equipment, and intangible property that are acquired or improved with a federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal awarding agency may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under a federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the

real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment

Title and Use

Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the district subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

Disposition

If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or pro-

	gram and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2). *2 C.F.R. 200.314(a)*
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED. *34 C.F.R. 75.1*
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the ED. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] ED EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] ED Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

Bonds and Bond Taxes

The board may issue bonds for:

1. The construction, acquisition, and equipment of school buildings in the district;
2. The acquisition of property or the refinancing of property under a contract entered under the Public Property Finance Act (Local Government Code, Chapter 271, Subchapter A), regardless of whether payment obligations under the contract are due in the current year or a future year;
3. The purchase of the necessary sites for school buildings;
4. The purchase of new school buses;
5. The retrofitting of school buses with emergency, safety, or security equipment; and
6. The purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

The board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to the provisions at Bond Elections, below.

Education Code 45.001(a)

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

Limitation

A district may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002*

Use of Proceeds for Utilities

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

State Facilities Funding

Instructional Facilities Allotment

"Instructional facility" means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the required curriculum. *Education Code 46.001*

Under the Instructional Facilities Allotment, Education Code Chapter 46, Subchapter A, for each year, except as provided by Education Code 46.005 (limitation on the guaranteed amount) and 46.006 (shortage or excess of appropriated funds), a district is guaranteed a specified amount per student in state and local funds for each cent of tax effort, up to the statutory maximum in Education Code 46.003(b), to pay the principal of and interest on eligible bonds issued to construct, acquire, renovate or improve an instructional facility. *Education Code 46.003(a)* [See 19 Administrative Code 61.1032 for commissioner's rules related to the instructional facilities allotment.]

Existing Debt Allotment

A district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible to be paid with state and local funds under Subchapter B if the district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district's audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032(a), .033* [See 19 Administrative Code 61.1035 for commissioner's rules related to the existing debt allotment.]

Note: For information on the new instructional facility allotment, see CBA.

Investment of Bond Proceeds

For legal requirements regarding investment of bond proceeds, see CDA(LEGAL).

Unspent Bond Proceeds

A district may use unspent proceeds of issued general obligation bonds only:

1. For the specific purposes for which the bonds were authorized;
2. To retire the bonds; or
3. For a purpose other than the specific purposes for which the bonds were authorized if:
    a. The specific purposes are accomplished or abandoned; and

b. The board at a public meeting held only for the purpose of considering the use of the unspent bond proceeds approves in separate votes the use of the proceeds for:

(1) A purpose other than to retire the bonds; and

(2) The purpose specified at the time the vote is taken.

In addition to other requirements, notice of a public meeting held under this provision must include a statement that the board will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. A public meeting held under this provision must provide the public an opportunity to address the board on the question of using the unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized.

Education Code 45.1105

Capital Appreciation Bonds

For purposes of the following policy provisions, a "capital appreciation bond" is a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

Limitation on Issuance

A school district may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;

2. The board has received a written estimate of the cost of the issuance, including:

   a. The amount of principal and interest to be paid until maturity;

   b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;

   c. The amount of fees to be paid to each financing team member; and

   d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;

3. The board has determined in writing whether any personal or financial relationship exists between the members of the board and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance and submitted the determination to the Ethics Commission; and

4. The board posts prominently on the district's internet website and enters in the minutes of the board:

   a. The total amount of the proposed bonds;

   b. The length of maturity of the proposed bonds;

   c. The projects to be financed with bond proceeds;

   d. The intended use of bond proceeds not spent after completion of the projects identified;

   e. The total amount of the district's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;

   f. The total amount of the district's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and

   g. The information received at item 2 above and determined under item 3 above.

The board shall regularly update the debt information posted on the district's internet website under item 4.f above to ensure that the information is current and accurate.

Limitation on Use of Proceeds

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or

2. Transportation-related items, including buses.

Unspent Proceeds

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the district's website as required above, unless another use is approved by the voters of the district at an election held for that purpose.

Total Amount of Capital Appreciation Bonds

The total amount of capital appreciation bonds may not exceed 25 percent of the district's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

Extension

A district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date, unless:

1. The extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or

2. The maximum legally allowable tax rate for indebtedness has been adopted and TEA certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

Gov't Code 1201.0245

The foregoing provisions of Government Code 1201.0245 do not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital appreciation bonds for the purpose of financing transportation projects. *Gov't Code 1201.0245(j)*

Bond Elections

Bonds may not be issued and taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election held for such purpose, at the expense of the district, in accordance with the Election Code, except as provided by Education Code 45.003. The election shall be called by resolution or order of the board. The resolution or order must state the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters considered necessary or advisable by the board. *Education Code 45.003(a)*

Each special election in this state shall be held on one of the following dates:

1. The first Saturday in May; or

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

Election Code 41.001(a) [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.005* [See BBBA]

Election Order

In addition to other legal requirements regarding the election order [see BBBA(LEGAL)], the document ordering an election to authorize a district to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;

2. The purpose for which the bonds are to be authorized;

3. The principal amount of the bonds to be authorized;

4. That taxes sufficient to pay the principal of and interest on the bonds may be imposed;

5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;

6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;

7. The aggregate amount of the outstanding principal of the district's debt obligations as of the date the election is ordered;

8. The aggregate amount of the outstanding interest on the district's debt obligations as of the date the election is ordered, which may be based on the district's expectations relative to variable rate debt obligations; and

9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per $100 valuation of taxable property.

Election Code 3.009(b)

Posting

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;

2. Not later than the 21st day before the election in three public places in the boundaries of the district; and

3. During the 21 days before the election, on the district's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the district maintains an internet website.

Election Code 4.003(f) [See Voter Information, below]

Election Notice

The notice of election must comply with Election Code Chapter 4. [For specific requirements regarding contents of the election notice, see BBBA(LEGAL).]

Publication and Posting

The notice of election must be published and posted in accordance with Election Code requirements. [For specific requirements regarding publication and posting, see BBBA(LEGAL).]

Notice to Election Officials

Notice must be given to the county clerk, voter registrar, and election judge in accordance with Election Code Chapter 4. [For specific requirements, see BBBA(LEGAL).]

Propositions

A proposition submitted to authorize the issuance of bonds must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes, on all taxable property in the district, either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on the bonds, provided that the annual aggregate bond taxes in the district may never be more than the rate stated in the proposition.

The ballot proposition must include the following statement: "THIS IS A PROPERTY TAX INCREASE."

Education Code 45.003(b), (b-1)

A district that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Government Code Chapter 1251, Subchapter B. *Election Code 52.072(f)*

The district shall assign a letter to each measure on the ballot that corresponds to its order on the ballot. Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095*

Ballot Contents

The ballot for a measure seeking voter approval of the issuance of debt obligations by a district shall specifically state:

1. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
2. The total principal amount of the debt obligations to be authorized; and
3. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

Gov't Code 1251.052(a)–(a-1)

Exception

Notwithstanding the requirements at Ballot Contents, above, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the dis-

trict, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

1. The construction, acquisition, or equipment of:
    a. A stadium with seating capacity for more than 1,000 spectators;
    b. A natatorium;
    c. Another recreational facility other than a gymnasium, playground, or play area;
    d. A performing arts facility;
    e. Housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and
2. An acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

The question of whether to approve the issuance of bonds for a building described by items 1a–e above must be printed on the ballot as a separate ballot proposition regardless of whether that building is proposed as part of the same complex or building that contains traditional classroom facilities. Each separate ballot proposition must state the principal amount of the bonds to be issued that constitutes the cost for construction of that portion of the building or complex attributable to the building described by items 1a–e above or to the traditional classroom facilities, as applicable.

Education Code 45.003(g)–(h)

Definition

"Debt obligation" means a public security, as defined by Government Code 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities. *Gov't Code 1251.051(1)*

Voter Information

A district with at least 250 registered voters on the date the board adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election.

Posting Requirements

The district shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) [see Posting, above] and may include

the voter information document in the debt obligation election order.

A district that maintains an internet website shall provide the information described at Contents, below, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

Contents

The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
    a. The principal of the debt obligations to be authorized;
    b. The estimated interest for the debt obligations to be authorized;
    c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
    d. As of the date the district adopts the debt obligation election order:
        (1) The principal of all outstanding debt obligations of the district;
        (2) The estimated remaining interest on all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations; and
        (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the district with an appraised value of $100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the board; and
4. Any other information that the board considers relevant or necessary to explain the information required by these provisions.

Assumptions

The board shall identify in the voter information document the major assumptions made in connection with the statement required by item 3 above, including:

1. The amortization of the district's debt obligations, including outstanding debt obligations and the proposed debt obligations;
2. Changes in estimated future appraised values within the district; and
3. The assumed interest rate on the proposed debt obligations.

Gov't Code 1251.052(b)–(d)

Electioneering and Political Advertising

For additional information and prohibitions related to electioneering and political advertising, see BBBD(LEGAL).

50 Cent Test for New Debt

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed $0.50 per $100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

Future Taxable Value

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

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

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent

Test on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

Attorney General Review and Approval

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general. *Gov't Code 1202.003(a); see, e.g., 1 TAC 53.3 (Content of Transcripts), 53.16 (Submission and Approval of Transcripts), and 53.61 (School District Tax Bond Elections)*

Refunding Bonds

A board may refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest on those bonds payable from ad valorem taxes by issuing refunding bonds payable from ad valorem taxes. *Education Code 45.004; Gov't Code Ch. 1207*

Instructional Facilities Allotment for Refunding Bonds

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

1. Are issued to refund bonds eligible under Education Code 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007(4).

Education Code 46.007

Authorized Unissued Bonds

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may order an election [see BBBA] to submit to the qualified voters of the district the proposition of whether or not the authorized but unissued bonds may be issued, sold, and delivered for other and different purposes specified in the election order and notice. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized. If a majority of those voting at the election vote in favor of the sale and delivery of the unissued bonds for the purposes specified in the election order and notice, the board may issue, sell, and deliver the bonds and use the proceeds for the purposes authorized at the election. *Education Code 45.110*

Bond Guarantee Program

Eligibility

A district seeking guarantee of eligible bonds under the Bond Guarantee Program shall apply to the commissioner of education using a form adopted by the commissioner. To be eligible for approval, district bonds must be issued under Education Code Chapter 45, Subchapter A, or under Government Code Chapter 1207. *Education Code 45.054, .055(a); 19 TAC 33.6(b)(5)*

Application

An application must include:

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

Education Code 45.051(2), .055

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c); 19 TAC 33.6(f)(1)*

On approval by the commissioner, bonds issued by a district are guaranteed by the corpus and income of the permanent school fund. The guarantee remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.6(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.6(g)(4)(D)*

Credit Enhancement Program

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may apply under Education Code Chapter 45, Subchapter I for credit enhancement of bonds described by Education Code 45.054 (eligibility for the Bond Guarantee Program) by money appropriated for the Foundation School Program, other than money that is appropriated to districts specifically:

1. As required under the Texas Constitution; or

2. For assistance in paying debt service.

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

Education Code 45.252

Eligibility

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

1. Bonds must be issued in the manner provided by Education Code 45.054;

2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;

3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;

4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and

5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

Education Code 45.254; 19 TAC 61.1038(f)

Application

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

1. Include the information required by Education Code 45.055(b), at Bond Guarantee Program—Application, above; and

2. Be accompanied by a fee set by the State Board of Education. *19 TAC 61.1038(d)(1)*

Education Code 45.255

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

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied a credit enhancement will not be retained for consideration in subsequent months.

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

19 TAC 61.1038(e)(1), (8), (10)

Authority to Contract for Services

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. *Government Code 1201.027(a)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Federal Securities Law

Disclosure Obligations for Bond and Other Debt Offerings

Prior to publicly offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 of the Securities Exchange Commission (SEC) (SEC Rule 15c2-12(b)). *17 C.F.R. 240.15c2-12* [See Note, below]

Continuing Disclosure after Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. A CDA obligates the district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within 10 business days following the occurrence of any such event. *17 C.F.R. 240.15c2-12* [See Note, below]

Liability under Federal Securities Law

School districts, board members, and certain employees of the district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act

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

The antifraud provisions also apply to a district's continuing disclosure obligations under SEC Rule 15c2-12(b) after a district's bonds are issued. [See Continuing Disclosure after Issuing Bonds, above] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29*

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

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

Districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that (1) reporting requirements imposed by a CDA are satisfied and (2) information disclosed in periodic and occasional reports is accurate and complete.

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

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

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Note: For more information on property tax exemptions, see the Texas Comptroller's Property Tax Exemptions[1] website.

Exemptions

Homestead

Mandatory

An adult is entitled to exemption from taxation by a district of $40,000 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)*

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). *Tax Code 11.26(g)*

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. *Tax Code 11.26(i)*

Local Options

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. *Tax Code 11.13(n)*

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.

Amount

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.

Tax Code 11.13(d)–(f)

Continuation of Exemption during Construction

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. *Tax Code 11.135(a), .26(n); 34 TAC 9.416*

Surviving Spouse of First Responder

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. *Tax Code 11.134*

Veteran Exemptions

100 Percent Disabled

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. *Tax Code 11.131(b)*

Partially Disabled with Donated Residence

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, 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. *Tax Code 11.132(b)*

Surviving Spouse of Veteran

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:

1. The surviving spouse has not remarried since the death of the disabled veteran; and

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

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

Discounts

Option 1

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)*

Rescission

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

Split Payments

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.

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.

Tax Code 31.03

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

In Certain Counties

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. *Tax Code 31.03(d)*

Installment Payments

Certain Homesteads

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. *Tax Code 31.031*

Disaster or Emergency Area

Property Damaged — Automatic

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.

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.

Tax Code 31.032

Property Not Damaged — Board Option

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.

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.

Tax Code 31.033; 34 TAC 9.3061(b), (c)

Definitions

"Disaster" has the meaning assigned by Government Code 418.004.

"Emergency" means a state of emergency proclaimed by the governor under Government Code 433.001.

Tax Code 31.032(g), .033(a); 34 TAC 9.3061(a)

Services in Lieu of Paying Taxes

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. *Tax Code 31.035, .036, .037*

Persons 65 and Over

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. *Tax Code 31.035(a), (g)*

Teaching Services

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:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or

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*

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.

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*

[1] Texas Comptroller Property Tax Exemptions website: https://comptroller.texas.gov/taxes/property-tax/exemptions/

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Tax Increment Financing Act

Except as provided at Large Municipality below, each district that levies taxes on real property in a reinvestment zone designated by a county or municipality in accordance with the Tax Increment Financing Act, Tax Code Chapter 311, may appoint one member of the reinvestment zone board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. A district may waive its right to appoint a director. *Tax Code 311.009(a), (b)*

Board of Directors

Large Municipality

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million in which the principal municipality has a population of 1.1 million or more, each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members to the board in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone. *Tax Code 311.0091(a)–(c)*

Tax Increments

Amount

The amount of a district's tax increment for a year is the amount of property taxes levied and assessed by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone or the amount of property taxes levied and collected by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone. The board of the district shall determine which of the methods is used to calculate the amount of the district's tax increment.

"Captured Appraised Value"

The captured appraised value of real property taxable by a district for a year is the total taxable value of all real property taxable by the district and located in a reinvestment zone for that year less the tax increment base of the district.

"Tax Increment Base"

The tax increment base of a district is the total taxable value of all real property taxable by the district and located in a reinvestment zone for the year in which the zone was designated under Tax Code Chapter 311.

Tax Code 311.012

Collection and Deposit

Each district that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the district. Each district shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the district, less the sum of:

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a

reinvestment zone, required to be paid by the district to another political subdivision; and

2. A portion, not to exceed 15 percent, of the tax increment produced by the district as provided by the reinvestment zone financing plan or a larger portion as provided at Agreement Required below.

Tax Code 311.013(a)–(b)

Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, a district shall make the required payment not later than the 90th day after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected. *Tax Code 311.013(c), (i)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) (determination of district property values by the comptroller) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 48.253 (additional state aid for tax increment financing payments). The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 48.253. *Tax Code 311.013(n)*

Agreement Required

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the district enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the

district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

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

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

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

Property Redevelopment and Tax Abatement Act

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

Reinvestment Zone for Chapter 313

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

1. Contribute to the expansion of primary employment in the reinvestment zone; or

2. Attract major investment in the reinvestment zone that would:

    a. Be a benefit to property in the reinvestment zone and to the district; and

    b. Contribute to the economic development of the region of this state in which the district is located.

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

Tax Code 312.0025

Texas Economic Development Act

Note: The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022. *Tax Code 313.007*

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value. *Tax Code 313.171*

In implementing the Texas Economic Development Act, Tax Code Chapter 313, districts should strictly interpret the criteria and selection guidelines provided by Chapter 313 and approve only those applications for an ad valorem tax benefit that:

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

Tax Code 313.004(3)

Definitions

Agreement — "Agreement" means the written agreement between the board and the approved applicant on the form adopted by reference in 34 Administrative Code 9.1052 (Forms) to implement a limitation on the appraised value for district maintenance and operations ad valorem property tax purposes on an entity's qualified property, required by Tax Code 313.027(d).

Agreement Holder — "Agreement holder" means an entity that has executed an agreement with a district.

Applicant — "Applicant" means an entity that has applied for a limitation on appraised value for district maintenance and operations ad valorem property tax purposes on the entity's property, as provided by Tax Code Chapter 313.

Application — "Application" means an application for limitation of appraised value for district maintenance and operations ad valorem property tax purposes on an entity's qualified property on the form adopted by

reference in 34 Administrative Code 9.1052 (Forms), the schedules attached thereto, and the documentation submitted by an entity for the purpose of obtaining an agreement for a limitation on appraised value from a district.

Application Review Start Date

"Application review start date" means the later date of either the date on which the district issues its written notice that an applicant has submitted a completed application or the date on which the comptroller issues its written notice that an applicant has submitted a completed application.

Completed Application

"Completed application" means an application in the form and number and containing all the information required pursuant to 34 Administrative Code 9.1053 (Entity Requesting Agreement to Limit Appraised Value), that has been determined by the district and the comptroller to include all minimum requirements for consideration.

Entity

"Entity" means any entity upon which a tax is imposed by Tax Code 171.001, including a combined group as defined by Tax Code 171.0001(7) or members of a combined group, provided, however, an entity does not include a sole proprietorship, partnership, or limited liability partnership.

34 TAC 9.1051(1), (2), (3), (7), (10), (12), (20)

Qualified Investment

"Qualified investment" means:

1. Tangible personal property that is first placed in service in this state during the applicable qualifying time period that begins on or after January 1, 2002, without regard to whether the property is affixed to or incorporated into real property, and that is:

    a. Described as Section 1245 property by Section 1245(a), Internal Revenue Code of 1986;

    b. Used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually located in the cleanroom environment, including integrated systems, fixtures, and piping; all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances; and production equipment and machinery, moveable cleanroom partitions, and cleanroom lighting;

    c. Used in connection with the operation of a nuclear electric power generation facility, including property, including pressure vessels, pumps, turbines, generators, and

condensers, used to produce nuclear electric power; and property and systems necessary to control radioactive contamination;

d. Used in connection with operating an integrated gasification combined cycle electric generation facility, including property used to produce electric power by means of a combined combustion turbine and steam turbine application using synthetic gas or another product produced by the gasification of coal or another carbon-based feedstock; or property used in handling materials to be used as feedstock for gasification or used in the gasification process to produce synthetic gas or another carbon-based feedstock for use in the production of electric power in the manner described herein;

e. Used in connection with operating an advanced clean energy project, as defined by Health and Safety Code 382.003; or

2. A building or a permanent, nonremovable component of a building that is built or constructed during the applicable qualifying time period that begins on or after January 1, 2002, and that houses tangible personal property described by items 1a–e above.

Tax Code 313.021(1)

Qualified Property

"Qualified property" means:

1. Land:

a. That is located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303;

b. On which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the person submits a complete application for a limitation on appraised value under Tax Code Chapter 313, Subchapter B;

c. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312; and

d. On which, in connection with the new building or new improvement described by item 1b above, the owner or lessee of, or the holder of another possessory interest in, the land proposes to:

(1) Make a qualified investment in an amount equal to at least the minimum amount required by Tax Code 313.023; and

(2) Create at least 25 new qualifying jobs, except as provided at Exception below;

2. The new building or other new improvement described by item 1b above; and

3. Tangible personal property:

a. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312;

b. For which a sales and use tax refund is not claimed under Tax Code 151.3186; and

c. Except for new equipment described in Tax Code 151.318(q) or (q-1), that is first placed in service in the new building, in the newly expanded building, or in or on the new improvement described by item 1b above, or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

Tax Code 313.021(2); see also 34 TAC 9.1051(16) (additional requirements for "Qualified Property")

Exception For purposes of Tax Code Chapter 313, Subchapter C, applicable to certain rural districts, a property owner is required to create at least 10 qualifying jobs. *Tax Code 313.051(b)*

Qualifying Job "Qualifying job" means a permanent full-time job that:

1. Requires at least 1,600 hours of work a year;

2. Is not transferred from one area in this state to another area in this state;

3. Is not created to replace a previous employee;

4. Is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and

5. Pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

Tax Code 313.021(3); 34 TAC 9.1051(30)

To be eligible for a limitation on appraised value under Tax Code Chapter 313, the property owner must create the required number of new qualifying jobs and the average weekly wage for all jobs created that are not qualifying jobs must exceed the county average weekly wage for all jobs in the county where the jobs are located. *Tax Code 313.024(d)*

Waiver of New Jobs Creation Requirement

Notwithstanding any other provision of Tax Code Chapter 313 to the contrary, the board may waive the new jobs creation requirement and approve an application if the board makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. *Tax Code 313.025(f-1)*

Qualifying Time Period

"Qualifying time period" means:

1. The period that begins on the date that a person's application for a limitation on appraised value under Tax Code Chapter 313 is approved by the board and ends on December 31 of the second tax year that begins after that date, except as provided by items 2 and 3 below or Tax Code 313.027(h);

2. In connection with a nuclear electric power generation facility, the first seven tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner; or

3. In connection with an advanced clean energy project, the first five tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner.

Tax Code 313.021(4)

Substantive Document

"Substantive document" means a document or other information or data in electronic media determined by the comptroller to substantially involve or include information or data significant to an application, the evaluation or consideration of an application, or the agreement or implementation of an agreement for limitation of appraised value pursuant to Tax Code Chapter 313. The term includes, but is not limited to, any application requesting a limitation on appraised value and any amendments or supplements, any economic impact evaluation made in connection with an application, any agreement between applicant and the district and any subsequent amend-

ments or assignments, any district written finding or report filed with the comptroller as required under 34 Administrative Code Chapter 9, Subchapter F; and any completed annual eligibility report (Form 50-772A) submitted to the comptroller. The term shall not include any employee names or other personal identifying information that is submitted to the comptroller. Positions can be described by job type, category, or general title. *34 TAC 9.1051(19)*

School District Categories

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter B applies are categorized according to the taxable value of property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.022. *Tax Code 313.022(b); 34 TAC 9.1058(d)*

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter C applies are categorized according to the taxable value of industrial property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.052. *Tax Code 313.052; 34 TAC 9.1058(d)*

Minimum Amounts of Qualified Investment

For each category of district established by Tax Code 313.022, the minimum amount of a qualified investment is set out in Tax Code 313.023. *Tax Code 313.023*

For each category of district established by Tax Code 313.052, the minimum amount of a qualified investment is set out in Tax Code 313.053. *Tax Code 313.053*

Eligibility

Tax Code Chapter 313, Subchapters B and C apply only to property owned by an entity subject to franchise tax (Tax Code Chapter 171). To be eligible for a limitation on appraised value, the entity must use the property for a purpose stated in Tax Code 313.024.

Exception for Wind-Powered Energy Device

An owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location

that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

Tax Code 313.024

Application for Limitation on Appraised Value

The owner or lessee of, or the holder of another possessory interest in, any qualified property may apply to the board for a limitation on the appraised value of the person's qualified property for district maintenance and operations ad valorem tax purposes. An application must be made on the form prescribed by the comptroller, must include the information required by the comptroller, and must be accompanied by:

1. The application fee established by the board;
2. Information sufficient to show that the real and personal property identified in the application as qualified property meets the applicable criteria established by Tax Code 313.021(2); and
3. Any information required by the comptroller for the purposes of Tax Code 313.026 (economic impact evaluation).

Tax Code 313.025(a)

Required Contents and Format

A completed application shall consist of, at a minimum, the items set forth in 34 Administrative Code 9.1053(a)(1) and shall be provided in the formats specified in 34 Administrative Code 9.1053(a)(2).

Optional Requests

An applicant may include in an application:

1. A request that the district waive the applicable requirement to create new jobs. In order for a completed application to include a job waiver request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(1); or
2. A request to begin the qualifying time period on a date that is after the date that the application is approved. In order for a completed application to include a qualifying time period deferral request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(2).

34 TAC 9.1053(a), (b)

Changes

At the request of the district or the comptroller, or with the prior approval of the district and the comptroller, the applicant may submit an application amendment or application supplement at any time after the submission of the initial application. In order to be consid-

ered as part of the application, the application amendment or supplement shall:

1. Be submitted in the same form or schedule and manner as the information was initially submitted or should have been initially submitted;

2. Include a date for the submission and a sequential number identifying the number of submissions made by the applicant;

3. Have the signature of the authorized representative(s) by which the applicant confirms and attests to the truth and accuracy of the information submitted in the application amendment or supplement, as applicable, to the best knowledge and belief of the applicant and its representative(s); and

4. Be submitted before the 120th day after the application was accepted by the district or within another time period as provided in writing by the comptroller.

34 TAC 9.1053(c)

If a district receives an amended application or a supplemental application from an applicant after the district has prepared or sent written notice that the applicant has submitted a completed application, the district shall either:

1. Reject the amended application, supplemental application, or application, in whole or in part, and discontinue consideration of any submission by the applicant;

2. With the written concurrence of the comptroller, consider the completed application, as amended or supplemented, before the 151st day from the application review start date; or

3. Review the documents submitted by the applicant, issue an amended written notice of a completed application, and present the amended application to the board in the manner and time period authorized by 34 Administrative Code 9.1054(c)(5).

34 TAC 9.1054(e) [See Acting on Completed Application, below]

Confidential Business Information

Information provided to a district in connection with an application for a limitation on appraised value that describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application shall be segregated in the application from other information in the application and is confidential and not subject to public disclosure unless the board approves the application. Other information in the custody of a district or the comptroller in

connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Tax Code Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, may not be considered confidential business information if the board agrees to consider the application. Information in the custody of a district or the comptroller if the board approves the application is not confidential under this provision. *Tax Code 313.028; 34 TAC 9.1055(a)(1)–(4)*

At the time that the applicant submits its application, application amendment, or application supplement, the applicant may request that all or parts of such document not be posted on the internet and not otherwise be publicly released. In order to make such request, the applicant shall:

1. Submit a written request that:
    a. Specifically lists each document or portion of document and each entry in any form prescribed by the comptroller that the applicant contends is confidential; and
    b. Identifies specific detailed reasons stating why the applicant believes each item listed should be considered confidential and identifies any relevant legal authority in support of the request;
2. Segregate the documents which are subject to the request from the other documents submitted with the application, application amendment, or application supplement that are not subject to the request; and
3. Adequately designate the documents subject to the request as “confidential.”

34 TAC 9.1053(e)

Action on Application

Initial Review

Within seven days of receipt of each document, the district shall submit to the comptroller a copy of the application and the proposed agreement between the applicant and the district. If the applicant submits an economic analysis of the proposed project, the district shall submit a copy of the analysis to the comptroller. In addition, the district shall submit to the comptroller any subsequent revision of or amendment to any of those documents within seven days of receipt. *Tax Code 313.025(a-1); 34 TAC 9.1054(b)*

Acting on Completed Application

If the board by official action elects to consider an application and determines that the application received is a completed application, the district shall:

1. Provide written notice to the applicant and to the comptroller, with a copy to the appraisal district, that the district has received and will be considering a completed application. The notice shall include:

    a. The date on which the application was received;

    b. The date on which the board elected to consider the application; and

    c. The date on which the district determined that applicant has submitted a completed application;

2. At the time the district provides notice of a completed application, deliver to the comptroller:

    a. A copy of the completed application including all material required by 34 Administrative Code 9.1053(a), and if applicable (b), (Entity Requesting Agreement to Limit Appraised Value); and

    b. A request to the comptroller to provide an economic impact evaluation;

3. If the district maintains a generally accessible internet web site, provide a clear and conspicuous link on its web site to the internet web site maintained by the comptroller where substantive documents for the value limitation application for such district are posted;

4. On request of the comptroller, provide such written documents containing information requested by the comptroller as necessary for the consideration of a limitation on appraised value pursuant to Tax Code Chapter 313 within 20 days of the date of the request.

34 TAC 9.1054(c)(1)–(4)

Economic Impact Evaluation and Certification

The board is not required to consider an application for a limitation on appraised value. If the board elects to consider an application, the board shall deliver a copy of the application to the comptroller and request that the comptroller conduct an economic impact evaluation of the proposed investment. The comptroller shall conduct or contract with a third person to conduct the economic impact evaluation, which shall be completed and provided to the board, along with the comptroller's certificate or written explanation of the decision not to issue a certificate, as soon as practicable but not later than the 90th day after the date the comptroller receives the application. The board shall provide to the comptroller or to a third person contracted by the comptroller to conduct the economic im-

pact evaluation any requested information. The board shall provide a copy of the economic impact evaluation to the applicant on request. *Tax Code 313.025(b); 34 TAC 9.1055(d)*

Supplemental application information, amended application information, and additional information requested by the comptroller shall be promptly forwarded to the comptroller within 20 days of the date of the request. On request of the district or applicant, the comptroller may extend the deadline for providing additional information for a period of not more than ten working days. *34 TAC 9.1055(b)(1)(A)–(B)*

After receiving a copy of the application, the comptroller shall determine whether the property meets the requirements for eligibility for a limitation on appraised value. The comptroller shall notify the board of the comptroller's determination and provide the applicant an opportunity for a hearing before the determination becomes final. If the comptroller's determination becomes final, the comptroller is not required to provide an economic impact evaluation of the application or to submit a certificate for a limitation on appraised value of the property or a written explanation of the decision not to issue a certificate, and the board may not grant the application. *Tax Code 313.025(h), (i); 34 TAC 9.1055(b)(3), (c), (d), .1056*

Effect on Instructional Facilities

The comptroller shall promptly deliver a copy of the application to the Texas Education Agency (TEA). TEA shall determine the effect that the applicant's proposal will have on the number or size of the district's instructional facilities and submit a written report containing TEA's determination to the district. The board shall provide any requested information to TEA. Not later than the 45th day after the date TEA receives the application, TEA shall make the required determination and submit the written report to the board. *Tax Code 313.025(b-1)*

Fees

The board by official action shall establish reasonable nonrefundable application fees to be paid by property owners who apply to the district for a limitation on the appraised value of the person's property. The amount of an application fee must be reasonable and may not exceed the estimated cost to the district of processing and acting on an application, including any cost to the district associated with the required economic impact evaluation. *Tax Code 313.031(b); 34 TAC 9.1054(a)*

The total fee shall be paid at the time the application is submitted to the district. Any fees not accompanying the original application shall be considered supplemental payments. *34 TAC 9.1054(a)*

The comptroller may charge the applicant a fee sufficient to cover the costs of providing the economic impact evaluation. *Tax Code 313.025(b)*

Supplemental Payments

A person and the district may not enter into an agreement under which the person agrees to provide supplemental payments to a district or any other entity on behalf of a district in an amount that exceeds an amount equal to the greater of $100 per student per year in average daily attendance or $50,000 per year, or for a period that exceeds the period beginning with the qualifying time period and ending December 31 of the third tax year after the date the person's eligibility for a limitation under Tax Code Chapter 313 expires. This limit does not apply to amounts described below at item 4 at Contents, Required and item 1 at Contents, Optional. *Tax Code 313.027(i)*

Approval

The board shall approve or disapprove an application not later than the 150th day after the date the application is filed, unless the economic impact evaluation has not been received or an extension is agreed to by the board and the applicant. *Tax Code 313.025(b)*

The board may extend the time period to approve a completed application required only if:

1. Either:
    a. An economic impact analysis has not been submitted to the district by the comptroller; or
    b. By agreement with the applicant; and
2. Notice of the extension is provided to the comptroller within seven days of the decision to provide the extension.

34 TAC 9.1054(d)

Before approving or disapproving an application that the board elects to consider, the board must make a written finding as to any criteria considered by the comptroller in conducting the economic impact evaluation under Tax Code 313.026. The board shall deliver a copy of those findings to the applicant.

The board may approve an application only if the board finds that the information in the application is true and correct, finds that the applicant is eligible for the limitation on the appraised value of the person's qualified property, and determines that granting the application is in the best interest of the district and this state.

The board may not approve an application unless the comptroller submits to the board a certificate for a limitation on appraised value of the property.

Tax Code 313.025(d-1), (e), (f)

When presented a completed application for which the comptroller has submitted a certificate for a limitation, the board shall either:

1. By majority vote adopt a written resolution approving the application which shall include:
    a. Written findings:
        (1) As to each criterion listed in 34 Administrative Code 9.1055(d)(3)(B)–(D) (Comptroller Application Review and Agreement to Limit Appraised Value);
        (2) As to the criteria required by Tax Code 313.025(f-1) (waiver of new jobs creation requirement) if applicable;
        (3) That the information in the application is true and correct; and
        (4) That the applicant is eligible for the limitation on the appraised value of the entity's qualified property;
    b. A determination that granting the application is in the best interest of the district and this state; and
    c. Designate and direct a representative of the board to execute the agreement for property tax limitation presented by the approved applicant that complies with 34 Administrative Code Chapter 9, Subchapter F and Tax Code Chapter 313;
2. By majority vote disapprove the application; or
3. Take no official action and the application shall be considered disapproved on the 151st day after the application review start date.

34 TAC 9.1054(c)(5), (f)

In determining whether to approve an application, the board is entitled to request and receive assistance from the comptroller, the Texas Economic Development and Tourism Office, the Texas Workforce Investment Council, and the Texas Workforce Commission. The Texas Economic Development and Tourism Office or its successor may recommend that a district approve an application under Tax Code Chapter 313. In determining whether to approve

an application, the board shall consider any recommendation made by the Texas Economic Development and Tourism Office or its successor. *Tax Code 313.025(c), (g)*

Continued Eligibility

In order to obtain and continue to receive a limitation on appraised value pursuant to Tax Code Chapter 313, an applicant shall:

1. Have a completed application approved by the board in compliance with 34 Administrative Code 9.1054(f) (School District Application Review and Agreement to Limit Appraised Value);
2. At least 30 days prior to the meeting at which the board is scheduled to consider the application, provide to the district and the comptroller a Texas Economic Development Act Agreement, as specified in 34 Administrative Code 9.1052(a)(6) [now 9.1052(a)(4)], with terms acceptable to the applicant;
3. If the applicant includes a combined group or members of the combined group, have the agreement executed by the authorized representative of each member of the combined group that owns a direct interest in property subject to the proposed agreement by which such members are jointly and severally liable for the performance of the stipulations, provisions, terms, and conditions of the agreement;
4. Comply with all stipulations, provisions, terms, and conditions of the agreement for a limitation on appraised value executed with the district, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313;
5. Be and remain in good standing under the laws of this state and maintain legal status as an entity;
6. Owe no delinquent taxes to the state;
7. Maintain eligibility for limitation on appraised value pursuant to Tax Code Chapter 313;
8. Provide to the district, the comptroller, and the appraisal district any change to information provided in the application, including but not limited to changes of the authorized representative(s); changes to the location and contact information for the approved applicant including all members of the combined group participating in the limitation agreement; and copies of any valid assignments of the agreement and contact information for authorized representative(s) of any assignees; and
9. Within 30 days after filing a completed application with the district, provide the comptroller with estimates of the gross tax

benefit resulting from the requested limitation on appraised value for school district maintenance and operations ad valorem tax and future revenues from the qualified property.

34 TAC 9.1053(f)

Agreement

No later than 20 business days after receiving an agreement for limitation on appraised value acceptable to an applicant, the comptroller:

1. Shall review the agreement for compliance with Tax Code Chapter 313 and the applicable rules (34 Administrative Code 9.1051–.1060), and consistency with the application submitted to the comptroller and as amended or supplemented;

2. May amend or withdraw the comptroller certificate for a limitation if the comptroller determines that the agreement as submitted by the applicant does not comply with Tax Code Chapter 313 or the applicable rules or that the agreement contains provisions that are not consistent with or represents information significantly different from that presented in the application as submitted to the comptroller; and

3. Provide written notification to the district of the actions taken.

34 TAC 9.1055(e)

The board and the property owner shall enter into a written agreement for the implementation of the limitation on appraised value on the owner's qualified property. *Tax Code 313.027(d); 34 TAC 9.1054(g), .1060*

Limitation on Appraised Value

If the person's application is approved by the board, the appraised value for district maintenance and operations ad valorem tax purposes of the person's qualified property as described in the agreement between the person and the district may not exceed the lesser of:

1. The market value of the property; or

2. Subject to the minimum limitation amount below, the amount agreed to by the board.

Minimum Limitation

The amount agreed to by the board must be an amount in accordance with Tax Code 313.027(b), according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.

Tax Code 313.027(a), (b), (c)

For a district to which Tax Code Chapter 313, Subchapter C applies, the amount agreed to by the board must be an amount in ac-

cordance with Tax Code 313.054, according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount. *Tax Code 313.054*

Contents

The agreement must:

Required

1. Provide that the limitation applies for a period of ten years;
2. Specify the beginning date of the limitation, which must be January 1 of the first tax year that begins after the application date, the qualifying time period, or the date commercial operations begin at the site of the project;
3. Describe with specificity the qualified investment that the person will make on or in connection with the person's qualified property that is subject to the limitation; other property of the person that is not specifically described in the agreement is not subject to the limitation unless the board, by official action, provides that the other property is subject to the limitation;
4. Incorporate each relevant provision of Tax Code Chapter 313, Subchapter B, and, to the extent necessary, include provisions for the protection of future district revenues through the adjustment of the minimum valuations, the payment of revenue offsets, and other mechanisms agreed to by the property owner and the district;
5. Require the property owner to maintain a viable presence in the district for at least five years after the date the limitation on appraised value of the owner's property expires;
6. Provide for the termination of the agreement, the recapture of ad valorem tax revenue lost as a result of the agreement if the owner of the property fails to comply with the terms of the agreement, and payment of a penalty or interest, or both, on that recaptured ad valorem tax revenue;
7. Specify the ad valorem tax years covered by the agreement;
8. Be in a form approved by the comptroller; and
9. Disclose any consideration promised in conjunction with the application and the limitation.

Tax Code 313.027(a-1), (e), (f), (j)

Optional

The agreement may:

1. Provide that the property owner will protect the district in the event the district incurs extraordinary education-related expenses related to the project that are not directly funded in

state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment attributable to the project.

2. Specify any conditions the occurrence of which will require the district and the property owner to renegotiate all or any part of the agreement.

3. Provide for a deferral of the date on which the qualifying time period for the project is to commence or, subsequent to the date the agreement is entered into, be amended to provide for such a deferral. The agreement may not provide for the deferral of the date on which the qualifying time period is to commence to a date later than January 1 of the fourth tax year that begins after the date the application is approved except that if the agreement is one of a series of agreements related to the same project, the agreement may provide for the deferral of the date on which the qualifying time period is to commence to a date not later than January 1 of the sixth tax year that begins after the date the application is approved.

Tax Code 313.027(f), (h)

If an agreement for limitation on appraised value includes a provision in which the qualifying time period starts more than one year after the date that the application is approved, no earlier than 180 days and no later than 90 days prior to the start of the deferred qualifying time period:

1. The district shall provide the comptroller:

    a. Copies of any documents or other information received from the applicant; and

    b. After reviewing documents and information provided by the applicant, either:

        (1) A written acknowledgment of receiving the application amendment or supplement; or

        (2) A statement that no such amendment or supplement has been submitted; and

2. If the comptroller provides:

    a. A comptroller certificate for a limitation with conditions different from the existing agreement, the board shall hold a meeting and determine whether to amend the agreement to include the conditions required by the comptroller or terminate the agreement; or

b. A written explanation of the comptroller's decision not to re-issue a certificate, the district shall terminate the agreement.

34 TAC 9.1054(h), .1055(g)

Compliance and Enforcement

The district shall provide to the comptroller any documents that reasonably appear to be substantive documents, and, within seven days of executing the agreement, a copy of the executed agreement and any attachments thereto. The district shall provide a copy of the executed agreement to the appraisal district.

The district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement for limitation of the appraised value, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313. To determine and obtain compliance with each agreement, for each calendar year during the term of the agreement the district shall require the approved applicant to submit:

1. Either the information necessary to complete the annual eligibility report, or a completed annual eligibility report;
2. A completed job creation compliance report (Form 50-825); and
3. Any information required by the state auditor office or its designee.

34 TAC 9.1054(i)

Disclosure of Appraised Value Limitation Information

If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Tax Code 313.0265(c)*

Accessibility of Documents

Any documents submitted in an electronic format (including searchable pdfs) to the comptroller must comply with the accessibility standards and specifications described in 1 Administrative Code Chapters 206 and 213. *34 TAC 9.1055(a)(5)*

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For information on procuring school buses, see CNB.

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For information regarding construction of school facilities, see CV series.

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:

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 ser-

vices 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 compen-

sate 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 20.222* [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

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

State Purchasing Program

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, sequential, 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, dis-

trict 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)*

Reduction of Energy Consumption

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

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

A strategy for achieving energy efficiency includes facility design and construction.

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

The board may submit the plan to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

Education Code 44.902

Energy Savings Performance Contracts

"Energy savings performance contract" has the meaning assigned by Local Government Code 302.001.

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

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

Government Code Chapter 2269 (Contracting and Delivery Procedures for Construction Projects) does not apply to energy savings performance contracts.

Performance Bond

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

Financing

An energy savings performance contract may be financed:

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

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures under these provisions, and the board is not required to pay for such costs solely out of the savings realized by the district under an energy savings performance contract. The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

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

Contract Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004 (the Professional Services Procurement Act). [See CH] Notice of the request for qualifications shall be published in the manner provided for competitive bidding.

Cost Savings Review

Before entering into an energy savings performance contract, the board must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. Occupations Code 1001.053 and 1001.407 (Texas Engineering Practice Act) apply to work performed under the contract.

Education Code 44.901

Recycling Program

A district shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the district's operations.
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials.
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
4. Establish educational and incentive programs to encourage maximum employee participation.

Health and Safety Code 361.425; 30 TAC 328.202

Exemptions

These provisions do not apply to a school district with a student enrollment of less than 10,000 students.

A district may exclude one or more recyclable materials from their program if the Texas Commission on Environmental Quality (TCEQ) finds that:

1. A recycling program for a recyclable material is not available through their solid waste provider; or
2. The inclusion of a recyclable material would create a hardship.

A district may request additional consideration from TCEQ if compliance with these provisions would create a hardship.

30 TAC 328.204

Definitions

“Hardship” means a circumstance that causes unreasonable burden on the governmental entity.

“Recyclable material” means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

30 TAC 328.201(2), (3)

Pools

Generally

For required public pool sanitation and safety standards, see Health and Safety Code 341.064 and .0645 and 25 Administrative Code 265.181–.198.

Drains

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

Safety Rules

The board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out Education Code Chapter 37, Subchapter D (Protection of Buildings and Grounds) and the governance of the district, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

Identification and Right to Reject

Identification may be required of any person on school property. A school administrator, school resource officer, or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. *Education Code 37.105(a), (b)* [See GKA]

Human Trafficking Warning Signs

Each school shall post warning signs of the increased penalties for trafficking of persons under Penal Code 20A.02(b-1)(2) at the following locations:

1. Parallel to and along the exterior boundaries of the school's premises;
2. At each roadway or way of access to the premises;
3. For premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
4. At each entrance to the premises and building; and
5. At conspicuous places reasonably likely to be viewed by all persons entering the premises.

Education Code 37.086(b); 19 TAC 61.1053(b)

Each warning sign must:

1. Describe the offense of trafficking in persons as provided under Penal Code 20A.02(a). The sign must emphasize that an offense under Penal Code 20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:
    a. On the premises of or within 1,000 feet of the premises of a school; or
    b. On premises or within 1,000 feet of premises where:
        (1) An official school function was taking place; or
        (2) An event sponsored or sanctioned by the University Interscholastic League was taking place;

2. Be written in English and Spanish;

3. Be at least 8.5 by 11 inches in size; and

4. Be properly maintained to ensure readability and protection from the elements for outdoor signs.

Education Code 37.086(c); 19 TAC 61.1053(c)

"School" means a public or private primary or secondary school. "Premises" means real property and all buildings and appurtenances pertaining to the real property. *Education Code 37.086(a); 19 TAC 61.1053(a); Health and Safety Code 481.134*

Buildings

A school building must be located on grounds that are well-drained and maintained in a sanitary condition. A school building must be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, handwashing facilities, a heating system, and lighting facilities that conform to established standards of good public health engineering practices.

Lunchrooms

A school lunchroom must comply with state food and drug regulations.

Custodial Services

A school building and its appurtenances shall be maintained in a sanitary manner. A full-time building custodian or janitor shall know the fundamentals of safety and school sanitation.

Health and Safety Code 341.065

Structural Pest Control

A district may obtain pest control services for school buildings only by:

1. Contracting with a person who holds a license to perform the services; or
2. Requiring a district employee who is licensed as a certified noncommercial applicator or technician to perform the services.

Occupations Code 1951.459

Integrated Pest Management Program

Each district shall establish, implement, and maintain an integrated pest management (IPM) program. An IPM program is a regular set of procedures for preventing and managing pest problems using an integrated pest management strategy. The school district is responsible for each IPM coordinator's compliance with the regulations in 4 Administrative Code 7.201–.205 (Division 7). *Occupations Code 1951.212; 4 TAC 7.201*

Definitions

"Integrated pest management" means a pest management strategy that relies on multiple pest control tactics, including the judicious use of pesticides, informed by accurate identification and scientific knowledge of pests, reliable monitoring methods to assess pest presence, preventative measures to avoid pest infestations, and thresholds to determine when corrective control measures are needed. *4 TAC 7.114(13)*

"Area of common access" means an area that an individual is likely to be present in or at on a regular basis, such as a building entranceway, mailboxes, laundry rooms, beverage machines, building bulletin boards, hallways, etc. *4 TAC 7.114(3)*

IPM Program Requirements

The IPM program shall contain these essential elements:

1. A board-approved IPM policy, stating the district's commitment to follow integrated pest management guidelines in all pest control activities that take place on district property. The IPM policy statement shall include:
    a. A definition of IPM consistent with this section;
    b. A reference to Texas laws and rules governing pesticide use and IPM in public schools;
    c. Information about who can apply pesticides on school district property; and
    d. Information about designating, registering, and required training for the district's IPM coordinator. The superintendent and IPM coordinator shall maintain a copy of the policy.
2. A monitoring program to determine when pests are present and when pest problems are severe enough to justify corrective action;
3. The preferential use of lower risk pesticides and the use of non-chemical management strategies to control pests, rodents, insects, and weeds;
4. A system for keeping records of facility inspection reports, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints;
5. A plan for educating and informing district employees about their roles in the IPM program; and
6. Written guidelines that identify thresholds for when pest control actions are justified.

4 TAC 7.201(1)

IPM Coordinator

The superintendent shall appoint an IPM coordinator to implement the district's IPM program. Not later than 90 days after the superintendent designates or replaces an IPM coordinator, the district must report to the Texas Department of Agriculture (TDA) the newly appointed coordinator's name, address, telephone number, e-mail address and the effective date of the appointment. A district that appoints more than one IPM coordinator shall designate a responsible IPM coordinator who will have overall responsibility for the IPM program and provide oversight of subordinate IPM coordinators regarding IPM program decisions. When a district removes an IPM coordinator, the departing IPM coordinator, superintendent,

or superintendent's designee must notify TDA of the removal within ten days in writing. A district may not be without an IPM coordinator for more than 30 days. *Occupations Code 1951.212(e); 4 TAC 7.201(2)*

Training

The IPM coordinator shall:

1. Successfully complete a TDA-approved IPM coordinator training course within six months of appointment; and
2. Obtain at least six hours of TDA-approved IPM continuing education units every three years in accordance with the requirements of 4 Administrative Code 7.202.

Occupations Code 1951.212(f); 4 TAC 7.202

Duties

In addition to implementing the district's IPM program, the IPM coordinator shall oversee and be responsible for:

1. Coordination of pest management personnel, ensuring that all school employees who perform pest control, including those employees authorized to perform incidental use applications, have the necessary training, are equipped with the appropriate personal protective equipment, and have the necessary licenses for their pest management responsibilities;
2. Ensuring that all IPM program records, including incidental use training records, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints are maintained for a period of two years and are made available to a TDA inspector upon request;
3. Working with district administrators to ensure that all pest control proposal specifications for outside contractors are compatible with IPM principles, and that contractors work under the guidelines of the district's IPM policy;
4. Ensuring that all pesticides used on district property are in compliance with the district's IPM program and that current pesticide labels and safety data sheets (SDS) are available for interested individuals upon request;
5. Overseeing and implementing that portion of the plan that ensures that district administrators and relevant district personnel are provided opportunities to be informed and educated about their roles in the IPM program, reporting, and notification procedures;
6. Ensuring that pesticide applications, including the approval of emergency applications at buildings and on district grounds, are conducted in accordance with Division 7; and

7. Maintaining a current copy of the school district's IPM policy and making it available to a TDA inspector upon request.

4 TAC 7.202(d)

Licensed Applicator

A district that engages in pest control activities must employ or contract with a licensed applicator, who may, if an employee, also serve as the IPM coordinator. *4 TAC 7.201(3)*

The certified commercial or noncommercial certified applicator or licensed technician shall:

1. Apply only United States Environmental Protection Agency (EPA) labeled pesticides, appropriate for the target pest, except as provided in Division 7;
2. Provide the structural pest management needs of the district by following the district's IPM program and these regulations;
3. Obtain written approval from the IPM coordinator for the use of pesticides in accordance with Division 7;
4. Handle and forward to the IPM coordinator records of IPM activities, any complaints relating to pest problems, and pesticide use;
5. Ensure that pesticide use records are forwarded to the IPM coordinator within two business days or in a time frame as agreed to by the IPM coordinator;
6. Consult with the IPM coordinator concerning the use of control measures in buildings and grounds, including residential properties; and
7. Ensure that all pest control activities are consistent with the district's IPM program and IPM policy.

4 TAC 7.203

Notice

A district shall prior to or by the first week of school attendance, ensure that a procedure is in place to provide prior notification of pesticide applications in accordance with 4 Administrative Code Chapter 7. Individuals who request in writing to be notified of pesticide applications may be notified by telephonic, written, or electronic methods. *4 TAC 7.201(4)*

The chief administrator, IPM coordinator, or building manager must notify individuals who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the individuals

are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Making available, on request, the consumer information sheet made available by the certified applicator or technician.

Occupations Code 1951.455(a); 4 TAC 7.146(c), .147(e), .148(b)

Chief administrators or the IPM coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See FD]

Emergency Exception

The pre-notification requirements of 4 Administrative Code 7.146–.148 are waived if the customer and certified applicator sign a statement attesting to the fact that an emergency exists which requires immediate treatment. If such an emergency exists, the consumer information sheet must be made available by the licensee. The statement must be kept on file with the pest control use records. If the customer is not available to sign a statement at the time of treatment, that shall be recorded in the use records along with the customer's name and telephone number. An emergency is defined as an imminent hazard to health. An emergency treatment is limited to the localized area of the emergency. *4 TAC 7.147(g), .148(d)*

Pesticide Use

All pesticides used by districts must be registered with the EPA and the TDA, with the exception of those pesticides that have been exempted from registration by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 25(b). All pesticides used by districts must also bear a label as required by FIFRA and Chapter 76 of the Texas Agriculture Code. Pesticide use must also meet the following requirements:

1. Pest control signs shall be posted at least 48 hours prior to a pesticide application inside district buildings, including residential properties, as provided for under 4 Administrative Code 7.148.

2. For outdoor applications made on district grounds, including residential properties, the treated area must be identified at all entry points with a sign, or must be secured using a locking device, a fence or other practical barrier such as commercially available barrier caution tape, or periodically monitored to

keep students out of the treated area until the allowed reentry time.

3. Pesticides used on district property shall be mixed outside of student occupied areas of buildings and grounds.

4. The use of non-pesticide control measures, non-pesticide monitoring tools and mechanical devices, such as glue boards and traps as permitted in accordance with Division 7, are exempt from posting requirements. The use of non-pesticide tools and devices by unlicensed district personnel, for monitoring purposes, shall be permitted. Monitoring by unlicensed district personnel shall be done only as directed, under the supervision of the IPM coordinator.

5. Pesticide applications shall not be made to outdoor school grounds if such an application will expose students to physical drift of pesticide spray particles. Reasonable preventative measures shall be taken to avoid the potential of drift to occur.

6. Districts are allowed to apply the pesticides to control pests, rodents, insects, and weeds at school buildings, grounds, or other facilities in accordance with the approval for use and restrictions listed for each category detailed in 4 Administrative Code 7.204(6).

4 TAC 7.204

Incidental Use

The Incidental Use For Schools Fact Sheet must contain the text specified in 4 Administrative Code 7.205 and must be provided during pesticide instruction and training by the IPM coordinator to each district employee whose primary duty is not pest control, and whose work may include tasks subject to the exception. The IPM coordinator must keep records of all the training conducted annually. Pest control use records for all incidental pesticide use application, including the reason for application and justification for emergency, must be maintained by the IPM coordinator for two years. *4 TAC 7.205*

Inspections

School districts will be inspected at least once every five years. TDA may waive these requirements due to TDA staff availability, budgetary constraints, inspection trends, or operational efficiencies. School districts demonstrating a lack of compliance with TDA rules may be inspected more frequently based on risk using the following elements of consideration: prior violations, prior inspection results, and prior complaints. *4 TAC 7.149*

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the 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. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

Delayed Publisher Payment Option

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and

will prioritize payment for requisitions under this provision over reimbursement of purchases made directly by a district.

19 TAC 66.1312(a)–(e)

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. *Education Code 31.0215(d)*

Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. *19 TAC 66.1312(f); Education Code 31.0215(d)*

Government Code Chapter 2251 (payments for goods and services) does not apply to requisitions under this provision. *Education Code 31.0215(e); 19 TAC 66.1312(g)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional allotment funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual allotment funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted Expenditures

Each district's allotment funds must be expended according to the following priorities established in Education Code 31.0211:

1. First, instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Education Code 28.002; and
2. Then, any other instructional materials or allowed technological equipment.

Maintaining the priorities above, the allotment funds may be used to pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;

8. Supplemental instructional materials, as provided by Education Code 31.035;

9. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;

10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

11. Activities related to the local review and adoption of instructional materials;

12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials;

13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;

14. Providing access to technological equipment for instructional use;

15. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;

16. Inventory software or systems for storing, managing, and accessing instructional materials;

17. Software for analyzing the use and effectiveness of instructional materials;

18. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

19. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment to ensure internet access; and

20. Training for personnel in the electronic administration of assessment instruments.

The allotment funds may not be used to pay for:

1. Services for installation;

2. The physical conduit that transmits data such as cabling and wiring or electricity, except to the extent allotment funds are

necessary to pay for allowable expenses under items 18 and 19, above;

3. Office and school supplies;

4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;

5. Travel expenses; or

6. Equipment used for moving or storing instructional materials.

19 TAC 66.1307(e)–(g); Education Code 31.0211(c)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

19 TAC 66.1307(l); Education Code 31.0211(d-1)

Certification of Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state's online instructional material ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
    a. The district has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
    b. The district has used its allotment for only allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of the state ordering system for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in the state ordering system.

19 TAC 66.1307(h)–(j)

Online Requisition System

The commissioner shall maintain an online requisition system for districts to requisition instructional materials to be purchased with the district's allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Requisitions, Use, and Distribution

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental Instructional Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open Education Resource Instructional Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Employee Training

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

Special Instructional Materials

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers — Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents — Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311(a)–(d), (h), (j)

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;

5. Instructional materials developed or purchased by the district; and

6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

Each district shall certify, in a format approved by the commissioner, that the district protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 U.S.C. 254(h)(5)(B) and (C). [See CQ]

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the

student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials — A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal — The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale — The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds — Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal — The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory — A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

Local Handling Expenses — School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002; Transp. Code 547.102; 37 TAC 14.51–.52*

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

A bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus purchased by a school district that is a model year 2017 or earlier; or
2. A bus purchased by a school district that is a model year 2018 or later if the board:
    a. Determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; and
    b. Votes to approve that determination in a public meeting.

Transp. Code 547.701(e)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

General Rule

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. 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*

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Accident Reports

Notice to DPS

A district shall provide DPS written notification of any accident directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)*

Notice must be received not more than five days from the date of the accident and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the accident;
4. The city or county where the accident occurred; and

5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Notice to TEA

A district shall report annually to TEA the number of accidents in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file the annual report to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus accidents;
2. The date each accident occurred;
3. The type of bus, as specified in 19 Administrative Code 61.1028(a), involved in each accident;
4. Whether the bus involved in each accident was equipped with seat belts and, if so, the type of seat belts;
5. The number of students and adults involved in each accident;
6. The number and types of injuries that were sustained by the bus passengers in each accident; and
7. Whether the injured passengers in each accident were wearing seat belts at the time of the accident and, if so, the type of seat belts.

A school district shall report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or
2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the accident involved a collision with a pedestrian.

Exceptions

A school district shall not report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the accident

occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the accident did not involve a collision with a pedestrian; or

2. The accident involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the accident.

A school district shall not report an accident that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC 61.1028(b)

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

"Administrative reviews" means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

Appeals

Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. *4 TAC 26.200–.207*

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division *Administrator's Reference Manual,*[1] Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *See Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart, 7 C.F.R. 210.30(b)(2).*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:

a. Accumulating a negative balance on the student's card or account; or

b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's Food and Nutrition Division Administrator's Reference Manual: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf

Next Generation Technology

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, robotic process automation, and artificial intelligence. *Gov't Code 2054.601*

Children's Internet Protection Act

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

Definitions

Harmful to Minors

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

Technology Protection Measure

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. *47 U.S.C. 254(h)(7)(I)*

Universal Service Discounts (E-Rate)

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

Certifications to the FCC

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a tech-

nology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and

3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

With Respect to Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and

2. Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

Disabling for Adults

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

Internet Safety Policy

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including “hacking,” and other unlawful activities by minors online;

4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)

Public Hearing — A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. *47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)*

Inappropriate for Minors — A determination regarding what matter is inappropriate for minors shall be made by the board or designee. *47 U.S.C. 254(l)(2)*

Noncompliance — A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)

ESEA Funding — No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and

2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Certification to U.S. Department of Education

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131

Uniform Electronic Transactions Act (UETA)

The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. *Business and Commerce Code 322.003(a)*

The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. *Business and Commerce Code 322.005(a)–(c)*

Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. *Business and Commerce Code 322.017(c)*

Records Retention

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

2. Remains accessible for later reference.

A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.

Business and Commerce Code 322.012(a), (f)

[For more information on records management, see CPC.]

Definitions

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060(b)* [See 1 Administrative Code Chapter 203 for DIR rules related to management of electronic transactions and signed records.]

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

Interception of Communications

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

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

Note: See GBA regarding the confidentiality of certain board member information.

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

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.

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 district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. 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]

11. 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]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. 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]

18. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enroll-

ment 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]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. 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]

24. 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]

25. 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]

26. 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]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. 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]

29. 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]

30. 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]

31. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

32. 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]

33. 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]

34. 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]

35. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

36. 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]

37. 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]

38. 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]

39. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

40. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

41. 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]

42. 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]

43. 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]

44. 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]

45. 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]

46. 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]

47. 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]

48. 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]

49. 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]

50. 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]

51. 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]

52. 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]

53. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

54. 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]

55. 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]

56. 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]

57. 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]

58. 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]

59. 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]

60. 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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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Criminal History Reviews

Definitions

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

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

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

"Request for CHRI" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database. *37 TAC 27.172*

Participation in the Criminal History Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(8), .174

Certified Persons

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

Noncertified Employees

Applicability

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

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

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

Information to DPS and TEA

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

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

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0833; 19 TAC 153.1109(d)

Districts of Innovation

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district 's designation as a district of innovation. [See AF]

Education Code 22.0815

Substitute Teachers

This section applies to a person who is a substitute teacher for a district or shared services arrangement.

Applicability

For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

Information to DPS and TEA

A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:

1. May not be hired or must be discharged as provided by Education Code 22.085; or
2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)

Student Teachers

Applicability

This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

Criminal History

A student teacher may not perform any student teaching until:

1. The student teacher has provided to a district a driver's license or another form of identification containing the person's

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

Coordination of Efforts

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

All Other Employees

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

1. The district; or

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

A district may obtain the CHRI from:

1. DPS;

2. A law enforcement or criminal justice agency; or

3. A private consumer reporting agency [see Consumer Credit Reports, below].

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

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

Confidentiality of Record

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

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

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

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

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

Gov't Code 411.084

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

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

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

Destruction of CHRI

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

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

Gov't Code 411.097(d)(3)

Confidentiality of Information Obtained from Applicant or Employee

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

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

In addition, the information is not subject to disclosure under Government Code Chapter 552.

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

Education Code 22.08391

Unauthorized Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

Gov't Code 411.085

Refusal to Hire Convicted Applicants

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

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
    a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

Exception

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

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

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

Termination for Failure to Disclose

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

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]

Pre-employment Affidavit

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

Education Code 21.009

Do Not Hire Registry

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

Education Code 22.095

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and

5. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].

Education Code 22.092

Commercial Driver License Drug and Alcohol Clearinghouse

The U.S. Department of Transportation (DOT) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators [see DHE] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. *49 U.S.C. 31306a*

Pre-employment Query Required

A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.

Annual Query Required

A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.

Prohibition

A district may not allow a driver the district employs or intends to hire or use to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.

Recordkeeping Required

A district must retain for three years a record of each query and all information received in response to each query made under this section.

49 C.F.R. 382.701

Consumer Credit Reports

Definitions

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

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

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

Obtaining Reports

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

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

Adverse Action

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

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

Disposal of Records

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

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

Examples of reasonable measures include:

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

16 C.F.R. 682.3

Fair Labor Standards Act

Minimum Wage and Overtime

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

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

Breaks for Nonexempt Employees

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

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

Compensatory Time

Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

Payment for Accrued Time

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris Cnty., 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

Academic Administrators

The term ''employee employed in a bona fide administrative capacity'' includes an employee:

1. Compensated on a salary or fee basis at a rate of not less than $684 per week, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the district by which employed; and

2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training'' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;

2. The principal and any vice principals responsible for the operation of an elementary or secondary school;

3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and

4. Other employees with similar responsibilities.

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

29 C.F.R. 541.204

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Partial-Day Deductions

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

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

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

29 C.F.R. 541.710

Safe Harbor Policy

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the exemption unless the district willfully violates the policy by con-

tinuing to make improper deductions after receiving employee complaints.

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

29 C.F.R. 541.603(d)

Teachers

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

Exempt teachers include:

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

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

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

exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.303

Wage and Hour Records

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

Payday Law Exemption

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

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
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EEM	Juvenile Residential Facilities
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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
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EHBAE	Procedural Requirements
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory Services and Intensive Programs
EHBCA	Accelerated Instruction
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten

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SECTION E: INSTRUCTION

EHBH	Other Special Populations
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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

Harmful Materials

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes
    a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
    b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(1)

Information Collection and Access

U.S. ED–Funded Surveys (PPRA)

Consent Required

Under the Protection of Pupil Rights Amendment (PPRA), 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 instruc-

tional 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)

Driver Education

A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

1. Conduct the course and charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by a driver education provider that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education provider that holds a license under Education Code Chapter 1001 to conduct the course.

Education Code 29.902(c)

[For more information regarding driver education safety program requirements, see 16 Administrative Code Chapter 84.]

Life Skills Programs

A district may provide an integrated program of educational and support services for students who are pregnant or who are parents. If a district provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day care facility.
5. Transportation for students, as appropriate, to and from the campus or day care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

A district shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

A district may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC and FNE]

School-Based Savings Program

A district may establish a school-based savings program to facilitate increased awareness of the importance of saving for higher education and facilitate personal financial literacy instruction. A district may offer the program in conjunction with a personal financial literacy course under Education Code 28.0021 [see EHAC].

A school-based savings program may, through partnerships with appropriate institutions, promote:

1. General savings, by offering savings accounts or certificates of deposit through partner financial institutions; or
2. Savings dedicated for higher education, by offering through partner institutions the following accounts or bonds the primary purpose of which must be to pay expenses associated with higher education:
    a. An account authorized under Section 529, Internal Revenue Code of 1986;
    b. A Coverdell education savings account established under 26 U.S.C. Section 530;
    c. A certificate of deposit;
    d. A savings account; and
    e. A Series I savings bond.

A district establishing a program:

1. Shall seek to establish partnerships with appropriate institutions that are able to offer an account or bond above; and
2. May seek to establish partnerships with public sector partners, private businesses, nonprofit organizations, and philanthropic organizations in the community.

A partnership established between a district and:

1. An appropriate institution may allow a student in the program or the student and an adult in the student's family jointly to have an opportunity to establish an account or purchase a bond; and
2. An appropriate institution, public sector partner, private business, or nonprofit or philanthropic organization may provide:

a. A structure for the management of the program; and

b. Incentives that encourage contribution to a school-based account or purchase of a bond, including incentives that provide matching funds or seed funding.

Education Code 28.0024

Local Credit Courses

A district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:

1. Be flexible in approving a course for credit for high school graduation; and

2. Approve courses in cybersecurity for credit for high school graduation.

Education Code 28.002(f) [See EIF]

Apprenticeships

A district may offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board for credit without obtaining State Board of Education approval if the district meets the requirements in Education Code 28.002(g-1) and (g-2).

A district shall annually report to TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled under this section. TEA shall make information provided under this section available to other districts.

Education Code 28.002(g-1)–(g-2); 19 TAC 74.11(n)

Cybersecurity

A district may offer a course in cybersecurity that is approved by the board for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course. *Education Code 28.002(g-3)*

A district shall annually report to TEA the names of cybersecurity courses approved by the board for credit and institutions of higher education in which the district's students have enrolled as authorized above. TEA shall make information provided under this section available to other districts. *19 TAC 74.11(o)*

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 deter-

mines 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 is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new 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 the Texas Education Agency (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 required supplement, see Education Code 29.0052 and the commis-

sioner 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 is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:

a. The placement of the student in a different educational setting;

b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;

c. A pattern of unexcused absences; or

d. An unauthorized, unsupervised departure from an educational setting; or

2. The safety of the student or others.

19 TAC 89.1055(g); 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)

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Parental Consent Not Required

An employee of a district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety under Education Code 29.022. *Education Code 26.009(b)*

Video Surveillance of Special Education Settings

In order to promote student safety, on receipt of an authorized written request, a district shall provide equipment, including a video camera, to the campus in the district specified in the request.

Classroom or Other Setting

A campus that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022.

Education Code 29.022(a)

Definitions

“Incident” means an event or circumstance that:

Incident

1. Involves alleged “abuse” or “neglect,” as described in Family Code 261.001, of a student by a staff member of the district or alleged “physical abuse” or “sexual abuse,” as described in Family Code 261.410, of a student by another student; and

2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted.

Other Special Education Setting

“Other special education setting” means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a district—including a room attached to the classroom or setting used for time-out—in which a

majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Residential care and treatment facility—separate campus; or
2. Off home campus—separate campus.

Parent "Parent" means a person described in Education Code 26.002, whose child receives special education and related services in one or more self-contained classrooms or other special education settings. "Parent" also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

School Business Day "School business day" means a day that campus or district administrative offices are open.

Self-contained Classroom "Self-contained classroom" means a classroom on a regular campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, but not including a classroom that is a resource room instructional arrangement under Education Code 48.102, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instructional day and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility—full-time early childhood special education setting;
5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
6. Off home campus—full-time early childhood special education setting.

Staff Member "Staff member" means a teacher, a related service provider, a paraprofessional, a counselor, or an educational aide assigned to work in the self-contained classroom or other special education setting.

Time-out "Time-out" has the meaning assigned by Education Code 37.0021.

Video Camera "Video camera" means a video surveillance camera with audio recording capabilities.

Video Equipment "Video equipment" means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by Education Code 29.022 and 19 Administrative Code 103.1301. "Video equipment" also means any technology and equipment needed to store and access video recordings as required.

19 TAC 103.1301(b); Education Code 29.022

Administrative Coordinator

Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses. *Education Code 29.022(a-2)*

Authorized Requestors

The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting:

1. A parent of a child who receives special education services for the campus at which the child receives those services;
2. The board of trustees for one or more specified campuses;
3. The principal or assistant principal for their campus; and
4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.

Education Code 29.022(a-1)

Processing the Request

A written request must be submitted and acted on as follows:

1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator;
2. A principal must submit a request by the principal to the district's designated administrator; and

3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

A campus shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

Education Code 29.022(a-3)–(b)

Video Camera Coverage

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and

2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Education Code 29.022(c)–(c-1)

Written Notice

Before a campus activates a video camera in a classroom or special education setting, the campus shall provide written notice of the placement to all campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the tenth school day before the end of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following

school year unless a person eligible to make a request for the next school year submits a new request.

Education Code 29.022(b), (d)

Retention Period

A district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

If a person requests to view a video recording from a video camera, a district must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or campus shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Education Code 29.022(e)–(e-1)

Gifts, Grants, and Donations

A district may solicit and accept gifts, grants, and donations from any person to implement the requirements of Education Code 29.022 and 19 Administrative Code 103.1301. A district is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement these requirements. *19 TAC 103.1301(d)*

No Waiver of Immunity

The requirements described by Education Code 29.022 do not:

1. Waive any immunity from liability of a district, or of district officers or employees; or
2. Create any liability for a cause of action against a district or against district officers or employees.

No Monitoring

A district may not:

1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.

Education Code 29.022(g)–(h)

Confidentiality

A video recording of a student made under this provision is confidential and may not be released or viewed except as provided below.

Limited Release

A district shall release a recording for viewing by:

1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;

3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;

4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or

5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

Education Code 29.022(i)–(i-1); 19 TAC 103.1301(h)–(i)

Duty to Report

If a person described by item 4 or 5, above, views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code Chapter 261, the person must submit a report to the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under 19 Administrative Code 61.1051 (Reporting Child Abuse and Neglect) and Family Code Chapter 261 [see FFG].

19 TAC 103.1301(j); Education Code 29.022(j)

Use in Disciplinary Actions Against District Personnel

If a person described by items 3, 4, or 5, above, views the recording and believes that it documents a possible violation of district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by the Family Educational Rights and Privacy Act (FERPA) or other law. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a

parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student must be released for viewing by the district employee who is the subject of the disciplinary action at the request of the employee. *19 TAC 103.1301(k)*

Federal Law / FERPA

19 Administrative Code 103.1301(j) (child abuse reporting) and (k) (disciplinary actions against personnel) do not limit the access of a student's parent to a record regarding the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails. *19 TAC 103.1301(l)*

District Policy

A district must adopt written policies relating to the placement, operation, and maintenance of video cameras under Education Code 29.022 and 19 Administrative Code 103.1301. At a minimum, the policies must include:

1. A statement that video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings;

2. Information on how a person may appeal an action by the district that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeal and expedited review processes under 19 Administrative Code 103.1303 (Commissioner's Review of Actions Concerning Video Cameras in Special Education Settings) and the appeals process under Education Code 7.057;

3. A requirement that the district provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Education Code 29.022(a-3) (at Limited Release, above) that authorizes the request or states the reason for denying the request;

4. Except as provided by item 6 of this provision, a requirement that a campus begin operation of a video camera in compliance with this provision not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the Texas Education Agency (TEA) grants an extension of time;

5. A provision permitting the parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will

be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

a. The date on which the current school year ends; or

b. The tenth school business day after the date of the placement determination by the ARD committee;

6. A requirement that, if a request is made by a parent in compliance with item 5 of this provision, unless TEA grants an extension of time, a campus begins operation of a video camera in compliance with this provision not later than the later of:

   a. The tenth school day of the fall semester; or

   b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made;

7. The procedures for requesting video surveillance and the procedures for responding to a request for video surveillance;

8. The procedures for providing advanced written notice to the campus staff and the parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted or cease in the classroom or setting, including procedures for notice, in compliance with Education Code 29.022(b), of the opportunity to request continued video and audio surveillance if video and audio surveillance will otherwise cease;

9. A requirement that video cameras be operated at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed;

10. A statement regarding the personnel who will have access to video equipment or video recordings for purposes of operating and maintaining the equipment or recordings;

11. A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in Education Code 29.022(a), for the remainder of the school year in which the campus received the request, unless the requester withdraws the request in writing;

12. A requirement that video cameras placed in a self-contained classroom or other special education setting be capable of

recording video and audio of all areas of the classroom or setting, except that no visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. Incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required;

13. A statement that video recordings must be retained for at least three months after the date the video was recorded and that video recordings will be maintained in accordance with the requirements of Education Code 29.022(e-1), when applicable;

14. A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety;

15. At the district's discretion, a requirement that campuses post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting;

16. The procedures for reporting an allegation to the district that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted;

17. The local grievance procedures for filing a complaint alleging violations of Education Code 29.022, and/or 19 Administrative Code 103.1301; and

18. A statement that video recordings made under Education Code 29.022 and 19 Administrative Code 103.1301 are confidential and a description of the limited circumstances under which the recordings may be viewed.

19 TAC 103.1301(g)

Governmental Record — A video recording under this section is a governmental record only for purposes of Penal Code 37.10.

Operation of Camera — These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other

special education setting during the regular school year and extended school year services.

A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Education Code 29.022(s)–(t)

Exclusions

A district is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school. *19 TAC 103.1301(c)*

Dispute Resolution

The special education dispute resolution procedures in 34 Code of Federal Regulations 300.151–.153 and 300.504–.515 do not apply to complaints alleging that a district has failed to comply with Education Code 29.022 and 19 Administrative Code 103.1301. Complaints alleging violations of those sections must be addressed through the district's local grievance procedures or other dispute resolution channels. *19 TAC 103.1301(e)*

Denial of Request

The following standards and procedures apply to a denial of a request for placement of a video camera under Education Code 29.022(a), or to the denial of a request to release a video or to view a video made under Education Code 29.022(i) or (l)(2).

Exhaustion of Administrative Remedies

Once a request for placement of a video camera or a request to release a video is administratively denied, the requester must exhaust administrative remedies through the district's grievance process even if the requester opts for the expedited review process. However, a district, parent, staff member, or administrator may request an expedited review even before the local remedies are exhausted.

After local remedies are exhausted by filing a grievance with the board and obtaining a board determination, the requester may appeal the denial to the commissioner of education under Education Code 7.057 by filing a petition for review.

Proper Request

In a case where there is a denial of a request for the placement of a video camera, the commissioner will determine whether the person requesting placement is a person allowed to request placement under Education Code 29.022(a-1) (see Limited Release, above) and whether the requester made a proper request under Education Code 29.022(a-3) (see Processing the Request, above).

Cost

The commissioner will not consider the cost to the district of installing cameras or releasing video.

Release Determination

In a case where there is a denial of a request to release a video, the commissioner will determine whether the requester is a person allowed to receive a video under Education Code 29.022(i) (described at Limited Release, above).

Timelines for Petition for Review

The following timelines are established for filing a petition for review:

1. A petition for review shall be filed with the commissioner within ten calendar days of the decision of the board denying the request being first communicated to the requester or requester's counsel, whichever occurs first. The petition for review shall be made in accordance with 19 Administrative Code 157.1073(c) (hearings brought under Education Code 7.057) and may include a request for expedited review.
2. The district's answer and local record shall comply with 19 Administrative Code 157.1052(b) and (c) and 19 Administrative Code 157.1073(d) and shall be filed with the commissioner within ten calendar days of the district receiving notification from the commissioner of the appeal.
3. The procedures specified in 19 Administrative Code 157.1059; .1061; and .1073(e)–(h), (j), and (k) apply to a case brought to the commissioner under this section.

Expedited Review

A request for expedited review is governed by the following.

1. The expedited review process is designed to allow a requester to promptly receive a preliminary judgment from the commissioner as to a decision to deny a request for the installation of cameras or a decision to deny a request to release a video while at the same time respecting the school grievance process. The expedited review process does not apply to a request to only view a video. Invoking the expedited review process results in a prompt initial determination. However, the final commissioner's determination is to be based on a substantial evidence review of the district's grievance record. This allows for a full record to be developed at the district level and does not require the requester and the district to make an evidentiary record before TEA in Austin, Texas. Because the requirements of Education Code 7.057 are met when the board's decision is heard by the commissioner, an appeal to district court is allowed under Education Code 7.057(d). Education Code 29.022 does not by itself allow an appeal to district court.
2. A district, parent, staff member, or administrator may request an expedited review. Any request for an expedited review

shall include the names, telephone numbers, and addresses of all interested parties to the request. “Interested parties” are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the district. The request for expedited review shall specify whether the district denied a request for the placement of a video camera or the district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

3. A request for expedited review shall be filed with the commissioner no earlier than 14 business days after a request for placement of a video camera or a request to release a video is administratively denied under Education Code 29.022(i) or (l)(2) (see Limited Release and Process, above), and no later than the fifth business day after a board resolves a grievance as to a request for placement of a video camera or a request to release a video. A request for expedited review shall be filed with the commissioner electronically as provided on TEA’s Division of Hearings and Appeals website or by U.S. Mail, facsimile, hand-delivery, or by a commercial delivery service.

4. Whenever an interested party files a document with the commissioner, with the exception of the request for expedited review, the interested party shall send the same document to all other interested parties by the same method that the document was sent to the commissioner. Hand-delivery of the document by the next day may be substituted for service by facsimile delivery.

5. If a request for expedited review is timely filed, the commissioner will establish a briefing schedule and will send to all interested parties a notice that an expedited review has been filed, which will include relevant statutes and rules. Any interested party who knows of any additional interested parties who have not been notified will promptly inform the commissioner in writing.

6. All briefing shall clearly state the facts relied upon. Documents relevant to the issues presented may be attached to a brief. All briefing shall provide the reasons why the commissioner should or should not grant the request for expedited review. Citations to statutes, rules, commissioner decisions, and case law are important to identify the legal basis for the claims made.

7. All interested parties who are in favor of granting the request for expedited review shall file briefing at the time specified for the requester of the expedited review.

8. All interested parties who are opposed to granting the request for expedited review shall file briefing at the same time.

9. Briefing is not limited to the issues specifically raised in the pleadings in the case. However, no new arguments may be raised in the reply briefs. Reply briefs may contain new citations to the record and legal authority as to issues previously raised.

10. A preliminary judgment shall be issued based on the briefing of the interested parties. The preliminary judgment will be sent to the requestor, the district, and all interested parties. If it is determined that a district is not likely to prevail on the issue of a request for the placement of video cameras or the issue of a request to view a video under full review, the district will fully comply with Education Code 29.022.

11. After a preliminary judgment is made, a final judgment will be made in accordance with the procedures set forth in 19 Administrative Code 103.1303(b)(1)–(5) (the Denial of Request Review process).

19 TAC 103.1303(b)

Extension of Time

A request by a district for an extension of time to begin the operation of a video camera under Education Code 29.022 shall be made and decided using the following procedures.

Request

Any request by a district for an extension of time to begin the operation of a video camera shall be filed with the commissioner prior to the 45th school business day after a request to begin operating a video camera is received. However, a district should request an extension of time as soon as it determines that an extension of time should be filed.

A request for an extension of time to begin the operation of a video camera shall specify why an extension of time should be granted. The request shall include affidavits supporting any factual claims made in the request and reference any legal authority as to why the request should be granted. The request may include a request for expedited review. The request shall name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: "You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the

commissioner of education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code 103.1303(c) and Texas Education Code 29.022."

A request for an extension of time to begin the operation of a video camera shall list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.

Filing Documents All documents in a case shall be filed with the Division of Hearings and Appeals, Texas Education Agency, 1701 N. Congress Ave., Austin, Texas 78701, facsimile number (512) 475-3662. Documents shall be filed electronically as provided on the division's website or by mail, delivery, or facsimile. All documents must be actually received by the Division of Hearings and Appeals by the date specified in this section. The mailbox rule does not apply to filings in a case filed under this subsection. Electronic filing is strongly encouraged.

All filings in a case shall be sent to the district, the individual who initially requested the installation of the cameras, and all interested parties who have filed a request to receive documents filed in the case by the same method as the request is filed with the commissioner. Due to the requirements of FERPA, the names, telephone numbers, and addresses of parents and other publicly identifiable student information may not be given to the interested parties. The copies of the filings sent to interested parties shall be redacted to remove all personally identifiable student information.

Filing Responses Any response to a request for an extension of time to begin the operation of a video camera shall be filed with the commissioner by an interested party within ten calendar days of the filing of the request. If no response to the request is timely filed, the commissioner shall issue a final decision within 20 calendar days of the filing of the request.

A response to a request for an extension of time to begin the operation of a video camera shall specify why an extension of time should or should not be granted. The response shall include affidavits concerning any factual claims made in the request and reference any legal authority as to why the request should or should not

be granted. The response may include a request for expedited review.

Expedited Review

A request for expedited review must be filed with the commissioner within ten calendar days of the filing of the request for an extension of time to begin the operation of a video camera. If a request for expedited review is made, all interested parties shall be notified that they have been identified as interested parties in the request for an extension of time to begin the operation of a video camera. In particular, the interested parties will be informed that it is their choice whether to participate in the proceedings before the commissioner, that it is entirely up to them to determine to what extent they wish to participate in the proceedings, that the procedures governing these proceedings are found in 19 Administrative Code 103.1303 and Education Code 29.022, and that upon their written request filed with the commissioner they will be sent all filings in this case.

If a request for an expedited review is not made, the commissioner shall issue a final decision within 45 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

If a request for expedited review is made, the following procedures shall be followed:

1. Any reply by the district to any response to the request shall be filed with the commissioner within 25 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

2. A preliminary judgment shall be made by the commissioner within 35 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

3. Any interested party or the district may file objections to the preliminary judgment within 40 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

4. Any reply to an objection to a preliminary judgment must be filed within 45 calendar days of the filing of a request for an extension of time to begin the operation of a video camera.

5. The commissioner shall issue a final decision within 55 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

Commissioner Consideration — In making either a preliminary judgment or a final judgment under this subsection, the commissioner will consider whether granting the requested extension is reasonable considering all factors, including contracting statutes, architectural and structural issues, and the difference in costs to the district if a moderate extension of time is granted.

No Appeal — A commissioner's final decision under this provision is not subject to appeal.

19 TAC 103.1303(c)

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)*

[See EHBCA for information regarding acceleration instruction and accelerated learning committees.]

Intensive Program of Instruction

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.

State Assessments

The program shall be designed to:

1. Enable the student to:
    a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
    b. Attain a standard of annual growth specified by 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]

Use of State Funds

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

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 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)*

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)*

Dropout Recovery Education Programs

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The 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).

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

Education Code 29.081(e)–(f)

Communities in Schools

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

Optional Extended Year Program

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. *Education Code 29.082(a); 19 TAC 105.1001*

Optional Flexible Year Program

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. *Education Code 29.0821; 19 TAC 129.1029*

Optional Flexible School Day Program

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:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
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)

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. [See EHDD]
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)*

Accelerated Instruction in Grades 3–8

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].

Education Code 28.0211(a-1)

Participation Requirements

Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

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.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction. [See Sup-

plemental Instruction Requirements for Certain Funding, item 3, below.]

19 TAC 104.1001(c)

ARD Committee Determination

For a student served by special education who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) [see EKB], the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a FAPE. *19 TAC 104.1001(b)(3)*

Supplemental Instruction Requirements for Certain Funding

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-4)

Supplemental Accelerated Instruction Requirements

Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school district. Supplemental accelerated instruction shall be provided as outlined in items 2–5 and 8 (above), 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. *19 TAC 104.1001(d)*

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 (EOC) 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 fail-

ure 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 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

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis.*19 TAC 104.1001(b)(4)*

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)*

If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee. *19 TAC 104.1001(e)(1)*

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 Determination for Grades 3, 5, and 8

The 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)*

Students Who Meet Criteria for the Alternative Assessment

The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under Education Code 39.023(b) [see EKB], who do not perform satisfactorily on a mathematics or reading assessment instrument in grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by 19 Administrative Code 104.1001(b) do not apply.

ARD Committee Responsibilities

In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet and develop a plan [see Education Plan, above] to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the required members of a properly constituted ARD committee [see EHBAB].

When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of 19 Administrative Code 89.1050(d) and 34 Code of Federal Regulations 300.322 [see EHBAB].

The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated

instruction in writing and a copy must be provided to the student's parent or guardian. This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

Dispute Resolution

A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in 19 Administrative Code 89.1150 [see EHBAE] to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the district grievance policy [see FNG].

19 TAC 104.1001(f)

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); 19 TAC 104.1001(g)*

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)

Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. *Education Code 29.303*

Personnel

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of deaf or hard-of-hearing students either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

The district shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the district and shall make positive efforts to employ qualified individuals with disabilities.

Education Code 29.304

Involvement of Others

Students who are deaf or hard of hearing must have an education in which parents or legal guardians and advocates for parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals may be involved at the discretion of parents or legal guardians or the district. *Education Code 29.306*

Students who are deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models. *Education Code 29.307*

Advisory Committee

If the district has students who are deaf or hard of hearing, it shall include in its local special education advisory committee persons who are deaf or hard of hearing and parents or students who are deaf or hard of hearing, if practicable. *Education Code 29.309*

Assessment

The district shall not discriminate on the basis of race, culture, or sex when selecting and administering procedures and materials for assessment and placement of students who are deaf or hard of hearing. *Education Code 29.310(a)*

Placement

A single assessment instrument may not be the sole criterion for determining the placement of a student who is deaf or hard of hearing. *Education Code 29.310(b)*

Procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials

used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication. *Education Code 29.310(c)*

Deaf or Hard-of-Hearing Programs

Programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including agencies operating early childhood intervention programs, preschools, agencies operating child development programs, nonpublic nonsectarian schools, agencies operating regional occupational centers and programs, and the Texas School for the Deaf. The programs must also be coordinated with postsecondary and adult programs for persons who are deaf or hard of hearing. *Education Code 29.311*

Counseling

Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. Appropriate auditory systems shall be used with students who are hard of hearing, if required by the admission, review, and dismissal (ARD) committee. *Education Code 29.312*

Evaluation

The district must provide continuous evaluation of the effectiveness of programs for students who are deaf or hard of hearing. If practicable, the evaluations shall follow program excellence indicators established by TEA. *Education Code 29.313*

Transition to Regular Class

In addition to satisfying requirements under state and federal law for vocational training, the district shall develop and implement a transition plan for transition of students who are deaf or hard of hearing into a regular class program if the students are to be transferred from a special class or center or from a nonpublic, nonsectarian school into a regular class for any part of the school day. The transition plan must provide for activities to integrate the students into the regular education program and to support the transition of the students from the special education program into the regular education program. *Education Code 29.314*

Regional Day School Programs for the Deaf

In accordance with Education Code 30.081 through 30.087, a district shall have access to regional day school programs for the deaf operated by districts at sites previously established by the State Board of Education. Any student who is deaf or hard of hearing with a disability that severely impairs processing linguistic information through hearing, even with recommended amplification, and that adversely affects educational performance shall be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations. *19 TAC 89.1080*

Adult Education

A district must provide an adult education program designed to meet the education and training needs of adults to the extent possible using available public and private resources. Bilingual education must be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development. *Labor Code 315.003*

Essential Program Components

An Adult Education and Literacy (AEL) grant recipient shall ensure that essential program components are provided as outlined in the grant application for statewide AEL funds, which include the components described by 40 Administrative Code 805.4. *40 TAC 805.4*

Staff Qualifications

AEL instructional aides, administrative, data entry, proctoring staff, and staff providing support or employment services to students shall have at least a high school diploma or a high school equivalency certificate. AEL directors, supervisors, and staff that oversee program assessment services and/or overall program accountability, and instructors in the content areas of reading, writing, mathematics, and English language acquisition, including substitutes, shall possess at least a bachelor's degree.

Requests for exemptions for staff qualification requirements in individual cases may be submitted to the Texas Workforce Commission for approval. The exemption shall include a justification outlining extenuating circumstances and shall be submitted and approved prior to an individual being placed in the position in question.

Professional Development

The district shall comply with the program requirements for professional development in accordance with 40 Administrative Code 805.21.

Records of staff qualifications and professional development shall be maintained by each grant recipient and shall be available for monitoring.

40 TAC 805.21

Tuition and Fees

Tuition and fees shall not be charged unless a district is statutorily authorized to do so. Funds generated by tuition and fees shall be used for the AEL instructional programs and must be expended before federal and state grant funds, in accordance with 2 Code of Federal Regulations 200.305(b)(5). *40 TAC 805.45*

Reimbursement for Community Education

If a board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.

Conditions	A district will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year. *Education Code 29.256*

Innovative Courses

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

To request approval of a new innovative course, the applying district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27(a)(3)–(7)

Magnet Schools or Programs

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9–12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

Partial Award

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

Attendance for Credit or Final Grade

Unless credit is awarded by the attendance committee or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

Homeless or Substitute Care

A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit).

A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.

The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.

A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;

2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who 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, or does not perform satisfactorily on a state assessment instrument;

3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;

4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

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

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

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

Transcript Seals

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

Endorsement

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

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record. *Education Code 28.025; 19 TAC 74.5(f)–(m), .11(b), .39(e)*
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete: 1. The recommended or advanced high school curriculum; or 2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308

Certificate of Coursework Completion

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

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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 the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

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 not required to be administered to the student.

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) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

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 emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3022(a)–(c)

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)*

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)*

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

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on

an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

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. [See EIF]

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 retake 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)

For more information on graduation requirements for special education students, see EIF.

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 perfor-

mance 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 charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. 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(a)–(d)

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), 39.023(e)*

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

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(e)

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)–(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 39.003(d), 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)(8)

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]

General Eligibility

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

Student and Parent

The person and either parent reside in the district.

Conservator

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

Guardian or Person Having Lawful Control

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

Students Living Separate and Apart

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

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

Education Code 25.001(a)–(b), (d)

Students Who Are Homeless

The person is homeless. [See also FDC]

1. "Child who is homeless," "person who is homeless," and "student who is homeless" have the meaning assigned to the term homeless children and youths under the McKinney-Vento Homeless Assistance Act.
2. "Homeless children" under the McKinney-Vento Homeless Assistance Act, means children or youths who lack a fixed, regular, and adequate nighttime residence; and includes:

a. Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

b. Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

c. Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

d. Migratory children living in circumstances described above. “Migratory child’’ means a child who made a qualifying move in the preceding 36 months:

(1) As a migratory agricultural worker or a migratory fisher; or

(2) With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher. [See EEB]

Education Code 5.001(1-a), 25.001(b)(5); 20 U.S.C. 6399; 42 U.S.C. 11434a(2)

[For information regarding the transfer of records and other transition requirements for a student who is homeless, see FFC.]

Foreign Exchange Students

The person is a foreign exchange student placed with a host family that resides in the district by a nationally recognized foreign exchange program, unless the district has applied for and been granted a waiver by the commissioner of education because:

1. This requirement would impose a financial or staffing hardship on the district;

2. The admission would diminish the district’s ability to provide high-quality education services for the district’s domestic students; or

3. The admission would require domestic students to compete with foreign exchange students for educational resources.

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

Students in Residential Facility	The person resides at a residential facility, as defined in Education Code 5.001, located in the district. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*
Students Over 18	The person resides in the district and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*
Resident Grandparent	The person does not reside in the district but the grandparent of the person: 1. Resides in the district; and 2. Provides a substantial amount of after-school care for the person as determined by the board. *Education Code 25.001(b)(9)*
Residence Homestead	The person and either parent of the person reside in a residence homestead, as defined by Tax Code 11.13(j), that is located on a parcel of property any part of which is located in the district. *Education Code 25.001(b)(10)*
Proof of Eligibility	A district may require evidence that a person is eligible to attend the public schools of the district at the time it considers an application for admission of the person. A board or its designee shall establish minimum proof of residency acceptable to a district. A board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under the provision at Students Living Separate and Apart above, a board shall determine whether an applicant qualifies as a resident of a district and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*
"Residence" Defined	"Residence" requires living in the district and having the present intention to remain there. *Martinez v. Bynum, 461 U.S. 321 (1983*) A district may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*
Active-Duty Parent	A person whose parent or guardian is an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, may establish residency for purposes of eligibility of admission by providing to the district a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to the district 's attendance zone. *Education Code 25.001(c-1)*

A person who establishes residency under Education Code 25.001(c-1) shall provide to the district proof of residence in the district's attendance zone not later than the tenth day after the arrival date specified in the military order. For purposes of this provision, "residence" includes residence in a military temporary lodging facility. *Education Code 25.001(c-2)*

Immigration Status

Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*

High School Equivalency Certificate

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

Substitute for Parent or Guardian

A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

Authorization Agreement

"Adult caregiver" means an adult person whom a parent has authorized to provide temporary care for a child under Family Code Chapter 34. *Family Code 34.0015(1)*

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with an adult caregiver to authorize the adult caregiver to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the district; and
3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

Family Code 34.002

A parent may enter into an authorization agreement with an adult caregiver with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of

abuse or neglect or while the department is providing services to the parent. *Family Code 34.0021*

The authorization agreement must conform to the requirements of Family Code Chapter 34.

A child who is the subject of an authorization agreement is not considered to be placed in foster care and the parties to the agreement are not subject to any law or rule governing foster care providers. *Family Code 34.0022(b)*

An authorization agreement does not affect the rights of the child's parent or legal guardian regarding the care, custody, and control of the child, and does not mean that the adult caregiver has legal custody of the child. *Family Code 34.007(b)*

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect. *Family Code 34.002(d), .008(f)*

An authorization agreement is for a term of six months and renews automatically for six-month terms unless an earlier expiration date is stated in the agreement, the agreement is terminated under Family Code 34.008, or a court authorizes continuation. *Family Code 34.0075*

Immunity

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34. *Family Code 34.007(a)*

Note: The Authorization Agreement for Nonparent Relative (PDF)[1] is available on the DFPS website.

Temporary Authorization for Care

A person eligible to consent to treatment of a child under Family Code 32.001 or a person eligible to enter an authorization agreement [see Authorization Agreement, above] may seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides if:

1. The child has resided with the person for at least the 30 days preceding the date the petition was filed; and

2. The person does not have an authorization agreement or other signed, written documentation from a parent, conservator, or guardian that enables the person to provide necessary care for the child.

Family Code 35.001–.002

The order may authorize the petitioner to, among other things:

1. Consent to medical, dental, psychological, and surgical treatment and immunization of the child;
2. Enroll the child in the district; and
3. Authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A temporary authorization order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child. *Family Code 35.007(b)*

Immunity

A person who relies in good faith on a temporary authorization order is not subject to civil or criminal liability to any person, or to professional disciplinary action. *Family Code 35.007(a)*

Students in Foster Care

A child placed in foster care by an agency of the state or a political subdivision shall be permitted to attend schools in the district in which the foster parents reside free of any charge to the foster parents or to the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by a district. *Education Code 25.001(f)*

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

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to at-

tend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

A written case plan for any child in foster care under the responsibility of the state must include a plan for ensuring the educational stability of the child while in foster care, including:

1. Assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child in enrolled at the time of placement; and

2. An assurance that the appropriate state agency has coordinated with a district to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or if remaining in that school is not in the best interests of the child, assurances by the state agency and the district to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

42 U.S.C. 675(1)(G), 675a [See CNA]

[For information regarding the transfer of records and other transition requirements for a student who is in substitute care, see FFC.]

Transfers from Other States

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

Students Holding F-1 Student Visas

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

The commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a stu-

dent's education. A district may not accept tuition in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

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

Education Code 25.0031

Note: Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal Student and Exchange Visitor Program[2] (SEVP) under the Department of Homeland Security.

Texas Juvenile Justice Department

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

Enrollment

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

Legal Surname

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

Required Documentation

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

1. The child's birth certificate, or another document suitable as proof of the child's identity.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not

required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a)

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

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

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

Education Code 25.002(a-1)

Residential Facility

Except for a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility, a residential facility shall provide to a district that provides educational services to a student placed in the facility any information retained by the facility relating to:

1. The student's school records, including records regarding special education eligibility or services, behavioral intervention plans, school-related disciplinary actions, and other documents related to the student's educational needs;

2. Any other behavioral history information regarding the student that is not confidential under another law; and

3. The student's record of convictions or the student's probation, community supervision or parole status, as provided to the facility, if necessary to provide education services to the student.

Education Code 29.012(f), (g)

Summer School Enrollment

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

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

Education Code 25.008

Enrollment in Prekindergarten and Kindergarten

A parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten, or enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade. *Education Code 28.02124* [See EIE]

Food Allergy Information

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

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

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

Education Code 25.0022(a)–(c)

Child in DFPS Possession

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

Inconsistent Documentation

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

Missing Documentation

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

Education Code 25.002(b)–(c)

Parent Contact Information

The parent of a student enrolled in a district shall provide in writing to the district:

1. On enrollment of the student in the district and not later than two weeks after the beginning of each school year, the parent's address, phone number, and email address; and
2. If the parent's contact information changes during the school year, not later than two weeks after the date the information changes, the parent's updated information.

Education Code 26.0125

Students Under 11

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

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

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

False Information

When accepting a child for enrollment, a district shall inform the parent or other person enrolling the child that presenting a false

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

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

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

Placement of Transfers

Credits and Records

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

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

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

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

[For information regarding educational placement of students who are homeless or in substitute care, see FFC.]

Foundation School Program

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

1. On September 1 of the year, the person:
   a. Is at least five years of age and under 21 years of age, and has not graduated from high school;
   b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or
   c. Is at least 18 years of age and under 50 years of age and is enrolled in an adult education program provided under the adult high school charter school program under Education Code Chapter 12, Subchapter G.
2. The person is enrolled in prekindergarten under Education Code 29.153 [see EHBG].
3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.
4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 48.003

Screening

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

Pest Control Information

Chief administrators or the integrated pest management (IPM) coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See CLB]

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[1] Authorization Agreement for Nonparent Relative (PDF): https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf

[2] Student and Exchange Visitor Program: https://www.ice.gov/sevis

Agreement Between Districts

The boards of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement and in accordance with Education Code 25.032–.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this provision, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance. *Education Code 25.035*

Initiated by Student or Parent

Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer. *Education Code 25.036* [See also FD]

Transfer to a District Offering In-Person Instruction

If a district provides notice to the parent or person standing in parental relation to a student enrolled in the district of the district's intent to offer only virtual instruction for more than one grading period during a school year, the student may transfer for that school year to another district that offers in-person instruction during that school year and accepts the student's transfer.

"Virtual instruction" means instructional activities delivered to students primarily over the internet.

A student who transfers to another school district under this section may not be charged tuition. The student is included in the average daily attendance of the district in which the student attends school.

Education Code 25.045

Basis for Transfer

A board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032* [See FDAA]

Transportation

A board may establish and operate an economical public school transportation system outside the district if students enrolled in the district reside outside the district and the district meets the requirements of Education Code 34.007(a)(3) [see CNA]. *Education Code 34.007(a)*

Funding for Transfers

Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's

attendance after transfer shall be counted by the receiving district. *Education Code 25.037*

Credits and Records

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

Tuition Fee for Transfer Students

A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

Transfers to Adjoining States

Note: The following provision applies to a district located on the border of an adjoining state.

Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. *Education Code 25.040*

Contracts for Education Outside Districts

Note: The following section applies only to districts that do not offer all grades, kindergarten–grade 12.

A district that does not offer each grade, kindergarten–grade 12, may provide by contract for students residing in the district who are at grade levels not offered by the district to be educated at those grade levels in one or more other districts. In each contract, the

districts also shall agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

Tuition

The district in which the students reside shall pay tuition to any district with which it has a contract under this section for each of its students attending school in that district at a grade level for which the district has contracted. The amount of the tuition paid may not exceed the greater of the amount provided for by Education Code 25.038 [see above], or an amount specified by commissioner rule [see below].

A district is not required to pay tuition to any district with which it has not contracted for the attendance by any of its students at a grade level for which it has contracted under this provision with another district.

A contract under this provision may not be for a period exceeding five years.

Education Code 25.039

Definitions

"Home district" means a district of residence of a transferring student.

"Receiving district" means a district to which a student is transferring for the purpose of obtaining an education.

"Tuition" means an amount charged to the home district by the receiving district to educate the transfer student.

Tuition Allotment of the Home District

For the purposes of calculating the tuition allotment of the home district as authorized by Education Code 48.154, the amount of tuition that may be attributed to a home district for a transfer student in payment for that student's education may not exceed an amount per enrollee calculated for each receiving district. The calculated limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district. Tuition may be set at a rate higher than the calculated limit if both districts enter a written agreement, but the calculated tuition limit will be used in the calculation of the tuition allotment for the home district. The calculation will use the most currently available data in an ongoing school year to determine the limit that applies to the subsequent school year. For purposes of this provision, the number of students enrolled in a district will be appropriately adjusted to account for students ineligible for the Foundation School Program funding and those eligible for half-day attendance.

Calculated Tuition Limit

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt

revenue per enrollee, as calculated in 19 Administrative Code 61.1012(b)(2)–(3).

Notification and Appeal Process

In the spring of each school year, the commissioner will provide each district with its calculated tuition limit and a worksheet with a description of the derivation process. A district may appeal to the commissioner if it can provide evidence that the use of projected student counts from the LPE in making the calculation is so inaccurate as to result in an inappropriately low authorized tuition charge and undue financial hardship. A district that used significant nontax sources to make any of its debt service payments during the base year for the computation may appeal to the commissioner to use projections of its tax collections for the year for which the tuition limit will apply. The commissioner's decision regarding an appeal is final.

19 TAC 61.1012

Note: For more information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, see FFC.

Children Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district serving children who are homeless shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness:
    a. If the child's family becomes homeless between academic years or during an academic year; and
    b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

42 U.S.C. 11432(g)(3)(A) [For definition of "children who are homeless," see FD]

Definitions

Unaccompanied Youth

"Unaccompanied youth" includes a child who is homeless or youth not in the physical custody of a parent or guardian. *42 U.S.C. 11434A*

Enrollment

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

School of Origin

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled, including a preschool.

When the child completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

42 U.S.C. 11432(g)(3)(I)

School Stability

In determining the best interest of a child who is homeless, a district shall:

1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the

request of the child's parent or guardian, or (in the case of an unaccompanied youth) the youth;

2. Consider student-centered factors related to the child's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of children who are homeless, giving priority to the request of the child's parent or guardian or the unaccompanied youth;

3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, the district determines that it is not in the child's best interest to attend the school of origin or the school requested by the parent or guardian or the unaccompanied youth, provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth at Enrollment Disputes, below; and

4. In the case of an unaccompanied youth, ensure that the homeless liaison [see FFC] assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth at Enrollment Disputes, below.

42 U.S.C. 11432(g)(3)(B)

Contact Information

A district may require the parent or guardian of a child who is homeless to submit contact information. *42 U.S.C. 11432(g)(3)(H)*

Immediate Enrollment

The school selected in accordance with these provisions shall immediately enroll a child who is homeless, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or

2. Has missed application or enrollment deadlines during any period of homelessness.

42 U.S.C. 11432(g)(3)(C)

Enrollment Disputes

If a dispute arises over eligibility, or school selection or enrollment in a school:

1. The child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the district, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison [see FFC], who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and

4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

42 U.S.C. 11432(g)(3)(E) [See FNG]

School Placement

As a condition of receiving funds under the McKinney-Vento Act, TEA shall submit to the U.S. Secretary of Education a plan that includes assurances that a district will adopt policies and practices to ensure that children who are homeless are not stigmatized or segregated on the basis of their status as homeless. *42 U.S.C. 11432(g)(1)(J)(i)*

The choice regarding placement shall be made regardless of whether the child lives with the parents who are homeless or has been temporarily placed elsewhere. *42 U.S.C. 11432(g)(3)(F)*

Records

Academic

The enrolling school shall immediately contact the school last attended by the child to obtain relevant academic and other records. *42 U.S.C. 11432(g)(3)(C)(ii)*

Health

If the child needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the child's parent or guardian or an unaccompanied youth to the district homeless liaison [see FFC] who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records. [See also FFAB] *42 U.S.C. 11432(g)(3)(C)(iii)*

Maintenance

Any record ordinarily kept by a school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluation for special services or programs, regarding each child who is homeless shall be maintained so that the records involved are available, in a timely fashion, when a child enters a new school or district, and in a manner consistent

with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) [see FL]. *42 U.S.C. 11432(g)(3)(D)*

Privacy — Information about the living situation of a child who is homeless shall be treated as a student education record and shall not be deemed to be directory information under FERPA. [See FL] *42 U.S.C. 11432(g)(3)(G)*

Comparable Services — The district shall provide a child who is homeless with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

42 U.S.C. 11432(g)(4)

Coordination — A district serving children who are homeless shall coordinate:

1. The provision of services with local social services agencies and other agencies or entities providing services to children who are homeless and their families; and
2. Transportation, transfer of school records, and other interdistrict activities with other local educational agencies.

Housing Assistance — If applicable, a district shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for children who become homeless.

Purpose — The coordination shall be designed to:

1. Ensure that children who are homeless are promptly identified and have access to, and are in reasonable proximity to, available education and related support services; and
2. Raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Children who are Homeless with Disabilities

For children who are to be assisted both under the McKinney-Vento Act and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a district shall coordinate provision of services under the McKinney-Vento Act with the provision of programs for children with disabilities served by that district and other involved local educational agencies. [See EHBA series]

42 U.S.C. 11432(g)(5)

Barriers to Enrollment

A district shall review and revise any policies that may act as barriers to the identification or enrollment of children who are homeless. A district shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. A district shall give special attention to ensuring the identification, enrollment, and attendance of children who are homeless who are not currently attending school*. 42 U.S.C. 11432(g)(7)*

Website Information on Local Programs

Each campus within a district with 3,000 or more students and located in a county with a population of at least 50,000 that maintains an internet website shall post on the campus website information regarding local programs and services, including charitable programs and services, available to assist students who are homeless.

A campus shall make a good faith effort to compile information and shall post the information compiled in a format and style that is easily understandable by students or parents, as appropriate based on the grade levels the campus offers.

A representative of a local program or service available to assist students who are homeless may request to have information concerning the program or service posted on a campus website. A campus may determine the information that is posted on its website and is not required to post information as requested by the representative.

The district is not liable for any harm to a student that results in connection with a local program or service referred to on the website of a campus.

Education Code 33.906

Other Related Policies:

- AID—Federal Accountability Standards
- CNA—Student Transportation

- EHBD—Federal Title I Programs
- FB—Equal Educational Opportunities
- FD—Admissions
- FFAB—Immunizations
- FFC—Student Support Services
- FL—Student Records
- FP—Student Fees, Fines, and Charges

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)–(h)

Accelerated / Compensatory Programs

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]

   b. To a student removed to a DAEP who has been offered an opportunity to complete coursework before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

Additional Instructional Days

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB(LEGAL)]. *Education Code 25.085(i)*

Exemptions

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *Tex. Educ. Agency v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

Special Education—Nondistrict Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: 1. Has the permission of the student's parent or guardian to attend the course; 2. Is required by court order to attend the course; 3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or 4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: 1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or 2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801. [Note: The Workforce Investment Act of 1998 has been repealed.]
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law. *Education Code 25.086*

Excused Absences for Compulsory Attendance Determinations

Note: Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[1]

A district shall excuse a student from attending school for the following purposes, including travel for those purposes.

1. Observing religious holy days;
2. Attending a required court appearance;
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship.
4. Taking part in a United States naturalization oath ceremony;
5. Serving as an election clerk [see Early Voting Clerks, below]; or
6. If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:
    a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
    b. Required under a service plan under Family Code Chapter 263, Subchapter B.

Education Code 25.087(b)(1)

Health-Care Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2)–(b-3)*

Serious or Life-Threatening Illness

A district shall excuse an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides a certification from a physician licensed to practice medicine in Texas specifying the student's illness and the an-

ticipated period of the student's absence relating to the illness or related treatment. *Education Code 25.087(b)(3)*

Higher Education Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and

2. The district adopts:

    a. A policy to determine when an absence will be excused for this purpose; and

    b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2)

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed Services

A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and

2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

Education Code 25.087(b-5), (b-6)

Visit to a Driver's License Office

A district may 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 district must verify the student's visit to the driver's license office in accordance with procedures adopted by the district. *Education 25.087(b-7)*

Taps at Military Funeral

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

No Penalty

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

Make-Up Work

The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

Other Excused Absences

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

Notices to Parents

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on

three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance

Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

Affirmative Defense—Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a)–(b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a)–(b)

Affirmative Defense—Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

1. Have been excused by a school official or by the court;
2. Were involuntary; or
3. Were due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

The affirmative defense is not available if, after deducting the absences described above, there remains a sufficient number of absences to constitute truant conduct.

In asserting an affirmative defense, the burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused, was involuntary, or was due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

Family Code 65.003(c)–(f)

Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

District Complaint or Referral

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951(a)*

[1] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[1]

Uniform Accounting System

Each district shall use a uniform accounting system adopted by the commissioner for the data required to be reported for the Public Education Information Management System. *Education Code 48.008(b)*

Student Attendance Accounting Handbook

The commissioner will annually establish student attendance accounting guidelines and procedures to be used by a district to maintain records and make reports on student attendance and student participation in special programs.

The standard procedures that a district must use to maintain records and make reports on student attendance and student participation in special programs are described in the official TEA publication *Student Attendance Accounting Handbook.* A copy of the *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance.

Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.

19 TAC 129.1025

Incentive for Additional Instructional Days

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and

2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Education Code 48.0051(a)

Funding for Off-Campus Programs

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration

of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *Student Attendance Accounting Handbook*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c)–(d) [See EHDD]

[For information regarding funding for virtual instruction and remote learning programs, see EHDE and EHDF.]

Disasters

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 48.006(a), (c)

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[1] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: See FB for the application of Section 504 of the Rehabilitation Act to students who qualify for individualized health plans.

Diabetes Management and Treatment Plan

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

Required Elements

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

Submission to School

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

Health and Safety Code 168.002

Individualized Health Plan

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see Required Elements, above].

Health and Safety Code 168.001(3), .003

Independent Monitoring and Treatment

In accordance with the student's IHP, a school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;

2. Administering insulin through the insulin delivery system the student uses;

3. Treating hypoglycemia and hyperglycemia;

4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and

5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Health and Safety Code 168.008

Required Care

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. A district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCAs. *Health and Safety Code 168.007(c)–(d)*

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

School Nurse Not Available

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and

2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see Immunity from Liability, below].

Health and Safety Code 168.007(a)

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the student's diabetes treatment.

Health and Safety Code 168.007(b)

Unlicensed Diabetes Care Assistants

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCAs and to care for students with diabetes; and

2. Make efforts to ensure the school has:

    a. At least one UDCA if a full-time nurse is assigned to the school; and

    b. At least three UDCAs if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA Training, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

Health and Safety Code 168.001(5)–(6), .003–.004

UDCA Training

If a school nurse is assigned to a campus, the nurse shall coordinate the training of school employees acting as UDCAs. Training for UDCAs must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or

2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

Health and Safety Code 168.005

Note: Guidance for the care of students with diabetes is available on the Texas Department of State Health Services (TDSHS) website.[1]

Information to Employees

A district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

Health and Safety Code 168.006

Immunity from Liability

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see Required Care, above] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

Health and Safety Code 168.007(e)–(f)

Students at Risk for Anaphylaxis

The board shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[2] developed by the commissioner of state health services. A district shall annually review the policy and, as necessary, revise its policy for the care of students with a diagnosed food allergy at risk for anaphylaxis to ensure the policy is consistent with the most current version of the guidelines.

This section does not waive any liability or immunity of the district or its officers or employees or create any liability for or a cause of action against the district or its officers or employees.

Notwithstanding any other law, these provisions do not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action.

Education Code 38.0151(a)–(b), (d), (i)–(j)

A district that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Education Code Chapter 38, Subchapter E [see FFAC] is not required to comply with Education Code 38.0151. *Education Code 38.0151(f)*

Website Requirements

Each school year, the board shall post a summary of the guidelines on the district's website [see CQA], including instructions on obtaining access to the complete guidelines document. The district's website must be accessible by each student enrolled in the district and a parent or guardian of each student. Any forms used by a district requesting information from a parent or guardian enrolling a child with a food allergy in the district must include information to access on the district's website a summary of the guidelines and instructions on obtaining access to the complete guidelines document. *Education Code 38.0151(g)*

Seizure Management and Treatment Plan

The parent or guardian of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the district at which the student is enrolled a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. The plan must be submitted to and reviewed by the district:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls in the district after the beginning of the school year; or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

Plan Requirements

A seizure management and treatment plan must:

1. Identify the health-care services the student may receive at school or while participating in a school activity;
2. Evaluate the student's ability to manage and level of understanding of the student's seizures; and
3. Be signed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

Education Code 38.032(a)–(b)

Immunity

The care of a student with a seizure disorder by a district employee under a seizure management plan submitted under Education Code 38.032 is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Education Code 22.0511, regarding immunity from liability.

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student.

Education Code 38.032(c)–(d)

[See DMA for seizure recognition and related first aid training.]

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[1] TDSHS guidance for the care of students with diabetes: https://www.dshs.texas.gov/diabetes/diabetes-children

[2] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Liaison for Court-Related Students

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

Liaison for Students Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)* [See FDC for more information regarding McKinney-Vento Act requirements.]

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of “homeless children.”]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians

of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;

8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;

9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and

10. Unaccompanied youths:

    a. Are enrolled in school;

    b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and

    c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B)

Determination of Homeless Status

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

Liaison for Children in State Conservatorship

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

Education Code 33.904

Transition to Higher Education

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

Family Code 264.1212 [See FFEA]

Transition Assistance for Highly Mobile Students

Definitions

Educational and Course Programs

"Educational and course programs" means programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.

Enrollment Conference

"Enrollment conference" means a student-centered meeting between key district staff and the newly enrolled student and/or the student's parent or guardian that occurs within the first two weeks of enrollment, as soon as feasible, at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504

services, academic and/or behavioral interventions, social and emotional needs, college and career readiness). The student's attendance in the conference should be addressed on a case-by-case basis.

Records "Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

Welcome Packet "Welcome packet" means a compilation of district and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.

19 TAC 89.1601(2), (4), (9), (11)

Transfer of Student Records

Each district shall ensure that school records for students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records. Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

19 TAC 89.1603

Systems and Procedures

A district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists;
2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and
3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a)

A district must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists on local processes and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

A district must use the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student's previous school are missing or cannot be located, a district should use the Texas Student Data System (TSDS) Unique ID application to identify where the student was previously enrolled.

19 TAC 89.1605(c)–(d)

Enrollment Conference

A district shall convene an enrollment conference within the first two weeks or as soon as feasible, after a student who is homeless or in substitute care enrolls at a new school. The convening of the

enrollment conference shall not delay or impede the enrollment of the student.

The student's attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. McKinney-Vento or foster care liaisons;
3. Social workers;
4. Teachers;
5. School counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or DFPS caseworker;
9. The DFPS designated educational decision-maker;
10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteers, as applicable; and
11. A parent or guardian, unless the caseworker indicates the parent's or guardian's rights to participate have been restricted by the court.

19 TAC 89.1605(b)

Educational Placement

A district must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.

A district must ensure that a student who is homeless or in substitute care has the opportunity to pursue the same endorsement cat-

egories, to the extent possible. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, a district shall ensure the continuation of a student's course and educational programs, if appropriate, from the previous district by placing the student in comparable courses and programs for which they are eligible.

A district shall promote placement in academically challenging and career preparation courses.

19 TAC 89.1609

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Access to Educational and Extracurricular Programs and Courses

A district must develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

A district must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless and plans to participate in varsity athletics.

In compliance with Education Code 25.001(f) [see FD], a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by the district.

19 TAC 89.1611

Postsecondary Information for Students who are Homeless or in Substitute Care

District counselors or other designated staff shall work with district McKinney-Vento and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required by Education Code 28.02121 [see EIF].

Districts must provide postsecondary counseling in alignment with Education Code 33.007 [see FFEA], for all students, including students who are homeless or in substitute care.

Districts must connect students to college readiness initiatives, campus visits, and other postsecondary preparation opportunities provided by the district.

School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high school and each subsequent year throughout high school. [See FFEA]

Provisions for Students Experiencing Homelessness

McKinney-Vento liaisons must inform unaccompanied homeless youths of their status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x)(III).

School counselors must assist and advise students experiencing homelessness with college preparation and readiness, pursuant to 42 United States Code 11432(g)(1)(K).

19 TAC 89.1613(a)–(b)

Provisions for Students in Substitute Care

A district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

A district shall inform students in substitute care of tuition and fee exemptions under Education Code 54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

A district shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.

19 TAC 89.1613(c)

Notice of Events for Students in Substitute Care

A district must provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student. *19 TAC 89.1617*

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];
5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];
7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

Education Code 25.007(b)(10)

Child Welfare Contact

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

School-Community Guidance Center

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate

a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

Cooperative Programs

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

Parental Notice and Access to Information

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

Parental Involvement

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;

2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A parent who violates such a court order may be punished for contempt of court.

Court Supervision

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055–.056

Definitions

"Bullying":

Bullying

1. Means 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 satisfies the applicability requirements below and that:

    a. 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;

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

    c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

    d. Infringes on the rights of the victim at school; and

2. Includes cyberbullying.

Cyberbullying

"Cyberbullying" means 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.

Applicability

These provisions apply to:

1. 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;

2. 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

3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:

    a. Interferes with a student's educational opportunities; or

b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Policy

The board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prevents and mediates bullying incidents between students that:
   a. Interfere with a student's educational opportunities; or
   b. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;
3. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
4. Establishes a procedure for providing notice of an incident of bullying to:
   a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
   b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
5. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
6. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
7. Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
8. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying;
9. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law,

including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

10. Complies with the minimum standards adopted by the Texas Education Agency (TEA) for a district's policy.

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the district improvement plan under Education Code 11.252. [See BQ]

Note: Minimum Standards for Bullying Prevention[1] are available on TEA's website.

Internet Posting

The procedure for reporting bullying must be posted on a district's internet website to the extent practicable.

Education Code 37.0832

[1] TEA Minimum Standards for Bullying Prevention: https://tea.texas.gov/texas-schools/health-safety-discipline/student-discipline/minimum-standards-for-bullying-prevention

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Education Records

"Education Records" Defined

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

The term "education records" does not include:

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

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

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening,

and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b)* [See FFAA]

Immunization Records

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

Medical Records

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

Privacy Rule for Non-"Education Records"

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

Food Allergy Information

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

Exceptions

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

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

Education Code 25.0022(d)–(f)

Assessment Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school per-

sonnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic Achievement Record (Grades 9–12)

Following guidelines developed by the commissioner of education, a district must use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

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

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

Education Code 25.002(a)

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

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

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

Access, Disclosure, and Amendment

Definitions

Attendance

"Attendance" includes, but is not limited to:

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

Authorized Representative

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

Biometric Record

"Biometric record" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

Disclosure

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

Education Program

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

Parent

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

Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Record

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

34 C.F.R. 99.3

Signed and Dated Written Consent

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

1. Identifies and authenticates a particular person as the source of the electronic consent; and

2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

Disclosure With Consent

The parent or eligible student shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records, except as provided by 34 C.F.R. 99.31. The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the part or class or parties to whom the disclosure may be made.

When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed.

34 C.F.R. 99.30(a)–(c)

Access by Parents

A district shall give full rights under these provisions to either parent, unless the district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. *34 C.F.R. 99.4*

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *Family Code 153.012*

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.

Education Code 26.004

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. *34 C.F.R. 99.12(a)*

Access by Student

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education. *34 C.F.R. 99.*3

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under these provisions transfer from the parents to the student.

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

34 C.F.R. 99.5, .31(a)(8), (a)(10), .36

Disclosure Without Consent

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

School Officials

School officials, including teachers, who have legitimate educational interests.

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

1. Performs an institutional service or function for which the district would otherwise use employees;

2. Is under the direct control of the district with respect to the use and maintenance of education records; and

3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

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

34 C.F.R. 99.31(a)(1)

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. *Education Code 38.009*

Officials of Other Schools

Officials of educational agencies or institutions, including officials of another school or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district shall:

1. Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

    a. The disclosure is initiated by the parent or eligible student; or

    b. The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;

2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

3. Give the parent or eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C.

34 C.F.R. 99.31(a)(2), .34

Authorized Government Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35(a)(1)*

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

Financial Aid Personnel

Personnel involved with a student's application for, or receipt of, financial aid. *34 C.F.R. 99.31(a)(4)(i)*

Juvenile Justice Officials

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

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and

2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

34 C.F.R. 99.31(a)(5)(i), .38

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

Organizations Conducting Studies

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruc-

tion. Such studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

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

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;

3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

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

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

34 C.F.R. 99.31(a)(6)(i)-(iv)

Accrediting Organizations Accrediting organizations to carry out their accrediting functions. *34 C.F.R. 99.31(a)(7)*

Health or Safety Emergency Appropriate parties, including the student's parents, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student

or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education (U.S. ED) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.31(a)(10), .36(a),(c)

Agriculture Secretary

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act [see COB] for which the results will be reported in an aggregate form, on the conditions as follows:

1. Any data collected under this paragraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the United Stated Secretary of Education; and

2. Any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

20 U.S.C. 1232g(b)(1)(K)

Child Welfare Agency

An agency caseworker or other representative of a state or local child welfare agency or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when the agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student. Education records, or the personally identifiable information contained in such records, of the student shall not be disclosed by the agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive the disclosure. A disclosure must be consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

Directory Information

Any person requesting directory information after a district has given public notice of that definition. [See Directory Information, below] *34 C.F.R. 99.37*

Information Collection

U.S. ED–Funded Surveys (PPRA)

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. ED, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emanci-

pated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

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

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

Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4)* [See EF]

Subpoenaed Records

A district shall release student records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

3. An ex parte court order obtained by the United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

34 C.F.R. 99.31(a)(9)

Sex Offenders

A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, but not more than 45 days after it has received the request. A district shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

Records Destruction

A district shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

De-Identified Records

A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple

releases, and taking into account other reasonably available information. *34 C.F.R. 99.31(b)(1)*

Education Research

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

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

34 C.F.R. 99.31(b)(2)

Authenticating Requestors' Identities

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

Transfer Not Permitted

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

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

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

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

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

34 C.F.R. 99.33(b)

Record of Access to Student Records

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

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

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

Right to Amend

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. *34 C.F.R. 99.20*

If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. *34 C.F.R. 99.21*

Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for a copy of education records which is made for the parent or an eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review those records. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

Records of Students with Disabilities

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

Access Rights

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

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*

2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification,

evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

Record Types and Locations — A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental Consent — Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

Confidentiality — A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

Information Destruction — A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

Annual Notification of Rights — A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. ED a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

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

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

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

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

Directory Information

"Directory Information" Defined

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

1. Social security number; or
2. Student identification (ID) number, unless:

a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or

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

34 C.F.R. 99.3

Disclosure of Directory Information

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

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

Restrictions on the Right of Refusal

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

Former Students

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

Confirmation of Identity or Records

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

34 C.F.R. 99.3, .37

Homeless Students

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. *42 U.S.C. 11432(g)(3)(G)*

Directory Information Designation

A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]

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

Annual Notice

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

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and

2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

Contents

The notice must contain:

1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors,

and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]";

2. A form, such as a check-off list or similar mechanism, that:

   a. Immediately follows, on the same page or the next page, the required statement; and

   b. Allows a parent to record:

      (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;

      (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and

      (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and

3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

Student Recruiting Information

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a student's parent has submitted the prior consent request below.

Consent to Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student's name, address, and telephone listing not be released for purposes described above without prior written consent. Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

20 U.S.C. 7908

A district shall:

1. Provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

2. Upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available), and telephone listings, notwithstanding directory information requirements in FERPA [see above].

A district shall notify parents of their right to submit a request to the district that the student's name, address, electronic mail address, and telephone listing not be released.

10 U.S.C. 503(c)(1)(A)–(B) [See also GKC]

Videotapes and Recordings

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

Exceptions

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

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

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

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 G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA	ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES
GB	PUBLIC INFORMATION PROGRAM
GBA	Access to Public Information
GBAA	Requests for Information
GBB	School Communications Program
GBBA	News Media Relations
GC	PUBLIC NOTICES
GE	RELATIONS WITH PARENT ORGANIZATIONS
GF	PUBLIC COMPLAINTS
GK	COMMUNITY RELATIONS
GKA	Conduct on School Premises
GKB	Advertising and Fundraising
GKC	Visitors
GKD	Nonschool Use of School Facilities
GKDA	Distribution of Nonschool Literature
GKE	Business, Civic, and Youth Groups
GKF	Cultural Institutions
GKG	School Volunteer Program
GN	RELATIONS WITH EDUCATIONAL ENTITIES
GNA	Other Schools and Districts
GNB	Regional Education Service Centers
GNC	Colleges and Universities
GND	State Education Agency
GNE	Education Accreditation Agencies
GR	RELATIONS WITH GOVERNMENTAL ENTITIES
GRA	State and Local Governmental Authorities
GRAA	Law Enforcement Agencies
GRAC	Juvenile Service Providers
GRB	Interlocal Cooperation Contracts
GRC	Emergency Management

Public Information Defined

For purposes of Government Code Chapter 552 (Public Information Act), "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a board;
2. For a board and the board:
    a. Owns the information;
    b. Has a right of access to the information; or
    c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a district in the officer's or employee's official capacity and the information pertains to official business of the district.

"Official business" means any matter over which the board or district has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of the district in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a district, and pertains to official business of the district.

The definition of "public information" above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Gov't Code 552.002(a)–(a-2), .003(2-a)

Forms of Public Information

The general forms in which the media containing public information exist include a book, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

Gov't Code 552.002(b)–(c)

Preservation of Information

A district may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code (Local Government Records Act), governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

Gov't Code 552.004(a), (c) [See BBI, CPC, DH]

Temporary Custodians

"Temporary custodian" means an officer or employee of a district who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer's agent. The term includes a former officer or employee who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information or the officer's agent. *Gov't Code 552.003(7)*

Ownership of Public Information

A current or former board member or employee of a district does not have, by virtue of the board member's or employee's position or former position, a personal or property right to public information the board member or employee created or received while acting in an official capacity.

Surrender or Return of Public Information

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the district not later than the 10th day after the date the officer for public information or the officer's agent requests the temporary custodian to surrender or return the information.

Disciplinary Action

A temporary custodian's failure to surrender or return public information as required is grounds for disciplinary action by the district or any other applicable penalties provided by the Public Information Act or other law.

Gov't Code 552.233

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Note: For forms prescribed by the attorney general, see the Attorney General's Public Information website.[1]

Public Information

See GB(LEGAL) for the definition of public information.

Availability of Public Information

Public information is available to the public at a minimum during the normal business hours of a district. Government Code Chapter 552 (Public Information Act [PIA]) does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided by the PIA. *Gov't Code 552.006, .021*

Special Rights of Access

Person Whose Information the District Holds

A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by the district that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests. A district may not deny this access on the grounds that the information is considered confidential by privacy principles under the Public Information Act but may assert as grounds for denial other provisions of the PIA or other law not intended to protect the person's privacy interests. Access to information under this provision shall be provided in the manner prescribed by Government Code 552.229 (consent to release) and 552.307 (timely release), below. *Gov't Code 552.023(a), (b), (e)*

Board Members

For information on board members' special access rights to district information, see BBE.

Parents

A district that receives a request from a parent for public information relating to the parent's child shall comply with the Public Information Act. *Education Code 26.0085(e)*

For information on parents' special access rights to their child's education records, see FL.

Information That Must Be Disclosed

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Public Information Act or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board or district, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a board.

4. The name of each official and the final record of voting on all proceedings of a board.

5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.

6. A description of a district's central and campus organization, including where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.

7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

8. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

9. A substantive rule of general applicability adopted or issued by a board as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the board.

10. Each amendment, revision, or repeal of the information described in items 6–9.

11. Final opinions and orders issued in the adjudication of cases.

12. A policy statement or interpretation adopted or issued by a board.

13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under a district's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.

16. Information that is also contained in a public court record.

17. A settlement agreement to which a board is a party.

Gov't Code 552.022

Contracting Information

Contracting information, as that term is defined in Government Code 552.003(1-a) [see GBAA], is public and must be released unless excepted from disclosure under the Public Information Act. The exceptions to disclosure provided by Government Code 552.110 (trade secrets) and 552.1101 (proprietary information) do not apply to the types of contracting information listed at Government Code 552.0222(b). *Gov't Code 552.0222(a), (b)* [See GBAA for additional procedures related to contracting information.]

Investment Information

Certain categories of information held by a district relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the Public Information Act. *Gov't Code 552.0225*

Confidential Information That Must Not Be Disclosed

A person commits an offense if the person distributes information considered confidential under the terms of the Public Information Act. A violation under this provision also constitutes official misconduct. *Gov't Code 552.352*

Confidential by Law

Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Note: For confidentiality and access provisions addressed by specific statutes other than Government Code Chapter 552 (Public Information Act), see the applicable policy code.

Privileged Attorney-Client Information

The Texas Rules of Civil Procedure and the Texas Rule of Evidence are "other law" within the meaning of Government Code 552.022 (allowing "other law" to make information confidential from required disclosure). A district does not forfeit the attorney-client privilege by failing to timely request an attorney general's decision, and the privilege is sufficiently compelling to rebut the presumption of public disclosure after an untimely request. *In re City of Georgetown, 53 S.W.3d 328, 336 (Tex. 2001); Paxton v. City of Dallas, 509 S.W.3d 247 (Tex. 2017)*

The attorney-client privilege does not apply if the attorney or attorney's representative acts in a capacity other than that of providing or facilitating professional legal services to the client. *Harlandale Indep. Sch. Dist. V. Cornyn, 25 S.W.3d 328 (Tex. App.–Austin 2000, pet. Denied)*

Closed Meeting Records

The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(c); Atty. Gen. ORD 684 (2009)*

[For information regarding minutes or recording of an open meeting, see BE.]

Student Education Records

The Public Information Act does not require the release of information contained in education records of the district, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g (FERPA).

In this provision, "student record" means information that constitutes education records as that term is defined by FERPA or information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

The district is not prohibited from disclosing or providing information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. In addition, a student record shall be made available on the request of district personnel, the student, the student's parents, legal guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as provided by Government Code 552.114(e) (information in enrollment or transfer records, below), a district may redact information in a student record from information required to be disclosed under the Public Information Act without requesting a decision from the attorney general.

Gov't Code 552.026, .114 [See FL]

Enrollment or Transfer Information

If an applicant, or a parent or legal guardian of a minor applicant, for admission to an educational institution funded wholly or partly by state revenue requests information in the record of the applicant, the district shall disclose any information that is related to the application for admission and was provided to the district by the applicant. *Gov't Code 552.114(e)*

Student Victim Information

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

Juvenile Law Enforcement Records

Except as provided by Family Code 58.008(c) (person with a determinate sentence), law enforcement records concerning a child, as defined by Family Code 51.02(2), and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public. *Family Code 58.008(b)*

Law enforcement records concerning a child may be inspected or copied by:

1. A juvenile justice agency, as defined by Family Code 58.101;
2. A criminal justice agency, as defined by Government Code 411.082;
3. The child;
4. The child's parent or guardian; or
5. The chief executive officer or the officer's designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. [See FFB]

Family Code 58.008(d), (d-1)

Exclusions

These provisions do not apply to a record relating to a child that is required or authorized to be maintained under the laws regulating the operation of motor vehicles in Texas or subject to disclosure under Code of Criminal Procedure Chapter 62 (registered sex offenders). *Family Code 58.008(a)*

Certain Personnel Information

Note: For previous determinations by the attorney general allowing governmental bodies to withhold specific categories of information in personnel records, including direct deposit forms; employment forms I-9, W-2, W-4; and fingerprints, without the necessity of requesting an attorney general decision, see Attorney General Open Records Decision (ORD) 684 (2009).

Employee Social Security Numbers

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

Invasion of Privacy

Information is excepted from public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of a district employee is to be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. The exception to public disclosure created by this provi-

sion is in addition to any exception created by Government Code 552.024. Public access to personnel information covered by Government Code 552.024 is denied to the extent provided by that provision. *Gov't Code 552.102(a)*

Employee Birth Dates

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and thus such dates are excepted from disclosure under Government Code 552.102(a). *Texas Comptroller of Public Accts. v. Atty. Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010)*

College Transcripts

Information is excepted from public disclosure if it is a transcript from an institution of higher education maintained in the personnel file of a professional employee, except that this provision does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee. *Gov't Code 552.102(b)*

Evaluations

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act.

At the request of a school district, open-enrollment charter school, or private school at which a teacher or administrator has applied for employment, a district shall give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

A district shall give the Texas Education Agency (TEA) a document evaluating the performance of a teacher or administrator employed by the district for purposes of an investigation conducted by TEA.

Education Code 21.355(a), (c), (d)

Educator Certification Exam

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

Employee Accused of Improper Relationship with Student

A primary or secondary school may not release externally to the general public the name of an employee who is accused of committing an offense under Penal Code 21.12 (improper relationship between educator and student) until the employee is indicted for the offense. The school may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

1. Report the accusation:

a. To TEA, another state agency, or local law enforcement or as otherwise required by law; or

b. To the school's community in accordance with the school's policies or procedures; or

2. Conduct an investigation of the accusation.

Penal Code 21.12(d-1)

Credit Card, Debit Card, Charge Card, and Access Device Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or

2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

Email Addresses of the Public

An email address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

This confidentiality does not apply to an email address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;

2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;

3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a

district in the course of negotiating the terms of a contract or potential contract;

4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this provision includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an email address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2); Atty. Gen. ORD 684 (2009)

Individuals Who Inform of Legal Violations

An informer's name or information that would substantially reveal the identity of an informer is excepted from public disclosure.

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

This exception does not apply if the informer:

1. If the informer is a student or former student, and the student, student's legal guardian, or student's spouse consents to disclosure of the student's name;

2. If the informer is an employee or former employee who consents to disclosure of the employee's name; or

3. The informer planned, initiated, or participated in the possible violation.

Information may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the Public Information Act.

Gov't Code 552.135

Crime Victim Information

Address Confidentiality Program

Information relating to a participant in the Address Confidentiality Program for Certain Crime Victims (including from family violence, sexual assault or abuse, stalking, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B) is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the Public Information Act. *Code of Criminal Procedure 58.060*

Employee Victims

A district employee who is a victim under Code of Criminal Procedure Chapter 56B (Crime Victims' Compensation Act) regardless of whether the employee has filed an application for compensation may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the district develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132(d)

Victims of Certain Crimes

Information is confidential and excepted from public disclosure if the information identifies an individual as a victim of:

1. A criminal offense specified by Government Code 552.1315(a)(1)(A) and (B), or
2. Any criminal offense if the victim was younger than 18 years of age when any element of the offense was committed.

Notwithstanding the above, information may be disclosed:

1. To any victim identified by the information;
2. To the parent or guardian of a victim described by item 2 above who is identified by the information;
3. To a law enforcement agency for investigative purposes; or

4. In accordance with a court order requiring the disclosure.

Gov't Code 552.1315

Location or Layout of Shelter Centers

Information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential. A district may redact this information from any information the district discloses without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.138(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.138(b-1), (c), (d)*

Criminal History Records

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the district from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. TEA;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or
5. By court order.

Gov't Code 411.097(d)(1) [See CJA, DBAA, and DHB]

Sensitive Crime Scene Image

A sensitive crime scene image in the custody of a district is confidential and excepted from public disclosure, regardless of the date that the image was taken or recorded. A district may not permit a person to view or copy the image unless the person is one of the individuals specified by Government Code 552.1085(d) and the district is not otherwise asserting an exception to disclosure under another provision of the Public Information Act or another law. *Gov't Code 552.1085*

Computer Security

Computer Networks

Information is excepted from public disclosure if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network.

The following information is confidential:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log. This does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053. [See CQB]

   A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 [see Voluntary Disclosure, below].

Gov't Code 552.139

Cybersecurity Information

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Exempt from disclosure under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records.

6 U.S.C. 1504(d)(4)(B) [See CQB]

Texas VIRT Information

Information written, produced, collected, assembled, or maintained by a participating district or a volunteer from the district in the implementation of Government Code Chapter 2054, Subchapter N-2 (Texas Volunteer Incident Response Team) is confidential and not subject to disclosure under the Public Information Act if the information:

1. Contains the contact information for a volunteer;
2. Identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event;
3. Consists of a participating district's cybersecurity plans or cybersecurity-related practices; or
4. Is obtained from a participating district or from a participating district's computer system in the course of providing assistance under Subchapter N-2.

Gov't Code 2054.52010

Military Discharge Records

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. During that period, the district may only permit inspection, copying, or disclosure of the information contained in the record only in accordance with Government Code 552.140 or a court order. The district is authorized to withhold a Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of the district on or after September 1, 2003, under this provision without the necessity of requesting an attorney general decision. *Gov't Code 552.140(a), (b); Atty. Gen. ORD 684 (2009)*

Limited Use

A district that obtains this information from another governmental body shall limit the district's use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140(e)*

Firefighter or EMS Work Schedules

A work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by Health and Safety Code 773.003 is confidential and excepted from public disclosure. *Gov't Code 552.159*

Out-of-State Health-Care Provider Information

Information obtained by a district that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state

health-care provider pays for is confidential and excepted from public disclosure. *Gov't Code 552.162*

Applicant for Disaster Recovery Funds

The following information maintained by a district is confidential:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

Gov't Code 552.160(b), (c)

Threat of Physical Harm

Information in the custody of a district that relates to an employee or officer of the district is excepted from public disclosure if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Exceptions to Disclosure

Voluntary Disclosure

The Public Information Act does not prohibit a district or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law. Information voluntarily made available as allowed under this provision must be made available to any person and cannot be withheld from further disclosure. *Gov't Code 552.007; Atty. Gen. ORD 518 (1989)*

Right of Access After 75 Years

Except for social security numbers, the confidentiality provisions of the Public Information Act, or as otherwise provided by law, information that is not confidential but is excepted from required disclosure under Government Code Chapter 552, Subchapter C, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Information Relating to Litigation

Information is excepted from public disclosure if it is information relating to litigation of a civil or criminal nature to which a district is, or

may be, a party or to which an officer or employee of the district, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated on the date the district's public information officer receives the request. *Gov't Code 552.103(a), (c)*

Information Related to Competition or Bidding

Information is excepted from public disclosure if the district demonstrates that the release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the district establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Required disclosure under Government Code 552.022 does not apply to information that is excepted from required disclosure under this provision.

Parades, Concerts, and Entertainment Events

Information relating to the receipt or expenditure of public or other funds by a district for a parade, concert, or other entertainment event paid for in whole or part with public funds is not excepted from public disclosure. A person, including a district, may not include a provision in a contract related to an event that prohibits or would otherwise prevent the disclosure of this information. A contract provision that violates Government Code 552.104(c) is void.

Gov't Code 552.104

Certain Information on Real or Personal Property

Information is excepted from public disclosure if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or information relating to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

Drafts Involving Legislation

A draft or working paper involved in the preparation of proposed legislation is excepted from public disclosure. *Gov't Code 552.106*

Certain Legal Information

Information is excepted from public disclosure if it is not privileged information but information that an attorney of a district is prohibited from disclosing because of a duty to the board under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct, or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

Certain Law Enforcement Information

Information (other than basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime; or

2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from public disclosure if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or

2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

Gov't Code 552.108; Houston Chronicle Publ'g Co. v. City of Houston, 536 S.W.2d 559 (Tex. 1976)

Private Correspondence of Elected Official

Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. *Gov't Code 552.109; Industrial Foundation of the South v. Texas Indus. Acc. Bd., 540 S.W.2d 668 (Tex. 1976)*

Trade Secrets

Except as provided by Government Code 552.0222 (disclosure of contracting information), information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*

Certain Commercial and Financial Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from public disclosure. *Gov't Code 552.110(c)*

Proprietary Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), information submitted to a district by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor demonstrates based on specific factual evidence that disclosure of the information would be proprietary as specified under Government Code 552.1101(a).

This exception to disclosure may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of pro-

tecting the interests of the vendor, contractor, potential vendor, or potential contractor.

A district must decline to release this information as provided by Government Code 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to assert the exception to disclosure provided by Government Code 552.1101(a) (proprietary information).

Gov't Code 552.1101 [See GBAA for additional procedures related to information involving proprietary interests of a vendor, contractor, or potential vendor or contractor.]

Proprietary Records and Trade Secrets in Certain Partnerships

Information in the custody of a district that relates to a proposal for a qualifying project authorized under Government Code Chapter 2267 is excepted from public disclosure if the information and records meet the criteria outlined at Government Code 552.153(b). The district is not authorized to withhold information as outlined by Government Code 552.153(c). *Gov't Code 552.153* [See CDH]

Certain Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with a district is excepted from public disclosure. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

Audit Working Paper

An audit working paper of an auditor of a school district, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted.

"Audit" means an audit authorized or required by a statute of Texas or the United States or a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, and includes an investigation.

"Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts. *Gov't Code 552.116*

Personal Information of Certain Individuals

Board Members and Others

Option to Restrict Access

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom Government Code 552.1175(a) applies (including a current or honorably retired peace officer, commissioned security officer, elected public officer, members of the military, or a firefighter or volunteer firefighter), or that reveals whether the individual has family members is confidential and may not be disclosed to the public if the individual to whom the information relates chooses to restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status. This choice remains valid until rescinded in writing by the individual.

Redaction and Notice to Requestor

In accordance with Government Code 552.1175(f), a district may redact information that must be withheld under this provision from any information the district discloses under the Public Information Act without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

Board Member and Employee Personnel Information

Information is excepted from public disclosure if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the persons listed at Government Code 552.117(a) or that reveals whether the person has family members. Government Code 552.117(a) includes the following:

1. A current or former district employee or board member, except as provided by Government Code 552.024, below;
2. Certain peace officers, security officers, law enforcement personnel, and first responders; and
3. An elected public officer, regardless of whether the officer complies with Government Code 552.024, below, or .1175, above.

Gov't Code 552.117

Choice To Allow Access

Each current or former employee or board member of a district shall choose whether to allow public access to information in the custody of the district that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each current or former employee and board member shall state that person's choice to the main personnel officer of the district in a signed writing not later than the 14th day after the date on which the employee begins employment with the district, the board member is elected or appointed, or the former employee or official ends service with the district.

If the current or former employee or board member fails to state the person's choice within the period established by this provision, the information is subject to public access.

A current or former employee or board member who wishes to close or open public access to the information may request in writing that the main personnel officer of the district close or open access.

Exercising the option to close public access to protect personal information does not apply to a public information request made before the option was exercised.

Gov't Code 552.024; Atty. Gen. ORD 530 (1989)

Redaction and Notice to Requestors

If the current or former employee or board member chooses not to allow public access to the information, the district may redact the information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

A district that redacts or withholds information under this provision shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-1), (c-2)*

Photograph of Peace Officer

A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from public disclosure unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

Testing Items

A test item developed by an educational institution that is funded wholly or in part by state revenue or by a district is excepted from public disclosure. *Gov't Code 552.122*

Certain Library Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from public disclosure, unless the record is disclosed:

1. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or a subpoena obtained in compliance with this provision.

Gov't Code 552.124

Superintendent Applicants

The name of an applicant for superintendent of a district is excepted from public disclosure, except that the board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

Certain Motor Vehicle and Personal Identification Information

Information is excepted from public disclosure if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information (including a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number) under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Atty. Gen. ORD 684 (2009)

Economic Development Negotiations

Information is excepted from public disclosure if the information relates to economic development negotiations involving a board and a business prospect that the board seeks to have locate, stay, or expand in or near a district and the information relates to:

1. A trade secret of the business prospect; or
2. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person is excepted from public disclosure.

After an agreement is made, the exception no longer applies to information about a financial or other incentive being offered to the business prospect:

1. By the board; or
2. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

Gov't Code 552.131(b), (c)

Social Security Numbers of Any Living Person

Except for the social security number of a district employee in the custody of the district, the social security number of a living person is excepted from public disclosure, but is not confidential under the Public Information Act. A district may redact the social security

number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a), (c)*

Exclusions from Public Information

Protected Health Information

An individual's protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the Public Information Act. *Gov't Code 552.002(d)*

Subpoena or Discovery Request

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Public Information Act. The Public Information Act does not affect the scope of civil discovery under the Texas Rules of Civil Procedure, and exceptions from disclosure under the PIA do not create new privileges from discovery. *Gov't Code 552.005, .0055*

No Right of Access

Commercially Available Publications

A district is not required under the Public Information Act to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information.

Exception

The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the board or district.

Gov't Code 552.027

Requests from Incarcerated Individuals

A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the Public Information Act. This provision does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information held by the district that pertains to the individual. *Gov't Code 552.028*

Retirement Eligibility Records

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system that are in the custody of the system or in the custody of an administering firm, a carrier, the district, or another governmental body, acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure.

An administering firm, carrier, or the district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For this provision, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

Gov't Code 552.0038(c), (h), 825.507(g)

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[1] Office of the Attorney General and the Public Information Act: https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act

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Note: For forms prescribed by the attorney general, see the Attorney General's Public Information website.[1]

Officer for Public Information and Required Sign

Officer and Agents

The superintendent of a district is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with Government Code Chapter 552 (Public Information Act [PIA]).

Duties

The officer is responsible for the release of public information as required by the Public Information Act. Subject to penalties provided by the Public Information Act, the officer for public information shall:

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. Repair, renovate, or rebind public information when necessary to maintain it properly; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
    a. The information has been requested from the district;
    b. The officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
    c. The officer is unable to comply with the duties imposed by the Public Information Act without obtaining the information from the temporary custodian; and
    d. The temporary custodian has not provided the information to the officer or the officer's agent.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code 552.201(a)–.204; Keever v. Finlan, 988 S.W.2d 300 (Tex. App.–Dallas 1999, pet. dism'd) (a district's chief administrative officer is the superintendent)

Training

This provision applies to an elected or appointed board member and the officer for public information.

Each person shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the district and its board members and employees under the Public Information Act not later than the 90th day after the date:

1. The board member takes the oath of office; or
2. The officer for public information assumes duties as officer for public information.

A public information coordinator who is primarily responsible for administering the responsibilities of the board under the Public Information Act and designated for board members to satisfy the training requirement of this provision shall complete the training course regarding the responsibilities of the board and district employees under the PIA not later than the 90th day after the date the coordinator assumes the person's duties as coordinator. [See BBD, CPC(LOCAL)]

Designation of a public information coordinator does not relieve a board member from the duty to comply with any other requirement of the Public Information Act that applies to the board member. A district shall maintain and make available for public inspection the record of its board members' or, if applicable, the public information coordinator's completion of the training.

Gov't Code 552.012(a)–(c), (e)

PIA Sign

The officer for public information shall prominently display a sign (PIA sign) in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a district, and the procedures for inspecting or obtaining a copy of public information under the Public Information Act. The officer shall display the sign at one or more places in the district's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees of the district whose duties include receiving or responding to public information requests.

Gov't Code 552.205(a)

Requests for Public Information

A person may make a written request for public information only by delivering the request by one of the following methods to the officer for public information or a person designated by that officer:

Method of Requesting Public Information

1. United States mail;
2. Electronic mail;

3. Hand delivery; or

4. Any other appropriate method approved by the district, including facsimile transmission and electronic submission through the district's website.

A district is considered to have approved another method only if the district includes a statement on the PIA sign or the district's website that states a request for public information may be made by that method.

Designated Addresses to Receive Requests

A district may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request.

A district that posts a designated mailing address or electronic mail address on the district's website or that prints those addresses on the PIA sign is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;

2. By hand delivery; or

3. By a method described above that has been approved by the district.

Gov't Code 552.234(c), (d)

Optional Request Form

The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the district determines is:

1. Confidential; or

2. Subject to an exception to disclosure that the district would assert if the information were subject to the request.

A district that allows requestors to use the attorney general's form and maintains a website shall post the form on its website.

Gov't Code 552.235

District Response to Requests

Uniform Treatment

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

Inquiries by District

The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided below.

Requests to Clarify or Narrow

If what information is requested is unclear to the district, the district may ask the requestor to clarify the request. If a large amount of information has been requested, the district may discuss with the requestor how the scope of the request might be narrowed, but the district may not inquire into the purpose for which the information will be used.

Additional Information for Vehicle Records

If the information requested relates to a motor vehicle record, the officer for public information or agent may require the requestor to provide additional identifying information sufficient for the officer or agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. In this provision, "motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.

Gov't Code 552.222(a)–(c)

Statement of Consequences

A written request for clarification or discussion or for additional information, as described above, must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(e)*

Requestor's Failure to Respond

If by the 61st day after the date the district sends a written request for clarification or discussion or for additional information, as described above, the district, officer for public information, or agent does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

Exception to Automatic Withdrawal

Except when the requestor's information request was sent by electronic mail, described below, if the requestor's information request included the requestor's physical or mailing address, the request may not be considered to have been withdrawn unless the district or officer for public information or agent sends the request for clarification or discussion or for additional information, as described above, to that address by certified mail.

If the requestor's information request was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The district, officer for public information, or agent sends the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent

or to another electronic mail address provided by the requestor; and

2. The district, officer for public information, or agent does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

Gov't Code 552.222(d), (f)–(g)

Time for Production

Promptly

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for ten business days public information not excepted from disclosure. *Gov't Code 552.221(a); Atty. Gen. ORD 664 (2000)*

Certifications of Availability

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable at the time of the request to examine because it is in storage or active use, an officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code 552.221(c), (d)

Administrative Offices Closed

Unless the district has initiated a temporary suspension of the Public Information Act during a catastrophe [see below], if a district closes its physical offices, but requires staff to work, including remotely, then the district shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application while its administrative offices are closed.

Failure to respond to requests may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure.

Gov't Code 552.2211

Methods of Production

An officer for public information complies with the requirement to promptly produce public information by:

1. Providing the information for inspection or duplication in the offices of a district. The Public Information Act does not authorize a requestor to remove an original copy of a public record from the office of a district;

2. Sending copies of the information by first class United States mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Authorized Costs and Charges, below]; or

3. Referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the district must supply the information in the manner described above at items 1 and 2.

   If the officer for public information provides by email an internet location or URL address as permitted by item 3, above, the email must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as described above at items 1 and 2.

Gov't Code 552.221(b)–(b-2), .226

Inspection and Duplication Procedures

A district may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the Public Information Act. *Gov't Code 552.230*

The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the Public Information Act. *Gov't Code 552.224*

Time For District to Provide Copies

It shall be a policy of a district to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228(a)*

Time for Requestor to Appear and Complete Inspection

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in district offices on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within ten business days and does not file a request for additional time under Government Code 552.225(b) (described below), the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.221(e), .225

Electronic Data

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A district shall provide a copy in the requested medium if:

1. The district has the technological ability to produce a copy of the information in the requested medium;
2. The district is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the district and a third party.

If a district is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the district shall provide a copy in another medium that is acceptable to the requestor. A district is not required to copy information onto a diskette or other material provided by the requestor but may use district supplies.

Gov't Code 552.228(b), (c)

Requests Requiring Programming or Data Manipulation

A district shall provide to a requestor a written statement, described below, if the district determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
    a. Compliance with the request is not feasible or will result in substantial interference with operations; or
    b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

Written Statement Required

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under Government Code 552.262; and
5. A statement of the anticipated time required to provide the information in the requested form.

Time For Programming or Manipulation Statement

A district shall provide the written statement to the requestor within 20 days after the date the district receives the request. The district has an additional ten days to provide the statement if the district gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

Requestor Reply Required

On providing the written statement described above, the district does not have any further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the district to provide the information in the requested form according to the cost and time parameters set out in the written statement or according to other terms to which the requestor and the district agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement to the district, the requestor is considered to have withdrawn the request for information.

Processing Procedures and Recordkeeping

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A district shall maintain a file containing all written statements issued concerning responding to requests for information that require programming or manipulation of data in a readily accessible location.

Gov't Code 552.231

Repetitious or Redundant Requests

A district that determines a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor on payment of applicable charges must respond to the request, in relation to the information for which copies have already been furnished or made available, except that:

1. The district is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The district is not required to comply with these provisions in relation to information that the district simply furnishes or makes available to the requestor again in accordance with the request.

Gov't Code 552.232(a)

These provisions do not apply to information not previously furnished to a requestor or made copies available to the requestor on payment of applicable charges.

A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not exist at the time of an earlier request shall be treated in the same manner as any other request for public information under the Public Information Act.

Gov't Code 552.232(d)

Certification of Previous Production

A district shall certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;

2. The date the district received the requestor's original request for that information;

3. The date the district previously furnished copies or made available copies of the information to the requestor;

4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and

5. The name, title, and signature of the officer for public information or agent making the certification.

A charge may not be imposed for making and finishing this certification.

Gov't Code 552.232(b), (c)

Withholding Excepted Information

Request for Attorney General Decision Required

A district that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under Government Code Chapter 552, Subchapter C [see GBA] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Request for Attorney General Decision Not Required, below]. A district may only request an attorney general decision if the district reasonably believes that the requested information is excepted from required disclosure. *Gov't Code 552.301(a); Atty. Gen. ORD 665 (2000)*

Consequences of Missed Deadlines

If a district does not request an attorney general decision and provides the requestor with the information required by Government Code 552.301(d) and (e-1) [see Information to Requestor, below], the information requested in writing is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.302*

Request and Submissions to Attorney General

The district must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after the date of receiving the written request.

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;

2. A copy of the written request for information;

3. A signed statement as to the date on which the written request for information was received by the district or evidence sufficient to establish that date; and

4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The district shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

Gov't Code 552.301(b), (e)

Information to Requestor

A district that requests an attorney general decision shall provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the district wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and

2. A copy of the district's written communication to the attorney general asking for the decision. If a district's written communication to the attorney general discloses the requested information, the district shall provide a redacted copy of that written communication.

The district shall send a copy of the comments to the requestor not later than the 15th business day after the district receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(d), (e-1)

Calculating Timeliness

For the purposes of Government Code Chapter 552, Subchapter G (Attorney General Decisions), if a district receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the district on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the district submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a dis-

trict to submit information to the attorney general by specified methods of mail under Government Code 552.308.

When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.

For information surrendered or returned to a district by a temporary custodian, the district is considered to receive the request for that information on the date the information is surrendered or returned to the district. [See GB]

Gov't Code 552.233(d), .309

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

Gov't Code 552.308

Third Party Privacy or Property Interests

In a case in which information is requested under the Public Information Act and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), a district may decline to release the information for the purpose of requesting a decision from the attorney general.

Third Party Submissions

A person whose interests may be involved as described above, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. A district may, but is not required to, submit its reasons why the information should be withheld or released. The proprietary information exception to disclosure provided by Government Code 552.1101(a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the in-

terests of the vendor, contractor, potential vendor, or potential contractor.

Gov't Code 552.305(a)–(c), .1101(c)

Notice to Third Party

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.113 (geological or geophysical information), 552.131 (economic development information), or 552.143 (investment information), a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request. The notice must:

1. Be in writing and sent within a reasonable time not later than the tenth business day after the district receives the request for information; and

2. Include:

   a. A copy of the written request for information, if any, received by the district; and

   b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice:

      (1) Each reason the person has as to why the information should be withheld; and

      (2) A letter, memorandum, or brief in support of that reason.

A person who submits a letter, memorandum, or brief to the attorney general under this provision shall send a copy of that letter, memorandum, or brief to the person who requested the information from the district. If the letter, memorandum, or brief submitted to the attorney general contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.

Gov't Code 552.305(d), (e)

Requests for Contracting Information Not Maintained by the District

"Contracting information" means the following information maintained by a district or sent between a district and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a district;

2. Solicitation or bid documents relating to a contract with a district;

3. Communications sent between a district and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

4. Documents, including bid tabulations, showing the criteria by which a district evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and

5. Communications and other information sent between a district and a vendor or contractor related to the performance of a final contract with the district or work performed on behalf of the district.

Gov't Code 552.003(1-a)

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a district that:

1. Has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by the district; or

2. Results in the expenditure of at least $1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

Government Code 552.371 applies to a written request for public information received by a district that is party to a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the district.

Gov't Code 552.371(a), (b)

District Request to Contracting Entity

A district that receives a written request for contracting information shall request that the entity provide the information to the district. The district must send the request in writing to the party not later than the third business day after the date the district receives the written request. *Gov't Code 552.371(c)*

Requesting Decision About Contracting Information

A district's request for an attorney general's decision to determine whether contracting information not maintained by the district falls within an exception to disclosure under the Public Information Act is considered timely if made not later than the 13th business day after the date the district receives the written request described above. *Gov't Code 552.371(d)(1)*

The statement and copy described above [see Information to Requestor] is considered timely if provided to the requestor not later than the 13th business day after the date the district receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Request and Submissions to Attorney General] is considered timely if sent not later than the 18th business day after the date the district receives the written request. *Gov't Code 552.371(d)(3), (4)*

The presumption that information is subject to disclosure for failing to comply with Government Code 552.301 [see Request and Submissions to Attorney General, above] does not apply if a district:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain contracting information not maintained by the district;
2. Is unable to meet a deadline because the contracting entity failed to provide the information to the district not later than the 13th business day after the date the district received the written request for the information; and
3. Complies with all notice requirements not later than the eighth business day after the date the district receives the information from the contracting entity.

Gov't Code 552.371(e)

Nothing in Government Code 552.371 affects the deadlines or duties of a district related to requesting an attorney general opinion regarding contracting information the district maintains. *Gov't Code 552.371(f)*

Request for Attorney General Decision Not Required

A district must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Government Code Chapter 552, Subchapter C if the district has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not excepted by Subchapter C. *Gov't Code 552.301(f)*

Previous Determinations

Same Information

Categories of Previously Determined Information

A district may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district;

2. The previous decision concludes that the category of information is or is not excepted from public disclosure;

3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and

4. The previous decision explicitly provides that the governmental body or bodies, such as the district, to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

Atty. Gen. ORD 673 (2001)

A district that relies on a previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying. *Atty. Gen. ORD 684 (2009)*

When Request Is Allowed for Previous Determination

A district may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the Public Information Act concerning the precise information at issue;

2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and

3. The parties agree to dismiss the lawsuit.

Gov't Code 552.301(g)

Note: For rules regarding the attorney general's review of redactions and electronic submissions to the attorney general, see 1 Administrative Code Chapter 63. For complete cost rules issued by the attorney general, see 1 Administrative Code Chapter 70.

Authorized Costs and Charges

Attorney General's Cost Rules

A district shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of

producing the information or for making public information that exists in a paper record available for inspection.

A district may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, a district may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the district requests an exemption.

Gov't Code 552.262(a); 1 TAC 70.1(b), .3, .10.

Exemption

A district may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If a district receives notice from the attorney general that an exemption has been granted, the district may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

Multiple Requests

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A district may not combine multiple requests from separate individuals who submit requests on behalf of an organization. *Gov't Code 552.261(e)*

Charges for Producing Copies

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead.

50 Pages or Less

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings.

Statement of Labor Costs

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

Accrual of Charges

Charges for providing a copy of public information are considered to accrue at the time the district advises the requestor that the copy is available on payment of the applicable charges.

Gov't Code 552.261(a)–(d)

Deposit or Bond for Copies

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (itemized estimate of charges, below); and
2. The charge for providing the copy is estimated by the district to exceed $100, if the district has more than 15 full-time employees, or $50, if the district has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code 552.263(a), (b)

Effect on Timelines

For purposes of Government Code Chapter 552, Subchapters F (Charges for Providing Copies of Public Information) and G (Attorney General Decisions), a request for a copy of public information is considered to have been received by the district on the date the district receives the deposit or bond for payment of anticipated costs or unpaid amounts if the officer for public information or agent requires a deposit or bond.

A requestor who fails to make such a deposit or post such a bond for payment of anticipated costs for the preparation of copies before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of public information that precipitated the requirement of the deposit or bond.

Gov't Code 552.263(e), (f)

Modified Request

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the district receives the written modified request. *Gov't Code 552.263(e-1)*

Unpaid Amounts

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes a district in relation to previous public information requests before preparing a copy of public information in response to a new request, if those

unpaid amounts exceed $100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means.

Documentation of Unpaid Amounts — A district must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure.

Gov't Code 552.263(c), (d)

Pre-Payments — A district that receives a request from a requestor to produce public information for inspection or publication or to produce copies of public information in response to a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Government Code 552.261(b) (statement of labor costs, above) may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

Waivers — A district shall provide a copy of public information without charge or at a reduced charge if the district determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public.

If the cost to a district of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the district may waive the charge.

Gov't Code 552.267

District Publications — Government Code Chapter 552, Subchapter F (charges for providing copies of public information) does not apply to a publication that is compiled and printed by or for a district for public dissemination. If the cost of the publication is not determined by state law, a district may determine the charge for providing the publication. This provision does not prohibit the district from providing the publication free of charge if state law does not require that a certain charge be made. *Gov't Code 552.270*

Copies for Parents — A district may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

Charges for Inspection Without Copies — If the requestor does not request a copy of public information, a district may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below.

Copy of Edited Page

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the district may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed.

Payment, Deposit, or Bond for Inspections

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code 552.271(a)–(c)

Exception for Certain Small Districts

If a district has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

Inspection of Electronic Records

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, a district shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available [see also Requests Requiring Programming or Data Manipulation, above].

If public information exists in an electronic form on a computer owned or leased by a district and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the district-

owned or district-leased computer before the information is copied. If such information also requires processing, programming, or manipulation before it can be electronically copied, a district may impose charges.

If information is created or kept in an electronic form, a district is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or by other means.

Gov't Code 552.272

Itemized Estimate of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds $40, or a request to inspect a paper record without requesting copies will result in the imposition of a charge that exceeds $40, a district shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the district regarding the alternative method. A district must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after a district provides the requestor the itemized statement but before it makes the copy or the paper record available, the district determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the district shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

Requestor's Response

A request for which a district is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the district within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

Actual Charges

If the actual charges exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

No Effect on Deadlines To Request Attorney General Decision

An original or updated itemized statement is considered to have been sent by a district, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the United States mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on a district for requesting a decision by the attorney general under Government Code Chapter 552, Subchapter G.

Gov't Code 552.2615

Temporary Suspension of Requirements for Districts Impacted by Catastrophe

The requirements of the Public Information Act do not apply to a district that is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the district to comply with the requirements of the PIA and the district complies with requirements below to elect a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of a district to comply with the requirements of the PIA, 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.

"Catastrophe" does not mean a period when staff is required to work remotely and can access information responsive to an appli-

cation for information electronically, but the physical office of the governmental body is closed.

"Suspension period" means the period of time during which a district may suspend the applicability of the requirements of the Public Information Act.

Initial Suspension Period

A district may suspend the applicability of the Public Information Act to the district for an initial suspension period only once for each catastrophe, which may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date the district submits notice to the attorney general; and
2. Ends not later than the seventh day after the date the district submits that notice.

Extension of Initial Suspension Period

A board may extend an initial suspension period if the board determines that the district is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends.

Maximum Suspension Period Per Catastrophe

A board that initiates an initial suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as described above.

The combined suspension period for a district filing for both an initial suspension period and a subsequent extension may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Upon conclusion of any suspension period the district shall immediately resume compliance with all requirements of the Public Information Act.

Notices to the Attorney General

A district that elects to suspend the Public Information Act must submit notice to the attorney general that the district is currently impacted by a catastrophe and has elected to suspend the applicability of the PIA during the initial suspension period.

A board that elects to extend an initial suspension period must submit notice of the extension on the form prescribed by the attorney general.

The notices on the form prescribed by the attorney general must require the district to:

1. Identify and describe the catastrophe that the district is currently impacted by;
2. State the date the initial suspension period determined by the board begins and the date that period ends;
3. If the board has determined to extend the initial suspension period:
    a. State that the district continues to be impacted by the catastrophe; and
    b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the office of the attorney general determines necessary.

Notice to the Public — A district that elects to suspend the Public Information Act must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the district is required to post a notice under Government Code Chapter 551, Subchapter C (Notice of Meetings). The district must maintain the notice of the suspension during the suspension period.

Requests During Suspension Period — Notwithstanding another provision of the Public Information Act, a request for public information received by a district during a suspension period is considered to have been received by the district on the first business day after the date the suspension period ends.

Pending Requests Tolled — A request for public information received by a district before the date an initial suspension period begins are tolled until the first business day after the date the suspension period ends.

Gov't Code 552.2325(a)–(j), (l), (m)

Large or Frequent Requests

Annual Limits on Personnel Time — A district may establish reasonable monthly and yearly limits on the amount of time that district employees are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. A yearly time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to a district's fiscal year. A monthly time limit may not be less than 15 hours for a requestor for a one-month period.

Request by Minor — In determining whether a time limit applies, any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has con-

trol of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

Gov't Code 552.275(a), (b), (c)

Written Statement of Cumulative Personnel Time

If a district establishes a time limit, each time the district complies with a request for public information, the district shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement to the requestor. *Gov't Code 552.275(d)*

Written Estimate of Charges Beyond Time Limit

Subject to unpaid cost estimates for large and frequent requests, as described below, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the district-established time limit, the district shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the tenth day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Government Code 552.262(a) and (b).

Additional Time

If a district provides the requestor with written notice that additional time is required to prepare the written estimate, the district must provide the written estimate as soon as practicable, but on or before the tenth day after the date the district provided the notice that additional time was required.

Gov't Code 552.275(e), (f)

Unpaid Cost Estimate

When a request is made by a requestor who has made a previous request to the district that has not been withdrawn, for which the district has located and compiled documents in response, and for which the district has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, the district is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or

withdraws the previous request to which the statement applies. *Gov't Code 552.275(e-1)*

Production Not Required Until Payment

If a district provides a requestor with the estimate of charges and the district's time limits regarding the requestor have been exceeded, the district is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the district provided the written estimate, the requestor submits payment of the amount stated in the written estimate.

If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the request.

Gov't Code 552.275(g)–(h)

Exceptions

The provisions above concerning requests that require large amounts of employee or personnel time do not apply if the requestor is:

1. An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
    a. Dissemination by a news medium or communication service provider (as defined by Government Code 552.275(m)), including:
        (1) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
        (2) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
    b. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.
2. An elected official of the United States, this state, or a political subdivision of this state.
3. A representative of a publicly funded legal services organization that is exempt from federal income taxation under Internal Revenue Code 501(a), as amended, by being listed as an exempt entity under 501(c)(3) of that code.

Gov't Code 552.275(j)–(l)

Filing Suit to Challenge Attorney General's Decision

The only suit a district may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325, and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

The district must bring the suit not later than the 30th calendar day after the date the district receives the attorney general's decision determining that the requested information must be disclosed to the requestor. If the district does not bring suit within that period, the district shall comply with the decision of the attorney general.

Exception for Affirmative Defenses

If the district wishes to preserve an affirmative defense for its officer for public information as provided by Government Code 552.353(b)(3), the district must file suit not later than the tenth calendar day after receipt of the attorney general's decision.

Gov't Code 552.324, .353(b)(3)

Suits Over Parent's Request

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the Public Information Act, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general, unless an earlier deadline is established by the Public Information Act.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, a district may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If a district does not bring suit within the period established, the district shall comply with the decision of the attorney general.

This provision does not affect the earlier deadline for purposes of Government Code 532.353(b)(3) (exception for affirmative defenses, above) for a suit brought by an officer for public information.

Education Code 26.0085

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[1] Office of the Attorney General and the Public Information Act: https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act

Note: The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

Child Protective Investigations

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

Special Investigations

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

Family Code 261.406(a); 40 TAC 707.597–.625

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of

school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

40 TAC 707.605(6)–(7)

Notice to School Personnel

Prior to conducting an investigation of school personnel or volunteers, SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

Family Code 261.105(d); 40 TAC 707.615

No Interference with Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303(a); 40 TAC 707.619(a)

Report of Findings

After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of the district. On request, SI shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

Family Code 261.406(b); 40 TAC 707.623

Prohibited Law Enforcement Citations

For this provision, a "school offense" means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district. "Child" means a person who is a student and at least ten years of age and younger than 18 years of age.

A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense. Education Code Chapter 37, Subchapter E-1 (Criminal Procedure) does not prohibit a child from being taken into custody under Family Code 52.01 (described below).

Education Code 37.141, .143

Students Taken into Custody

For the following provisions, "child" means a person who is:

1. Ten years of age or older and under 17 years of age, or
2. Seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

Family Code 51.02(2)

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

Instruction Sheet

TASB Localized Policy Manual Update 121

San Elizario ISD

Code	Type	Action To Be Taken	Note
CFB	(LOCAL)	Replace policy	Revised policy
CKE	(LOCAL)	DELETE policy	See explanatory note
CKEC	(LOCAL)	ADD policy	See explanatory note
CLB	(LOCAL)	Replace policy	Revised policy
CRF	(LOCAL)	Replace policy	Revised policy
CVA	(LOCAL)	Replace policy	Revised policy
CVB	(LOCAL)	Replace policy	Revised policy
DEA	(LOCAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy
FFI	(LOCAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 121

San Elizario ISD

CFB(LOCAL) ACCOUNTING: INVENTORIES

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

To better align the district's legal and local policies, provisions addressing school resource officers have been relocated to CKEC(LOCAL).

CKEC(LOCAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

Provisions addressing school resource officers have been relocated to this code from CKE(LOCAL). Please review the provisions for accuracy. If revisions are needed regarding other security personnel, please contact your policy consultant.

CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

CRF(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CVA(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CVB(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

DEA(LOCAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly.* Other revisions are recommended for policy style

San Elizario ISD

and to clarify the circumstances under which certain employees will receive premium pay during an emergency closing for a disaster.

If the district no longer wants to provide premium pay for nonexempt employees who are required to work during an emergency closing for a disaster, please contact your policy consultant for appropriate revisions to this policy.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

FD(LOCAL) ADMISSIONS

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

FFI(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING

The Minimum Standards for Bullying Prevention, completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

(LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	**School Districts and Education Service Centers**	**Community Colleges**
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529	800.580.1488

Capitalization Threshold

The capitalization threshold for purposes of classifying individual capital assets shall be ~~$5,000~~$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

School Resource Officers

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

Training

All school resource officers shall receive at least the minimum amount of education and training required by law.

[See CKEC]

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

All school resource officers shall receive at least the minimum amount of education and training required by law.

Integrated Pest Management Program

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall ~~possibly~~ include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time Frame

The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), shall coordinate with appropriate District administrators or other designated and trained employees regarding pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and an exception to the 48-hour notice requirement may be made.

No Unauthorized Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

Reasonable Assurance

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

Specifications

The Superintendent ~~or designee~~ shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

Bid Process

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

Safety Record

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

Specifications

The Superintendent ~~or designee~~ shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

Process

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal Acceptance

The District may reject any and all proposals.

Safety Record

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

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

Pay Administration

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

Annualized Salary

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

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. ~~The Superintendent or designee shall determine~~Any pay adjustments for individual employees~~,~~ shall be determined within the approved budget following established procedures.

~~Mid-Year~~Midyear Pay Increases

Contract Employees

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

Noncontract Employees

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

Pay During Closing

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools~~]~~.]

Premium Pay During Disasters

Nonexempt employees who are required to work ~~during~~ to mitigate the reason for an emergency closing ~~for a disaster, as declared by a federal, state, or local official or the Board,~~ shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.

Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent ~~or designee~~ shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

Persons Age 21 and Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

~~At the time of initial registration and on an annual basis thereafter~~In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency ~~in accordance with administrative regulations developed by the Superintendent.~~. The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

Nonresident Student in Grandparent's After-School Care

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

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

Grade-Level Placement

Accredited Schools

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

Nonaccredited Schools

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

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

Transfer of Credit

Accredited Texas Public Schools

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

Other Accredited or Nonaccredited Schools

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

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ~~determine transfer of~~ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

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

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

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyber-bullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Minimum Standards

In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

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.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
Notice of Report	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
Prohibited Conduct	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
Investigation of Report	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation. The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.
Notice to Parents	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
Bullying	
Discipline	A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.
Corrective Action	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
Transfers	The principal or designee shall refer to FDB for transfer provisions.
Counseling	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
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.
Appeal	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
Records Retention	Retention of records shall be in accordance with CPC(LOCAL).
Access to Policy and Procedures	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 shall be readily available at each campus and the District's administrative offices.

Board Instructional Workshop

Wednesday, May 17, 2023 5:30 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

The meeting was called to order at 5:30 pm

1.B. Roll Call

The following Board of Trustees were present:

Ms. Sandra Licon, President
Ms. Myrna Hernandez, Vice-President
Mr. Axel Lopez, Board Trustee
Mr. Eduardo Chavez, Board Trustee
Mr. Lorenzo Luevano Board Trustee

Dr. Jeannie Meza-Chavez, Superintendent, arrived to meeting at 5:49 pm

1.C. Pledge of Allegiance

1.D. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **NEW BUSINESS / BOARD ACTION ITEMS**

2.A. Board Instructional Workshop - Goal Setting for HB 3: Focusing on Academic Growth

Ms. Lisa Renegar presented the Goal Setting for HB 3: Focusing on Academic Growth Workshop Powerpoint presentation.

Ms. Lisa Renegar presented Student Outcome Goal 1: Math

Dr. Jeannie Meza-Chavez asked board members if the 85 percentage of 3rd grade mathematic students reaching the approaches level by 2028 is on the right track.

Ms. Myrna Hernandez stated she agrees with the 85% by 2028 goal.

Dr. Jeannie Meza-Chavez stated goals need to have a healthy balance so they can be attainable. Higher goals put more pressure on students and teachers.

Ms. Sandra Licon stated adjustments have been done in prior years after receiving STAAR results.

Dr. Jeannie Meza-Chavez stated goals need to be voted on to be in compliance with House Bill 3, but goals can always be adjusted.

Ms. Lisa Renegar stated meetings with school leaders will happen to ask for feedback to have the best goals to be approved.

Ms. Lisa Renegar presented the Math Goal Progress Measure 1.1

Dr. Jeannie Meza-Chavez stated students at the age of PK-3, PK-4 and Kindergarten are not required by law to attend school. There has been a frenzy of pushing parents to register their students for PK-3 to kindergarten, but it has been a challenge.

Dr. Rogelio Segovia stated the first challenge is to have parents register their students. Another challenge is that students are absent due to weather conditions which makes them miss instruction time.

Ms. Lisa Renegar presented the Math Goal Progress Measure 1.2

Dr. Jeannie Meza-Chavez stated the goal of 50% for K – 2nd Grade students is based on current data, but it can always be adjusted.

Ms. Lisa Renegar presented the Math Goal Progress Measure 1.3

Mr. Eduardo Chavez asked if only 60% of 3rd grade student will pass the STAAR based on the GPM 1.3.

Ms. Lisa Renegar stated all students will grow but not everyone will grow at the same level.

Mr. Eduardo Chavez stated how the MAP test software determines the projections.

Ms. Lisa Renegar stated she does not know how the software statistics work.

Mr. Eduardo Chavez asked if the MAP test software considers the student environment.

Ms. Lisa Renegar stated the MAP test software does not consider the student environment, but it will give individual student scores; this will help us see which students need more intervention.

Ms. Lisa Renegar presented Student Outcome Goal 2: Reading

Mr. Eduardo Chavez stated 80% is a good goal for Reading Scores.

Ms. Myrna Hernandez agreed with the percentage presented as well.

Ms. Lisa Renegar presented Reading Goal Progress Measure 2.1

Everyone in attendance agreed to the goal progress measure as presented.

Ms. Lisa Renegar presented Reading Goal Progress Measure 2.2

Everyone in attendance agreed to the goal progress measure as presented.

Ms. Lisa Renegar presented Reading Goal Progress Measure 2.3

Everyone in attendance agreed to the goal progress measure as presented.

Ms. Lisa Renegar presented Student Outcome Goal 2: College, Career, Military Readiness Points (CCMR)

Dr. Jeannie Meza-Chavez advised Board members the goal of 88% is a big jump, but there’s various ways to reach it.

Ms. Lisa Renegar presented Reading Goal Progress Measure 3.1

Dr. Jeannie Meza-Chavez stated the plan is to bring the finalized goals back to the board for approval in June 2023. However,

final scores will be available until September 2023; once all scores have been received, Goals can be readjusted.

Dr. Jeannie Meza-Chavez stated counselors are learning and understand they need to help students attain CCMR points.

Ms. Lisa Renegar presented a draft of the Board Monitoring Calendar for the 2023-2024 School Year.

Ms. Lisa Renegar presented the sample memo.

2.A.1. Agenda

2.A.2. Note Pages

2.A.3. Board Monitoring Calendar | 2023-2024 School Year

2.A.4. Sample Memo

2.A.5. Powerpoint Presentation - Goal Setting for HB 3: Focusing on Academic Growth

2.A.6. 2023-2024 Progress Monitoring Powerpoint Presentation Template

Dr. Rogelio Segovia, Associate Superintendent, presented the 2023-2024 Progress Monitoring Powerpoint Presentation Template

Dr. Jeannie Meza-Chavez stated the Progress Monitoring Powerpoint Presentation has been evolving throughout the years. She stated more information can be added to the presentation if the need ever arises.

Mr. Lorenzo Luevano asked if interventions are included in the presentation.

Dr. Rogelio Segovia stated that intervention information was removed as noted by board of trustees, but a different approach to the information can be added.

Ms. Myrna Hernandez asked if the following can be added to question #2: what has been done to help students?

Mr. Eduardo Chavez asked if question #4 can be changed to: what support does the campus need to achieve this goal?

Dr. Jeannie Meza-Chavez thanked everyone

that attended the workshop.

3. **NEXT MEETING DATE:**
Special Board Meeting and Budget Workshop #1
May 23, 2023 at 5:30 p.m.
Regular Board Meeting: Tuesday, June 13, 2023,
at 5:30 p.m.
Special Board Meeting (Budget Adoption):
Wednesday, June 21, 2023 at 5:30 p.m.

4. **ADJOURNMENT**

Ms. Myrna Hernandez made a motion to adjourn the meeting at **7:31 p.m.**

Mr. Eduardo Chavez seconded the motion.

Motion passed.

_____
Board President

_____
Board Secretary

Special Meeting and Budget Workshop #1

Tuesday, May 23, 2023 5:30 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

Meeting was called to order at 5:30 p.m.

1.B. Roll Call

The following Board of Trustees were present:

Ms. Sandra Licon, Board President
Ms. Myrna Hernandez, Board Vice-President
Mr. Eduardo Chavez, Board Trustee
Mr. Axel Lopez, Board Trustee
Mr. Lorenzo Luevano, Board Trustee

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

1.C. Pledge of Allegiance

1.D. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **NEW BUSINESS / BOARD ACTION ITEMS**

2.A. Discussion and possible action to obtain Officer Statements, conduct the Oath of Office, and issue Certificates of Election for all newly-elected, re-elected, and appointed trustees named below:
Place #1 - Mr. Lorenzo Luevano
Place #3 - Ms. Guadalupe Caro
Place #4 - Ms. Sandra Licon
Place #5 - Mr. Eduardo Chavez
Place #6 - Ms. Monica Chavez
Place #7 - Ms. Myrna Hernandez

Honorable Judge Ruben Lujan conducted the Oath of Office for all newly-elected, re-elected, and appointed trustees.

3. **DISTRICT RECOGNITIONS**

3.A. Introduction of New Athletic Director for San Elizario Independent School District - Mr. Cesar Morales

Dr. Jeannie Meza-Chavez, Superintendent, introduced Mr. Cesar Morales as the New Athletic Director for San Elizario Independent School District.

3.B. Recognition of Student Athletes and Coaches

3.B.1. San Elizario High School Varsity Softball Team - Bi-District Champions

Mr. Cesar Morales, Athletic Director, recognized the San Elizario High School Varsity Softball Team as well as their coaches for their achievements.

3.B.2. District Softball Coach of the Year - Coach Angel Gonzalez

Mr. Cesar Morales, Athletic Director, recognized Coach Angel Gonzalez for being selected District Softball Coach of the Year.

3.B.3. San Elizario High School Varsity Baseball Team - Bi-District Champions

Mr. Cesar Morales, Athletic Director, recognized the San Elizario High School Varsity Baseball Team as well as their coaches for their achievements.

3.B.4. San Elizario High School Track Team Regional Qualifiers

Mr. Cesar Morales, Athletic Director, recognized the San Elizario High School Track Team as well as their coaches for their achievements.

3.B.5. UIL State Championship Silver Medalist in 800m race - Christopher Moreno

Mr. Cesar Morales, Athletic Director, recognized student Christopher Moreno for his athletic achievement.

3.C. Recognition of Literary Anthology Sueños: Find the Dream and Soar Winners

Ms. Anna Alvarez, Instructional Officer,

introduced and recognized the Literary Anthology Sueños: Find the Dream Soar Winners.

4. **NEW BUSINESS / BOARD ACTION ITEMS** (continued)

4.A. Establish dates for the following Board of Trustees Trainings:

Dr. Jeannie Meza-Chavez, Superintendent, advised the new members to attend the Local District Orientation and reminded the Board of Trustees about completion of the Team of 8 Training. She asked for guidance as to when to schedule this orientation.

Mr. Eduardo Chavez stated he is only available during July 31 to August 4 and during August 14 to August 18.

4.A.1. Local District Orientation

4.A.2. Team of 8 Training

4.B. Budget Workshop #1 for the 2023 - 2024 fiscal year

Mr. Norberto Rivas, Chief Financial Officer, presented the Budget Workshop #1 presentation.

Dr. Jeannie Meza-Chavez, Superintendent, asked Mr. Jesus Martinez, Support Services Director, to provide a summary on required TEA safety measure upgrades.

Mr. Jesus Martinez, Support Services Director, gave a spending summary on the required TEA safety measure upgrades.

Dr. Jeannie Meza-Chavez, Superintendent, stated the district must advocate for more funds for the required TEA safety measure upgrades.

Dr. Jeannie Meza-Chavez, Superintendent, asked Dr. Rogelio, Associate Superintendent, to provide a summary on the elimination process of programs that are not being used by campuses.

Dr. Rogelio Segovia, Associate Superintendent, stated he meets with principals to go over expenditures regarding online programs or instructional

resources. If the online program or instructional resource was ineffective or not used, then its eliminated or cut from the budget.

Dr. Jeannie Meza-Chavez, Superintendent, stated each campus has a campus improvement team where staff is selected to serve to help share what the campus needs are.

Mr. Eduardo Chavez asked why an additional Assistant Principal is being requested at Sambrano Elementary if the projections show a decline on student enrollment.

Dr. Jeannie Meza-Chavez, Superintendent, stated Sambrano Elementary is the 2nd largest student enrollment campus.

Ms. Myrna Hernandez asked how many more students enrolled after the district's Attendance Boundary Change.

Mr. Norberto Rivas, Chief Financial Officer, stated enrollment at Sambrano Elementary increased but enrollment at Alarcon Elementary decreased.

Mr. Eduardo Chavez asked if Alarcon Elementary had 1 Principal and 1 Assistant Principal.

Mr. Norberto Rivas, Chief Financial Officer, stated Alarcon Elementary, Borrego Elementary and Sambrano Elementary have 1 Principal paired up with 1 Assistant Principal. Sambrano is currently requesting an additional principal.

Mr. Eduardo Chavez stated his concern is what will happen with the additional assistant principal if enrollment continues to decline.

Mr. Norberto Rivas, Chief Financial Officer, stated the assistant principal can be reassigned between campus if needed.

Mr. Eduardo Chavez asked if they must decide whether to use the ESSER funds for retention bonuses or to complete projects.

Mr. Norberto Rivas, Chief Financial Officer, stated the options are to use ESSER funds for retention purposes or to supplant employee salaries to free up the general budget to fund project completion.

Dr. Jeannie Meza-Chavez, Superintendent, asked board members to give their opinion on whether to supplant or provide retention bonuses.

Mr. Axel Lopez stated he is leaning towards supplanting.

Ms. Guadalupe Caro stated she is leaning towards supplanting so the district can complete other projects.

Mr. Eduardo Chavez stated he is leaning towards supplanting but would like to wait to see what other districts are doing.

Ms. Myrna Hernandez stated she is leaning towards supplanting.

Ms. Monica Chavez stated she is leaning towards supplanting.

Mr. Lorenzo Luevano stated he is leaning towards supplanting.

Mr. Eduardo Chavez stated he would still like to have options presented that include supplanting and a stipend.

Mr. Eduardo Chavez stated that during the TASB Convention a presentation was shown with the option of school districts being able to have their own health insurance and asked how much the district spending per year on insurance is.

Mr. Norberto Rivas, Chief Financial Officer, stated the employer contributes approximately 3 million dollars. The district currently has its own health plan; another option would be to jump into the state TRS plan.

Mr. Eduardo Chavez stated other districts have been creating their own insurance department to negotiate rates with providers.

Mr. Norberto Rivas stated the biggest challenge for that project would be the building of the mini health network and create all the connections with the health vendors.

Mr. Eduardo Chavez stated he would do more research on this option before bringing it

up as a possibility.

Ms. Myrna Hernandez asked if the rebote court wall is still being used by students.

Mr. Norberto Rivas, Chief Financial Officer, stated that students are using both courts, but there is a possibility to build another rebote court in another location.

Ms. Sandra Licon asked if the project to enclose the rebote court will provide enough space for the wrestling mat to fit.

Dr. Jeannie Meza-Chavez, Superintendent, stated the Cheerleading mat does not fit in the current practice location; the cheerleading team moves to a bigger location when the mat needs to be used.

Mr. Cesar Morales, Athletic Director, stated cheerleading team has a practice location in the new field house; they move into the Gym when they need to practice on the competition mat. Something similar can be done with wrestling. Wrestling can move into the current ROTC practice shooting range for day-to-day practice and then move into the gym to practice on their competition mat. The gym can be scheduled as needed. The only issue is the storage of the mats. The mats are rolled up in the gym, but they tend to get damaged.

Dr. Jeannie Meza-Chavez, Superintendent, stated accommodations for sport teams need to be similar.

Mr. Eduardo Chavez asked if wrestling needs to practice on the competition mat daily.

Mr. Cesar Morales, Athletic Director, stated wrestling would need to practice using the competition mat once or twice a week.

Dr. Jeannie Meza-Chavez, Superintendent, stated wrestling being moved to the ROTC practice shooting range is the most ideal move.

Mr. Norberto Rivas, Chief Financial Officer, stated the new pre-engineered metal building would accommodate the practice shooting range and the storage space ROTC currently has.

Mr. Eduardo Chavez asked if ROTC class will take place in the pre-engineered metal building.

Mr. Norberto Rivas, Chief Financial Officer, stated the class will be located inside the campus; the classroom assigned will be near the pre-engineered metal building.

Mr. Cesar Morales, Athletic Director, stated cheerleading coach is comfortable in the current practice room. Cheerleading would also practice with their competition mat in the gym once or twice a week.

Dr. Jeannie Meza-Chavez, Superintendent, stated coordination and scheduling is needed to accommodate both teams appropriately.

Mr. Norberto Rivas, Chief Financial Officer, stated that in the future the current ROTC practice shooting range can always be expanded.

Mr. Eduardo Chavez stated the Alejandra Flores Park sport fields need lighting and asphalt pathways to drive into the different sports fields. Sport fields need to be upkept with the irrigation.

Mr. Jesus Martinez, Support Services Director, stated the sports fields do have water rights, but the fields can only be irrigated based on water availability.

Mr. Lorenzo Luevano stated there’s the possibility of installing rainwater harvesting barrels to help with the upkeep of the fields.

Ms. Myrna Hernandez stated restrooms are also needed at the Alejandra Flores Park.

Mr. Norberto Rivas, Chief Financial Officer, and Mr. Jesus Martinez, Support Services Director, stated the Alejandra Flores Park can be accommodated with Portable Toilets like the ones at the Fernie Madrid Eagle Park.

Dr. Jeannie Meza-Chavez, Superintendent, asked if the asphalt pathway would be a walking space and a driveway or should the pathway be only used as a walking space and

expand the parking lot.

Mr. Norberto Rivas, Chief Financial Officer, stated the parking lot will be expanded.

Dr. Jeannie Meza-Chavez, Superintendent, stated the expanded parking and the walking pathway will reduce vehicle wear and tear on sport fields.

Mr. Norberto Rivas, Chief Financial Officer, asked if the board would like to go all in on the four fields.

Mr. Eduardo Chavez stated that at least half of the sport fields should be updated.

Mr. Norberto Rivas, Chief Financial Officer, will bring an estimate on this project.

Mr. Jesus Martinez, Support Services Director, recommended to upgrade current sport field fencing adjacent to school campuses and district buildings for safety measures.

Dr. Jeannie Meza-Chavez, Superintendent, security vestibules are needed at our campuses as a safety measure.

Dr. Jeannie Meza-Chavez, Superintendent stated the middle school entrance needs something different.

Dr. Jeannie Meza-Chavez, Superintendent, stated the High School Theater side steps do not have lighting and it’s a safety hazard.

Dr. Jeannie Meza-Chavez, Superintendent, the Sambrano Library project will inspire students to visit the library.

Ms. Myrna Hernandez asked to see the Central Office promotional window tint project.

Mr. Norberto Rivas, Chief Financial officer, showed an example of the promotional window tint that could be installed on the front Central Office building window wall.

Ms. Myrna Hernandez stated the Central Office Building should look nice through

the outside, but it should also look nice through the inside. The Human Resources department needs an upgrade because it's the first location district employees walk into.

Dr. Jeannie Meza-Chavez, Superintendent, stated there are two mindsets to the upgrading of central office. Some may think Central office is getting more upgrades than the school campuses. She agrees to upgrading Central Office, but board approval is needed.

Ms. Myrna Hernandez stated district buildings should get an upgrade at the same time as campuses do.

Dr. Jeannie Meza-Chavez, Superintendent, stated administration needs direction on which projects are priority so projects can be completed on a timely manner.

Ms. Sandra Licon asked if a ballpark figure can be presented showing how much funds can be used per district properties.

Mr. Eduardo Chavez asked if administration could look into being energy efficient due to upcoming electric surcharges.

Mr. Jesus Martinez, Support Services Director, stated there is not much interior LED lighting throughout the district. A company came in to provide a quote for retrofit the whole district.

Mr. Eduardo Chavez asked if the retrofitting to LED lighting can happen in phases.

Mr. Eduardo Chavez asked about the Mariachi Uniforms.

Mr. Norberto Rivas, Chief Financial Officer, stated students have been sized for the uniform and the purchase order has been approved.

Ms. Myrna Hernandez stated an employee raise should be the same for all employees.

Mr. Eduardo Chavez stated he would like to see a scenario with different pay raises depending on the market demand.

Mr. Eduardo Chavez stated he is interested

on being competitive with other districts pay throughout all pay groups.

Mrs. Blanca Cruz stated there are positions that need to be worked on to attract people to apply.

Dr. Jeannie Meza-Chavez, Superintendent, asked what the board will be presented with in the upcoming board meeting.

Mr. Norberto Rivas, Chief Financial Officer, gave a preliminary summary of what he would be bringing for the next board meeting.

4.B.1. Handout # 1

4.B.2. Handout # 2

4.B.3. Handout # 3

4.B.4. Handout # 4

4.B.5. Handout # 5

4.B.6. Handout # 6

5. **CONSENT AGENDA** - Consider and possible Board action on

Ms. Myrna Hernandez made a motion to approve all items in the consent agenda.

Mr. Axel Lopez seconded the motion.

Motion Passed.

5.A. Financial Reports

5.A.1. Budget Amendment

5.A.2. Purchase Orders exceeding $25,000.00

5.A.2.a. PO# 48248 - Sun City Winnelson Co - $34,799.17
PO# 48249 - Sun City Winnelson Co - $25,386.38

5.B. Discussion and possible action to approve the changes to the Miscellaneous Pay Rate Chart for Law Enforcement Services

5.C. Consider approval of minutes for the following:

5.C.1. May 9, 2023 - Special Board Meeting

5.C.2. May 10, 2023 - Regular Board Meeting

6. **PRESENTATION / REPORTS / INFORMATION**

6.A. 2023 FWTSBA/TASB Spring Workshop Training - Thursday, May 25, 2023 at 5:00 p.m. (Information)

6.B. Board Training Information

6.B.1. New Trustee Checklist (TASB)
Dr. Jeannie Meza-Chavez, Superintendent, advised new trustees of the training requirements.

6.B.2. Training Requirements for School Board Members (TASB)

6.B.3. School Board Training (TEA)

7. **NEXT MEETING DATE:**
Regular Board Meeting: Tuesday, June 13, 2023 at 5:30 p.m.
Special Board Meeting (Budget Adoption): Wednesday, June 21, 2023 at 5:30 p.m.

8. **ADJOURNMENT**

Mr. Eduardo Chavez made a motion to adjourn the meeting at **8:58 p.m.**

Ms. Myrna Hernandez seconded the motion.

Motion passed.

_____
Board President

_____
Board Secretary

San Elizario ISD
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Phone 915.872.3900
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MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Director-Support Services
Subject: May 2023, Non-Technology Fixed Asset Discards
Date: June 13, 2023

HISTORY: Campuses and departments periodically replace obsolete, broken or non-repairable items. We assist campuses and departments in removing these items to maximize space and minimize unnecessary item accumulation.

RATIONALE: To prevent unnecessary accumulation of obsolete, broken, or non-repairable fixed assets at all our campuses and in departments, discard requests are now submitted monthly until further notice.

BUDGET: No budget impact

ADMINISTRATIVE RECOMMENDATION: For the Board of Trustees to declare the listed fixed assets as surplus or discards and authorize the administration to sell or dispose of them by any reasonable means.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Fixed Asset Discard List

☒ Other: Central Office

☐ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	H131	External Defibrillator	14061002 19	1	
2	H131	Vacuum Cleaner (Hoover)	13103021 21	1	
3	H131	Vacuum Cleaner (Hoover)	12082700 40	1	
4					
5					
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Date: 05/24/23

Authorized Campus Signature Jeannie Mayo Chavez 5/25/23

San Elizario I.S.D.
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MEMORANDUM

To: Members of the Board of Trustees
From: Horacio Hernandez, Technology Director
Subject: June 2023 Technology Fixed Asset Discard
Date: June 13, 2023

HISTORY:
Campus and Departments periodically replace obsolete or non-repairable technology items. In order to aid the campuses and departments in removing these items to maximize space, the Technology Department will be submitting monthly disposal lists for approval.

RATIONALE:
Items shown on the attached lists have been reviewed by the District Technology Department and concur with campus/departments administration to dispose or sell listed items.

BUDGET IMPACT:
No budget impact.

ADMINISTRATIVE RECOMMENDATION:
For the Board to declare the fixed assets listed as surplus and authorize the administration to sell or dispose of items by any reasonable means.

Please check one: X For approval ☐ Report/Information only ☐ Recognition only

Sambrano Elementary

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

Fixed Asset Discard List

[XX] Other Technology

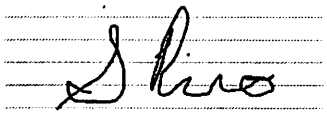
[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] GEMS [ ] Alarcon [ ] Borrego [xx] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	303	Apple IPAD	2600002673	1	Discard
2	303	Apple IPAD	2600002697	1	Discard
3	303	Apple IPAD	2600002719	1	Discard
4	303	Apple IPAD	2600001081	1	Discard
5	303	Apple IPAD	3600002272	1	Discard
6	303	Apple IPAD	3600002223	1	Discard
7	303	Apple IPAD	3600002278	1	Discard
8	303	Apple IPAD	2600002685	1	Discard
9	303	Apple IPAD	2600002717	1	Discard
10	303	Apple IPAD	3600000217	1	Discard
11	303	Apple IPAD	3600001249	1	Discard
12	303	Apple IPAD	3600002277	1	Discard
13	303	Apple IPAD	3600002290	1	Discard
14	303	Apple IPAD	3600002269	1	Discard
15	303	Apple IPAD	3600000586	1	Discard
16	303	Apple IPAD	3600001252	1	Discard
17	303	Apple IPAD	3600001250	1	Discard
18	303	Apple IPAD	3600000090	1	Discard
19	303	Apple IPAD	3600000342	1	Discard
20	303	Apple IPAD	3600001262	1	Discard
21	303	Apple IPAD	2600000586	1	Discard
22	303	Apple IPAD	2600001069	1	Discard
23	303	Apple IPAD	3600000200	1	Discard
24	303	Apple IPAD	3600000194	1	Discard
25	303	Apple IPAD	2600000580	1	Discard
26	303	Apple IPAD	2600000585	1	Discard
27	303	Apple IPAD	3600000101	1	Discard
28	303	Apple IPAD	3600000208	1	Discard
29	303	Apple IPAD	3600000335	1	Discard
30	303	Apple IPAD	3600000227	1	Discard
31	303	Apple IPAD	3600002222	1	Discard
32	303	Apple IPAD	3600000196	1	Discard
33	303	Apple IPAD	3600000517	1	Discard
34	303	Apple IPAD	2600000575	1	Discard
35	303	Apple IPAD	3600001875	1	Discard
36	303	Apple IPAD	3600000309	1	Discard
37	303	Apple IPAD	2600002398	1	Discard broken
38	303	Apple IPAD	2600001841	1	Discard
39	303	Apple IPAD	3600000088	1	Discard
40	303	Apple IPAD	3600002293	1	Discard
41	303	Apple IPAD	2600001827	1	Discard
42	303	Apple IPAD	2600001833	1	Discard
43	303	Apple IPAD	3600000323	1	Discard
44	303	Apple IPAD	2600002259	1	Discard
45	303	Apple IPAD	3600000341	1	Discard

Date: 19-May-23



SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

[XX] Other Technology

Fixed Asset Discard List

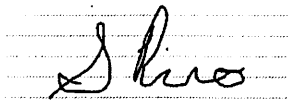
[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] GEMS [ ] Alarcon [ ] Borrego [xx] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	303	Apple IPAD	3600000334	1	Discard
2	303	Apple IPAD	2600000574	1	Discard
3	303	Apple IPAD	2600000590	1	Discard
4	303	Apple IPAD	3600000299	1	Discard
5	303	Apple IPAD	2600001830	1	Discard
6	303	Apple IPAD	3600000324	1	Discard
7	303	Apple IPAD	2600001839	1	Discard
8	303	Apple IPAD	2600000584	1	Discard
9	303	Apple IPAD	3600000480	1	Discard
10	303	Apple IPAD	1604270016	1	Discard
11	303	Apple IPAD	3600000339	1	Discard
12	303	Apple IPAD	2600001821	1	Discard
13	303	Apple IPAD	1604270022	1	Discard
14	303	Apple IPAD	1501213025	1	Discard
15	303	Apple IPAD	1501210317	1	Discard
16	303	Apple IPAD	3600000326	1	Discard
17	303	Apple IPAD	1501212749	1	Discard
18	303	Apple IPAD	1501214635	1	Discard
19	303	Apple IPAD	1604270029	1	Discard
20	303	ELMO	2600001220	1	Discard
21	303	ELMO	3600000484	1	Discard
22	303	ELMO	1404080003	1	Discard
23	303	ELMO	3600000487	1	Discard
24	303	ELMO	3600000485	1	Discard
25	303	ELMO	1211161455	1	Discard
26	303	ELMO	2600001223	1	Discard
27	303	ELMO	O907283611	1	Discard
28	303	ELMO	3600001662	1	Discard
29	303	ELMO	1009223738	1	Discard
30	303	ELMO	1601204102	1	Discard
31	303	ELMO	3600001671	1	Discard
32	303	Dell Hard drive	O908055118	1	Discard
33	303	InFocus Projector	1311191828	1	Discard

Date: 19-May-23



San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Susana Frescas, Instructional Programs Administrator, and Mr. Josue Palomino, Instructional Officer
Subject: Dual Language Program Update
Date: June 13, 2023

HISTORY: A dual language program is a bilingual education model in which students are taught literacy and content in two languages. For SEISD, these languages are Spanish and English. Dual language programs foster bilingualism, biliteracy, enhanced awareness of linguistic and cultural diversity, and high levels of academic achievement through instruction in two languages.

RATIONALE: The district decided to transition to a dual language model following the research on the most effective language programs. The 2020-21 school year was the year of the initial implementation of the district's program, which was initiated in grades Pre-K and Kindergarten. The program has been growing one grade level at a time, year after year. Next school year, we will open the 4th-grade dual language classes.

BUDGET: The district already has a bilingual program budget in place. This same budget is being used to sustain the current bilingual program and grow the dual language program.

ADMINISTRATIVE RECOMMENDATION: This report will be presented by Mr. Josue Palomino and Dr. Segovia and is for information only; no action by the board of trustees is required.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☒ Attachment Included

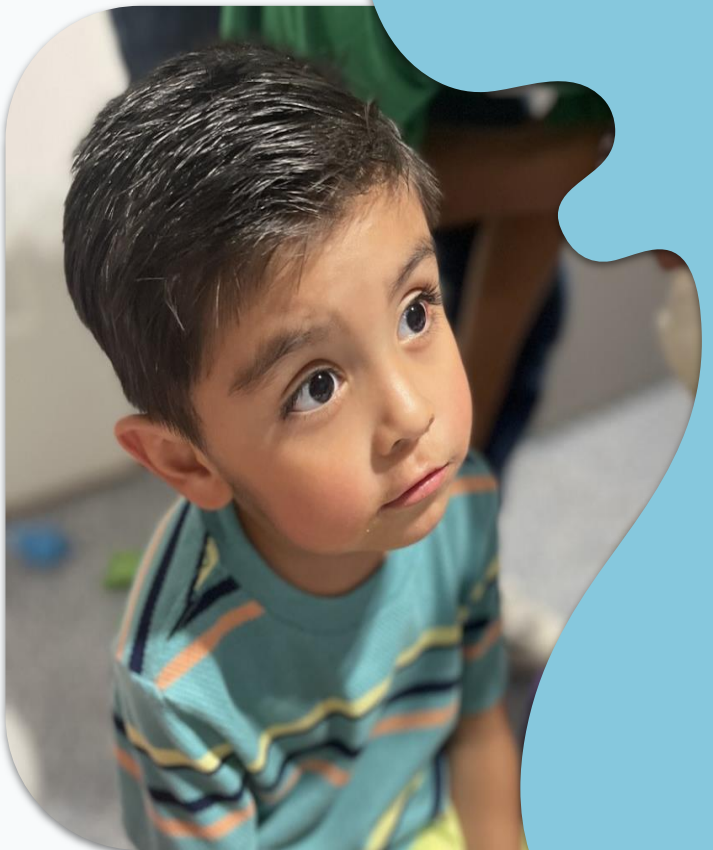
San Elizario ISD
Dual Language Program

Program Update

Susana Frescas, Instructional Programs Administrator
Josue Palomino, Instructional Officer

What is Bilingual Education

- Any type of program that is taught in **two languages**.
- Bilingual Education (BE) programs ensure that English Learners (ELs) are given **equitable opportunities** to succeed in and complete their education.
- Programs are designed to **simultaneously develop** English fluency, content knowledge, and academic language.



Instructional Models

(all under the umbrella of bilingual education)

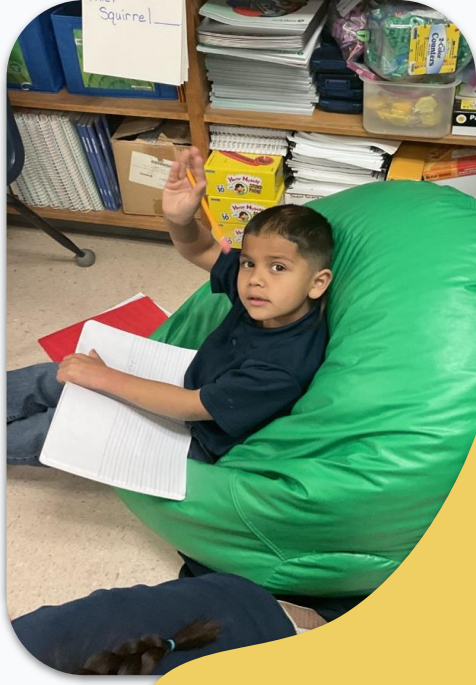
Additive Models:

- One-Way DL
- Two-Way DL

Subtractive Models:

- TBE – Early Exit
- TBE – Late Exit
- ESL Content-Base
- ESL Pullout

What is a Dual Language Immersion Program?



- DL Immersion programs are designed to develop English and home language fluency, content knowledge, and academic language in both languages.

- DL cultivates a strong development of the home language and accelerates a higher proficiency in English and content learning (the stronger the home language, the higher proficiency in English achieved).

- DL programs offer cross-cultural competencies needed to succeed in our multicultural society and global economy.

Benefits of the Program

- Students who participate in DL receive instruction in two languages to become bilingual, bi-literate, and develop cultural competency.
- DL offers children whose heritage is the partner language and culture, the opportunity to develop a positive linguistic and cultural identity that allows them to better connect with their parents, relatives and community.

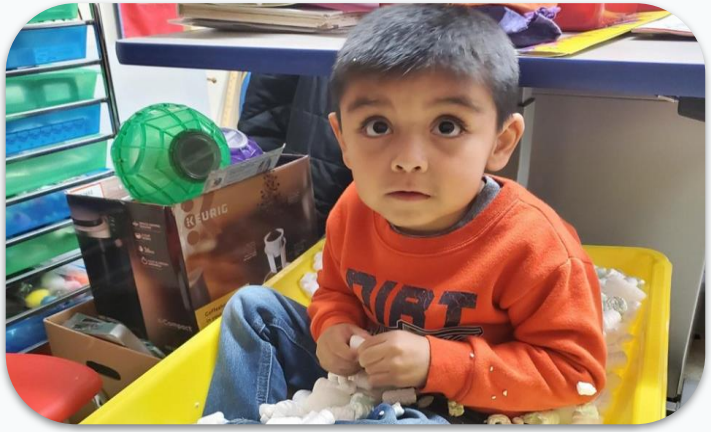
Program Mission

The San Elizario Independent School District Dual Language Program will develop highly competent bilingual students while fostering academic success and cultural awareness by meeting the affective, linguistic and cognitive needs in both languages.

SEISD Program Model

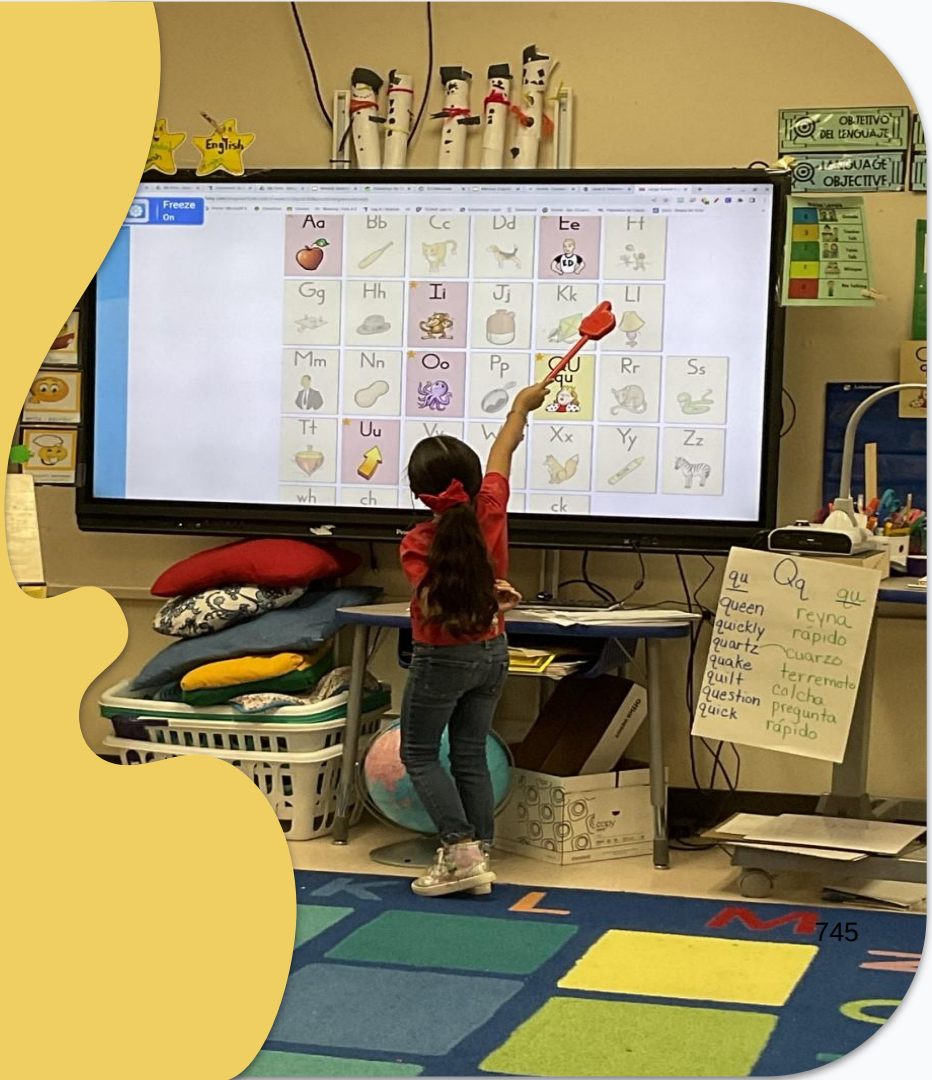
Pre-K

90:10 One-Way model



K-4

50:50 One-Way model



Curriculum

- The program follows the district's core curriculum and uses state-adopted materials.
- Grade-level standards are taught.
- Teachers are highly trained and receive continuous professional development in delivering lessons.

Professional Development

1. The Dual Language Classroom: Essentials
2. C6 Biliteracy Instructional Framework: Lesson Planning
3. The Dual Language Classroom: Instruction in Spanish
4. Follow-up sessions on language acquisition strategies aligned to our DL program as needed by campus and/or grade level

Current Dual Language Counts

Student Counts per Grade Level:

- PreK 3 & 4 124 students
- Kinder 118 students
- 1st grade 130 students
- 2nd grade 148 students
- 3rd grade 133 students

Total Current DL Count: 653

Sample weekly schedule

Week A

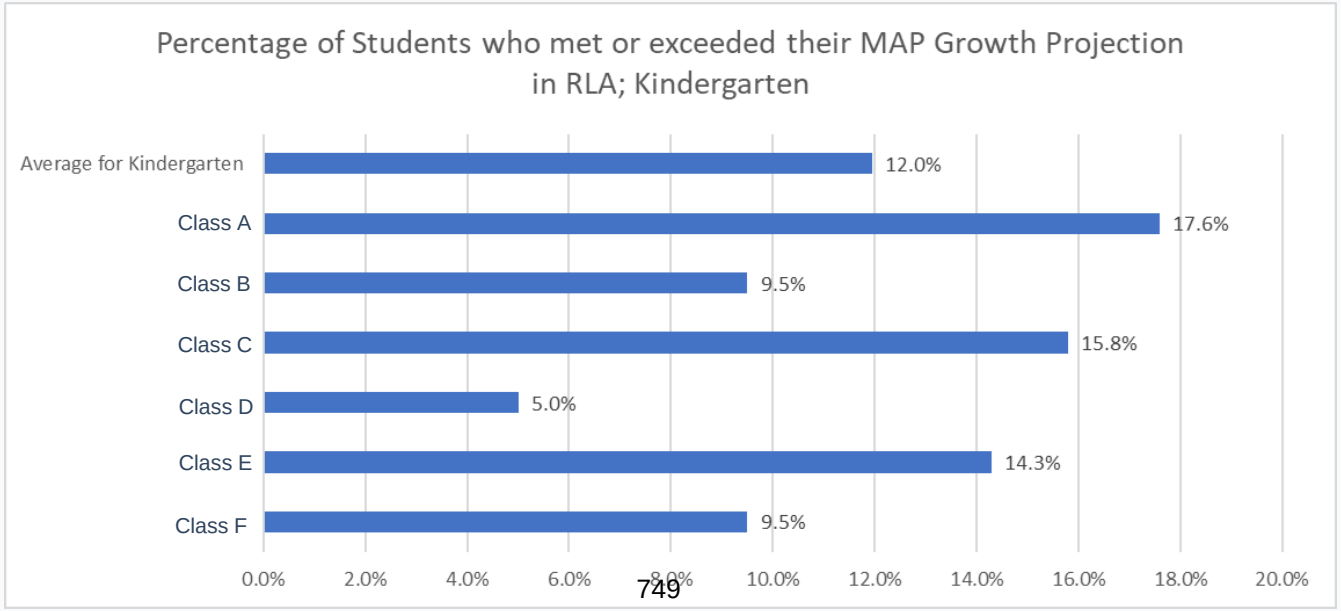
Content	Time	Spanish	English
Intervention	45	Intervention	
Reading & Language Arts	5	Read Aloud	
	15	Shared Reading	
	10	Word Study	
	45	Reader's Workshop	
	45	Writer's Workshop	
Social Studies	30	Estudios Sociales	
Science	35		Science
Math	10		Daily Numeracy
	10		Fact Fluency
	10		Problem Solving
	60		Core Instruction
	20		ELD

Week B

Content	Time	Spanish	English
Intervention	45	Intervention	
Reading & Language Arts	5		Read Aloud
	15		Shared Reading
	10		Word Study
	45		Reader's Workshop
	45		Writer's Workshop
Social Studies	30		Social Studies
Science	35	Ciencias	
Math	10	Daily Numeracy	
	10	Fact Fluency	
	10	Problem Solving	
	60	Core Instruction	
	20	SLD	

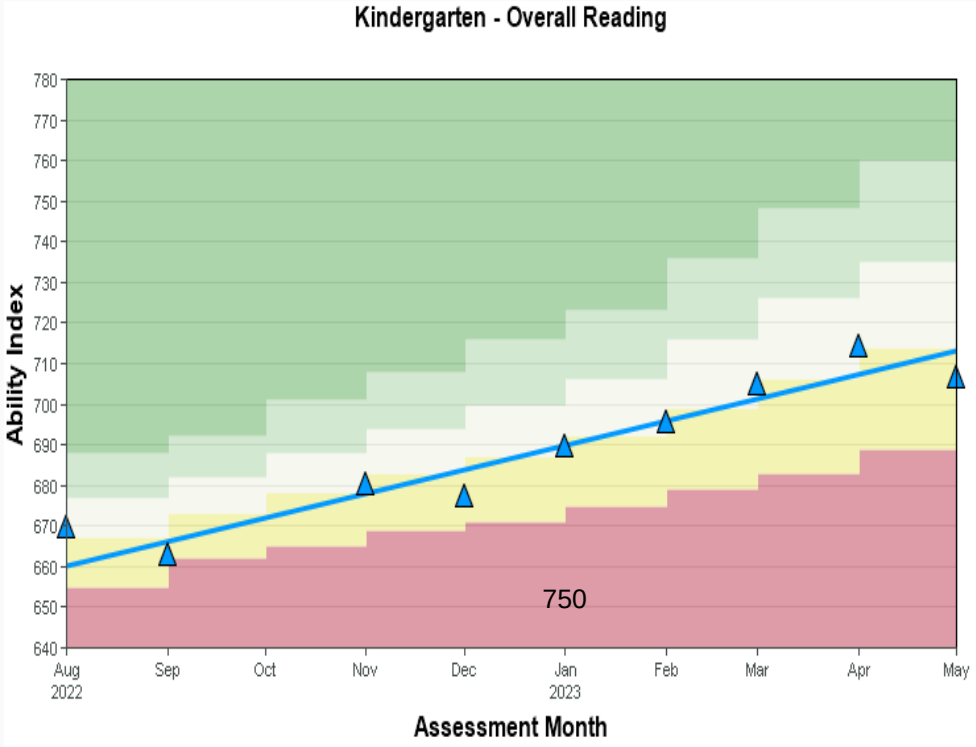
748

MAP Growth Projection



K Spanish Data

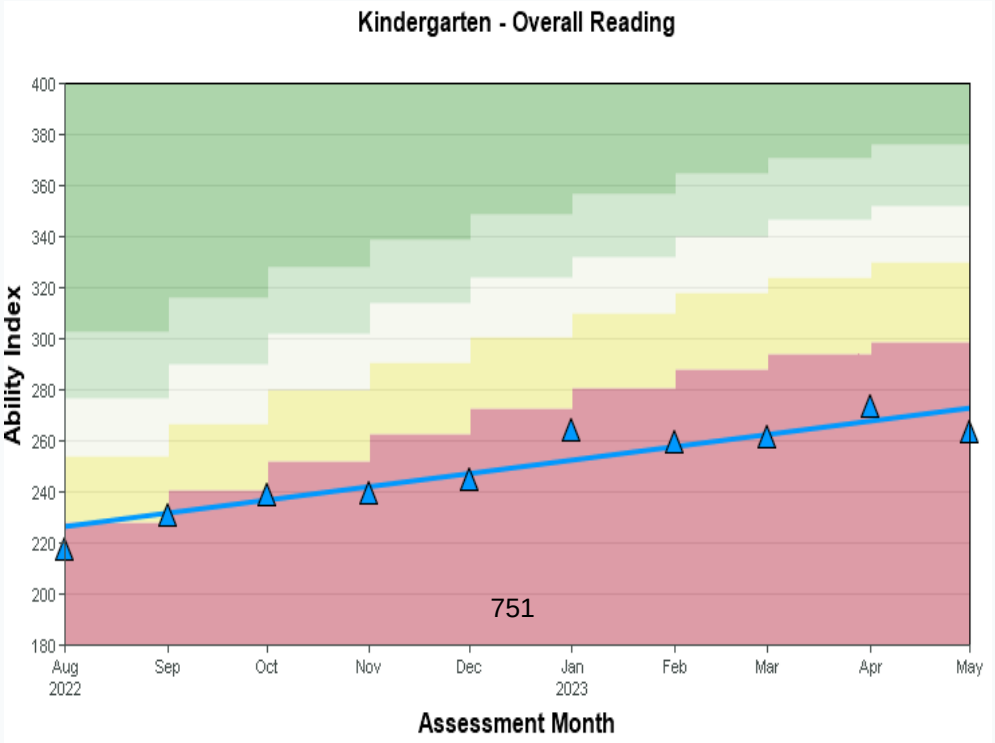
Overall
Spanish



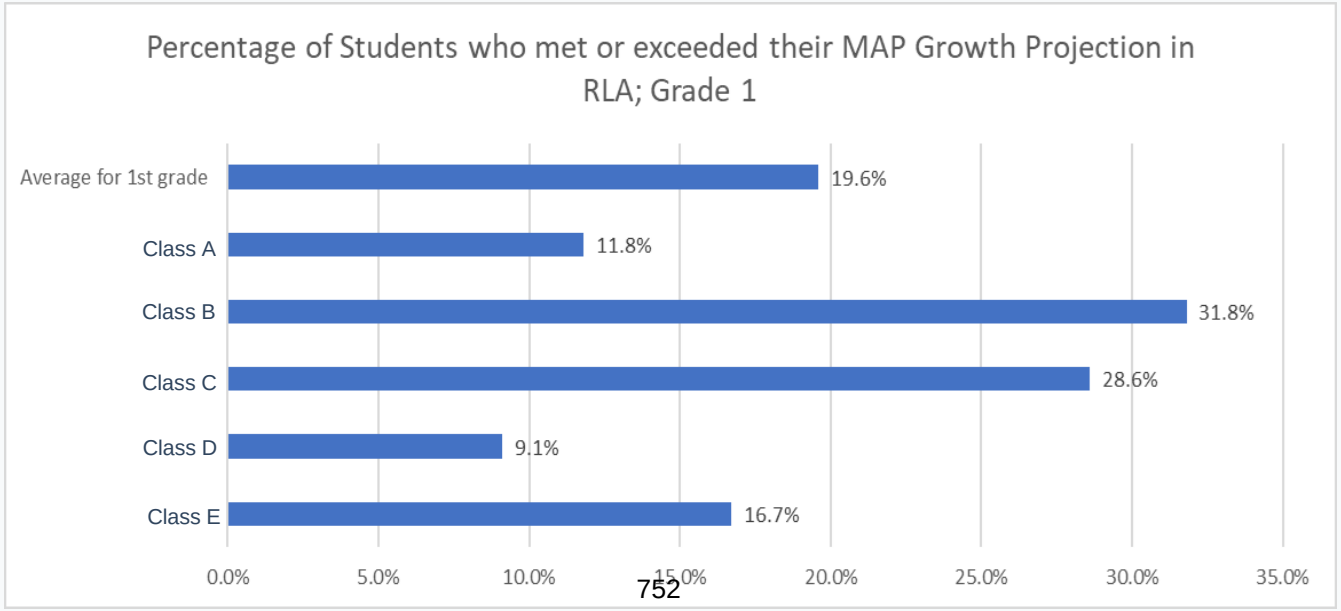
K English Data

Overall

English

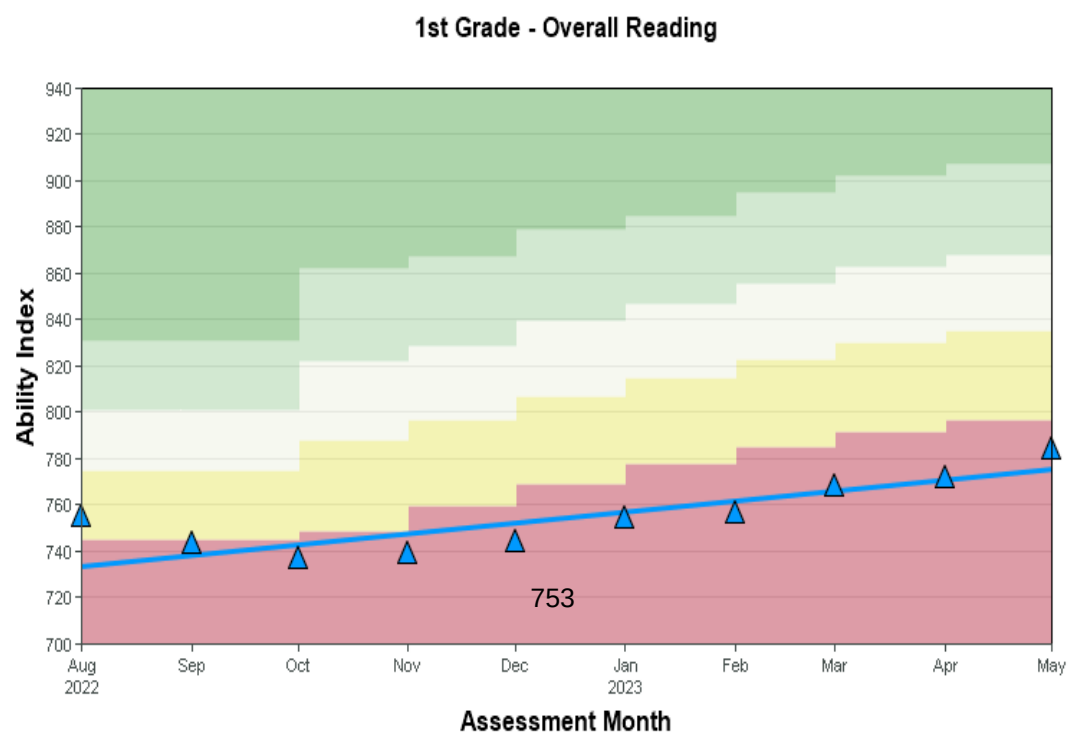


MAP Growth Projection



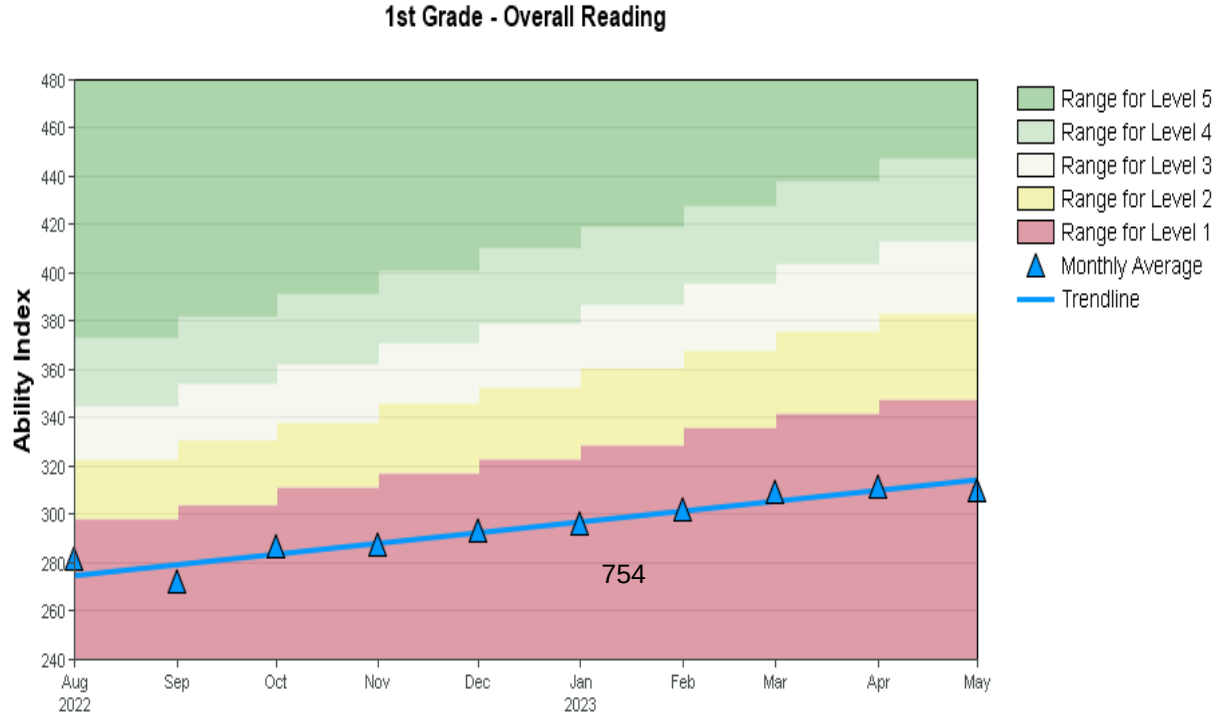
1st Spanish Data

Overall
Spanish

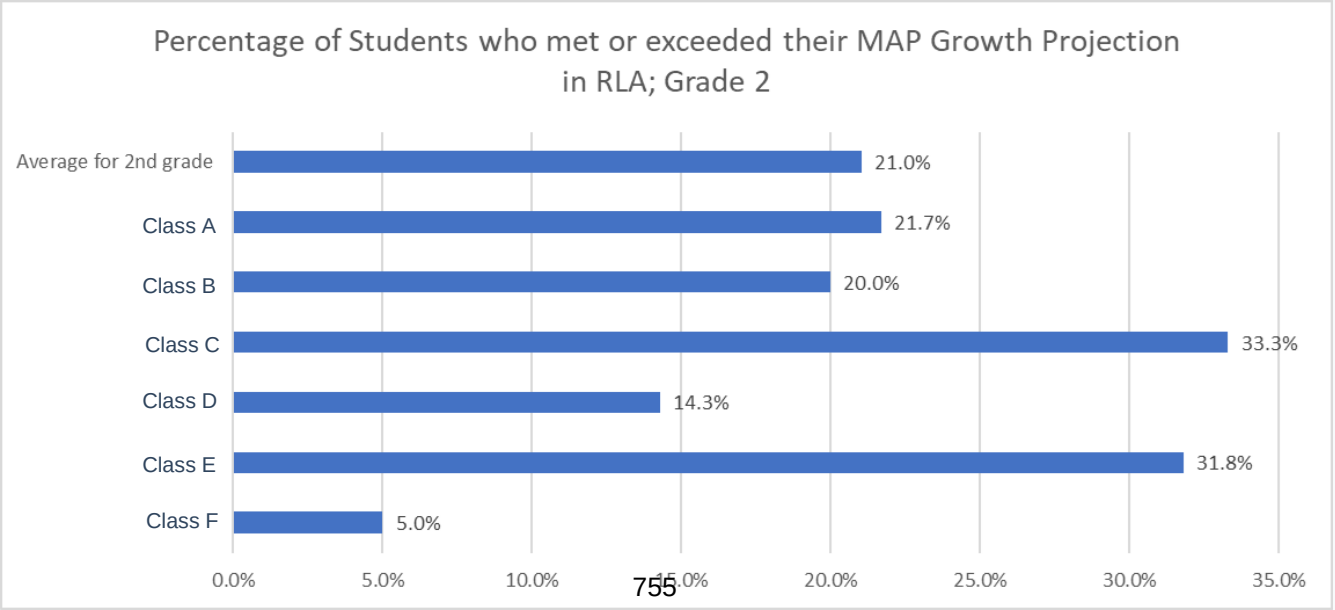


1st English Data

Overall
English

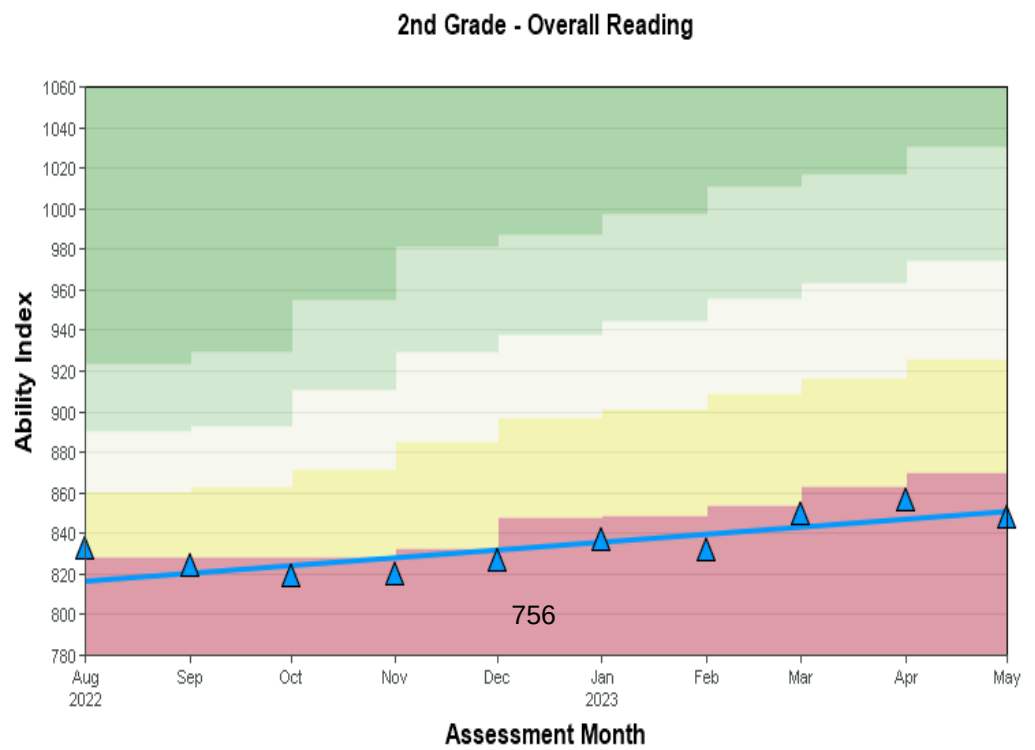


MAP Growth Projection



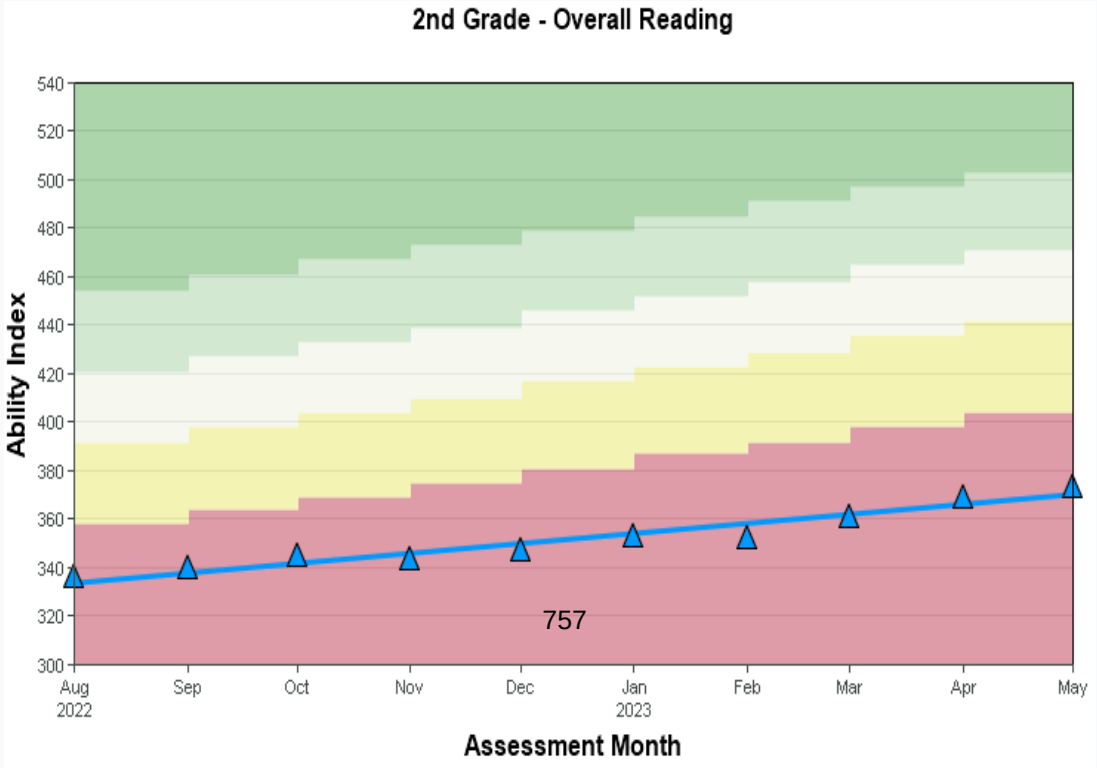
2nd Spanish Data

Overall
Spanish

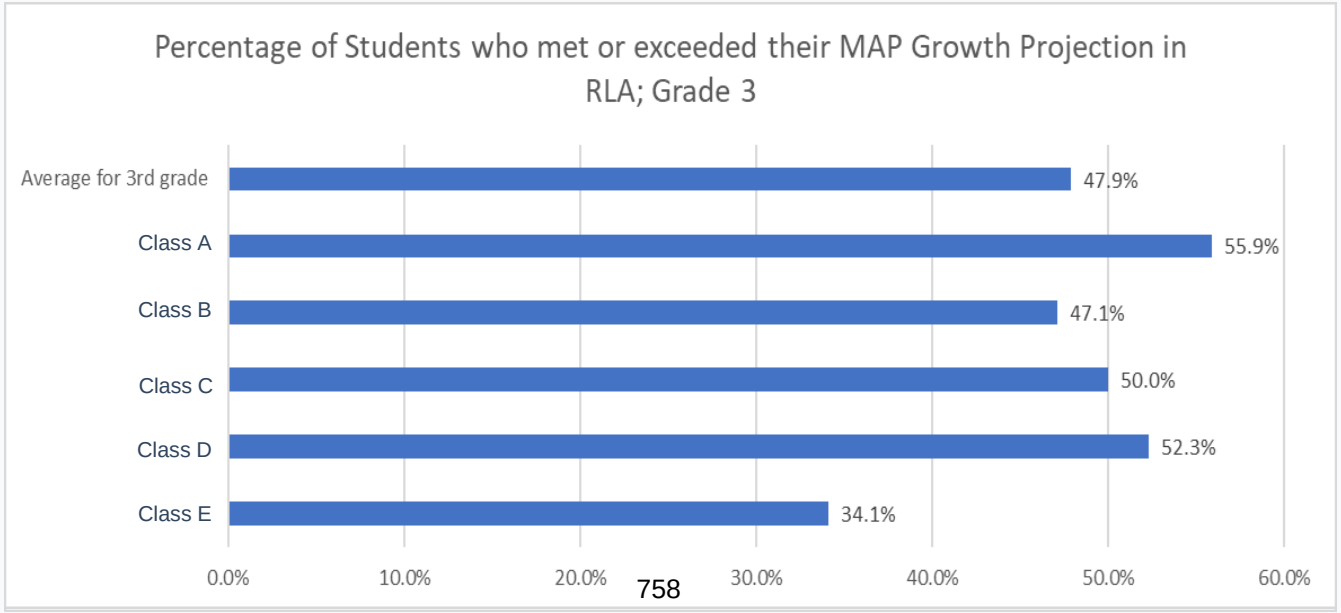


2nd English Data

Overall
English

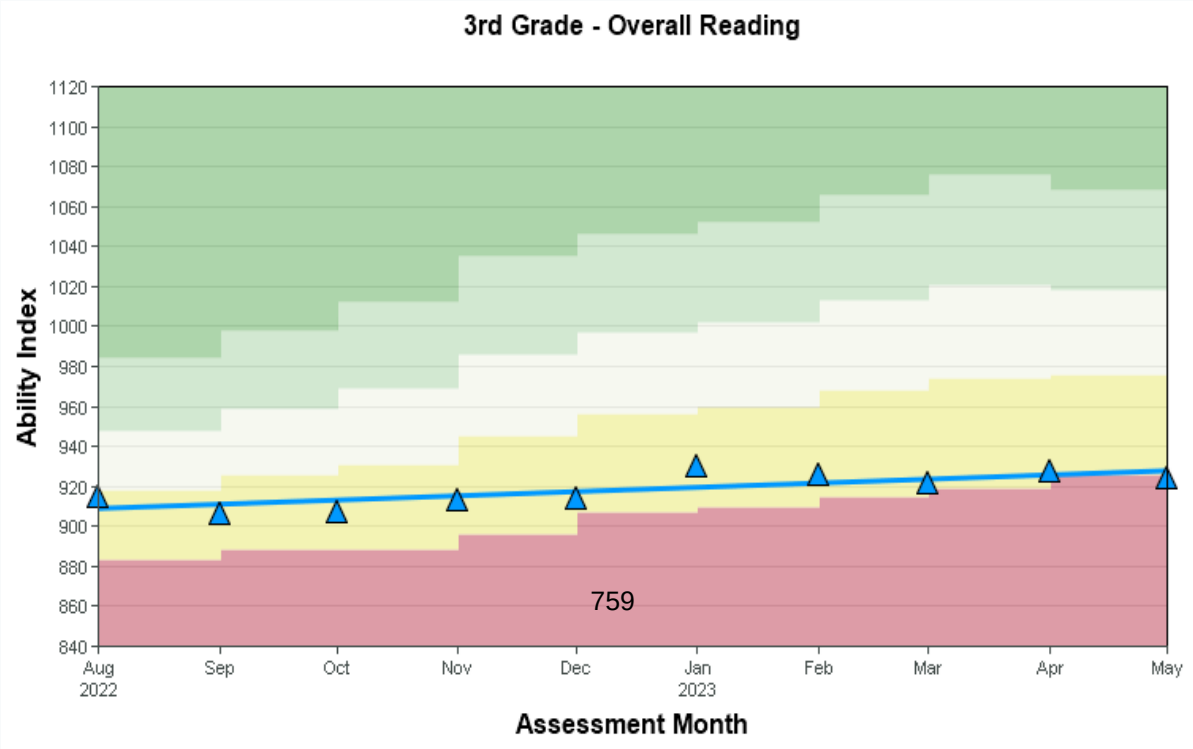


MAP Growth Projection



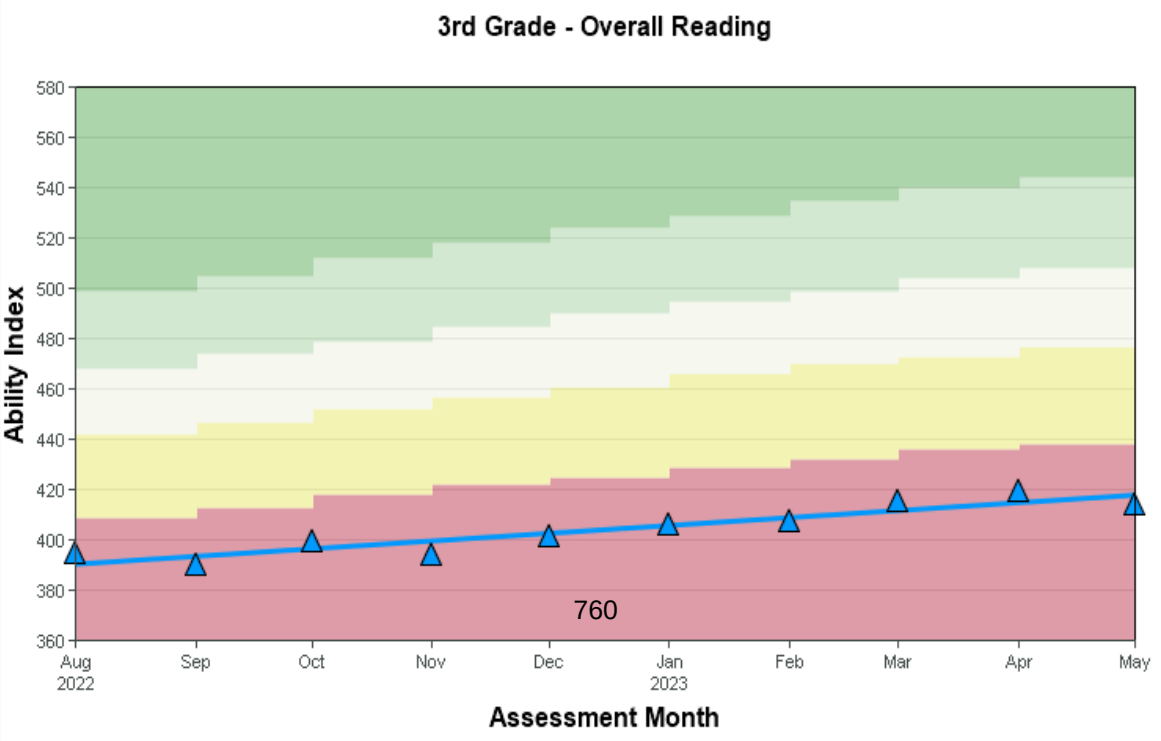
3rd Spanish Data

Overall
Spanish

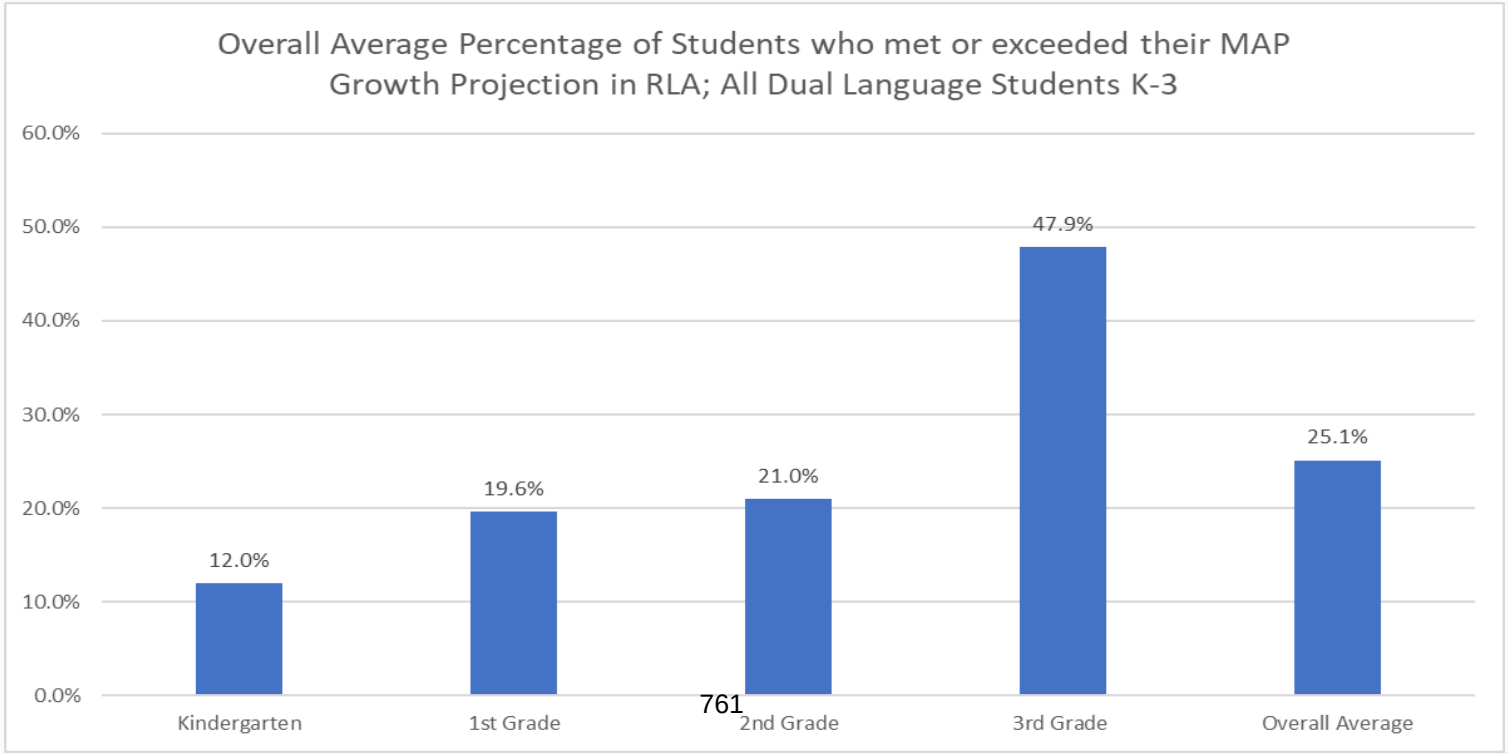


3rd English Data

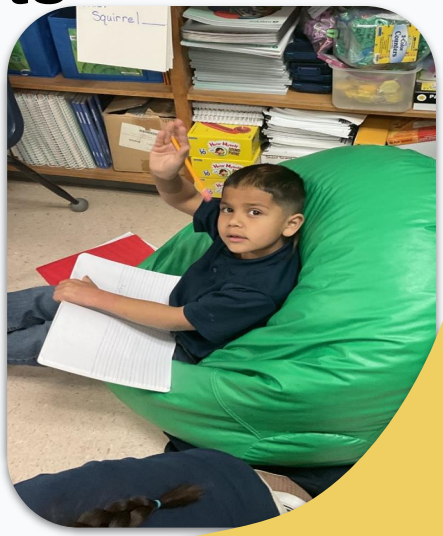
Overall
English



MAP Growth Projection



Dual Language Teacher Survey Results



How can we improve our DL program?

- ➔ I believe the dual program is showing positive results in both languages.
- ➔ 7th - 12th = 50/50
- ➔ More support in the planning process

How can we support you in the implementation of the DL program?

- ➔ Time for teachers to plan and prep with grade level within the school day
- ➔ Providing us with a few strategies to implement each year not all at once
- ➔ Have all instructional materials in both English and Spanish

What concerns do you have in the implementation of the DL program?

- ➔ We need to be able to know the testing language for STAAR
- ➔ Students are not moving as quickly in reading levels
- ➔ I have seen so much improvement in second language acquisition this year

Video Presentation

Thank you!

Questions?

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa Renegar; Planning & Instruction
Subject: Goal Progress Monitoring—GPM 1.1
Date: June 13, 2023

HISTORY:

The SEISD Board of Trustees established Student Outcome Goal 1 to track math performance from grades PK-12. Grades PK-2 do not take a STAAR assessment, so performance at this level is measured by the IStation program for mathematics.

RATIONALE:

Basic math is used in everyday life and is usually mastered in early elementary school. After children master basic math, they are introduced to more complex types of mathematics, algebra, geometry, and calculus, which are measured through STAAR/EOC state assessments. GPM 1.1 measures these foundational skills students need for future academic success in all academic areas.

GPM 1.1: Student mathematics performance in grades Pre-K through 2nd will increase from 2020-2021 through 2023-2024 as measured by the IStation Overall Mathematics Ability Index. Performance at the Approaches, Meets, and Masters Levels will increase annually, as indicated below.

Math Testers in PK-2nd Grade

Levels	2022-2023 Targets for May 2023 (All PK-2nd students)	2022-2023 Actual for May 2023 (All PK-2nd students)
Approaches	31%	15%
Meets	27%	15%
Masters	17%	9%

A total of 706 students were tested: (PK=133, K=190, 1st=184, 2nd=199). The total of 706 reflects all students in PK, Kinder, 1st, and 2nd.

The table compares our target for year-end IStation performance and our actual performance. The comparison shows that we are 16% below target at the approaches level, 12% below target at the meets level, and 8% below target at the masters level.

The graph on the following page visually represents the data in the table.

San Elizario ISD
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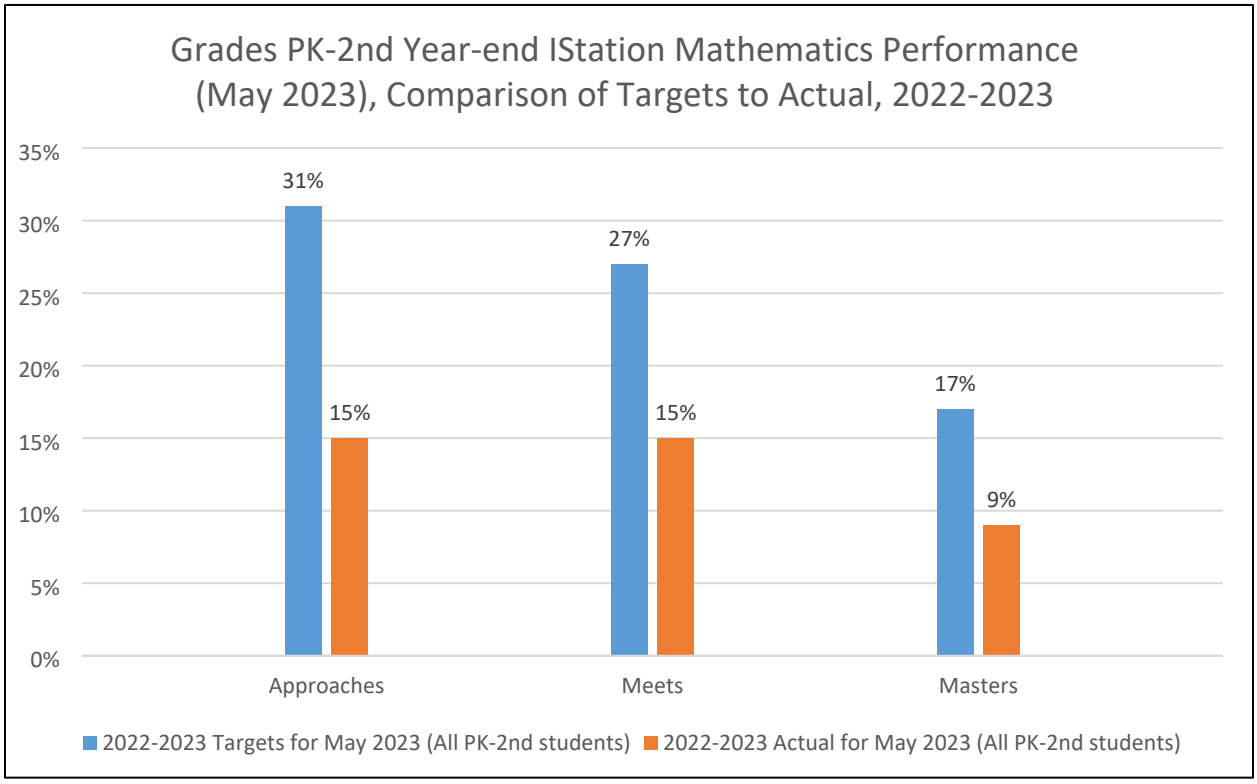

There are many interventions in place for improving early mathematics skills. At Sambrano, these are the mathematics interventions currently in place:

- Aides and teachers meet with intervention groups during math instruction.
- Students are targeted for after-school tutoring.
- Teachers work with small groups for targeted math instruction based on data.
- Intervention period daily is utilized for math skill assistance
- Monday-Thursday regular tutoring
- Intersession tutoring
- Math integration into P.E. activities
- IStation math practice
- STEMScopes math intervention practice
- Math intervention kits and guided math instruction
- Aides provide classroom support
- Daily math calendar for spiraling learned concepts and introduction of new concepts
- Bingo Night includes math concepts such as number recognition

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At Loya Primary, these are the mathematics interventions for PK students.

- Monday-Thursday—Aides and teachers meet with intervention groups to support math areas of need
- Daily Math calendar—new and spiraled concepts are taught.
- Learning center activities focus on new concepts.
- Daily sing-along videos incorporate math skills.

BUDGET:
The cost of IStation is included in each elementary campus' Campus Improvement Plan.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board review the progress of GPM 1.1 as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

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MEMORANDUM

To: Members of the Board of Trustees
From: Lisa Renegar; Planning & Instruction
Subject: Goal Progress Monitoring—GPM 2.1
Date: June 13, 2023

HISTORY:

The SEISD Board of Trustees established Student Outcome Goal 2 to track reading performance from grades PK-12. Grades PK-2 do not take a STAAR assessment, so the IStation program for reading measures performance at this level.

RATIONALE:

GPM 2.1: Student reading performance in grades Pre-K through 2nd will increase from 2020-2021 through 2023-2024 as measured by the IStation Overall Reading Ability Index. Performance at the Approaches, Meets, and Masters Levels will increase annually as indicated below.

English and Spanish Testers in PK-2nd Grade

Levels	2022-2023 Targets for May 2023 (All PK-2nd students)	2022-2023 Actual for May 2023 (All PK-2nd students)
Approaches	25%	10%
Meets	18%	7%
Masters	14%	4%

There was a total of 831 students tested: (PK=213, K=197, 1st=210, 2nd=211). Many students were tested in both English and Spanish, so the percentages above reflect a total of 1074 total IStation tests in these 4 grade levels.

The table compares our target for year-end IStation performance and our actual performance. The comparison shows that we are 15% below target at the approaches level, 11% below target at the meets level, and 10% below target at the masters level.

The graph on the following page visually represents the data found in the table.

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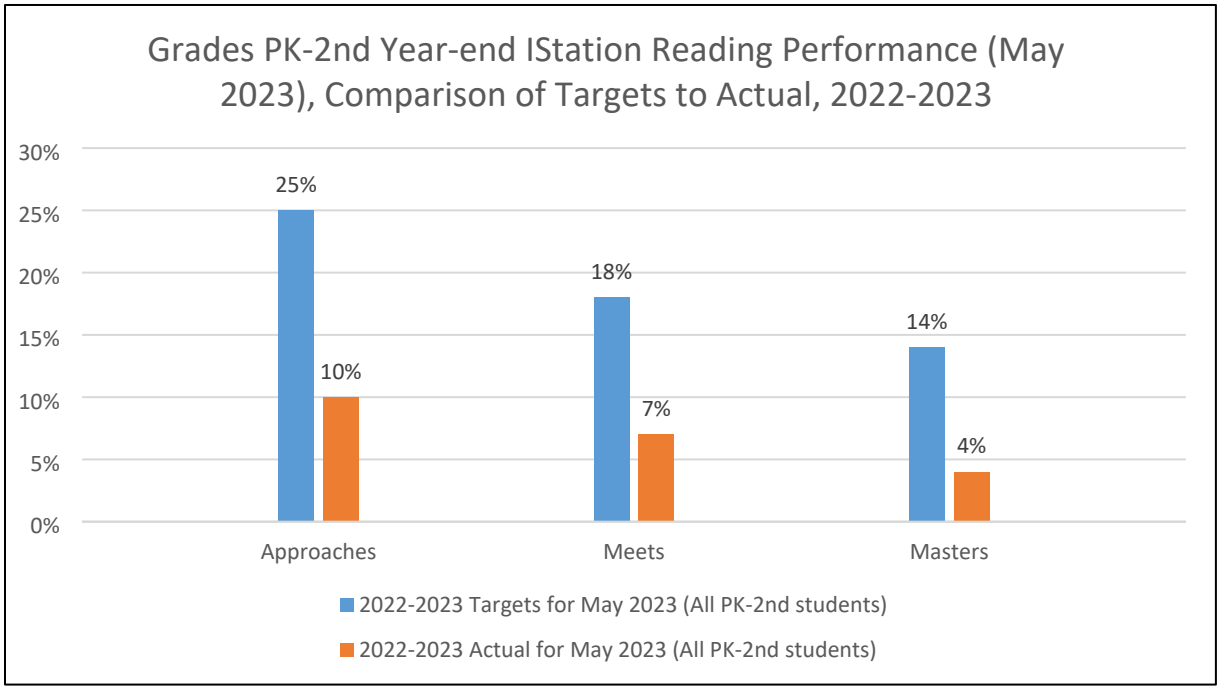

There are many interventions in place for improving early reading. At Sambrano, these are the pre-reading interventions currently in place:

- Small group guided reading
- Tutoring Monday-Thursday, Intersession tutoring
- IStation reading lessons
- Fundations and Estrellitas reading programs
- Accelerated Reader program
- Book-of-the-Month activities
- Daily exposure to Fundations and Estrellitas letter/sound correspondence
- Integration of reading skills into P.E. activities by our coaching staff
- Bingo Night to reinforce concepts and skills in reading
- Integration of other disciplines into P.E. classes
- Teacher aides provide support in the classroom

At Loya Primary, these are the reading interventions in place for PK students.

- Monday-Thursday intervention groups for letter recognition and language development
- Daily exposure to Fundations, Estrellitas, and Learning Dynamics curricula
- Campus expectation to spiral letters already learned into daily instruction to assist with retention

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BUDGET:
The cost of IStation is included in each elementary campus' Campus Improvement Plan.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board review the progress of GPM 2.1 as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

Leadership TASB

Class learns about school life on the border

by Megan Parsons

LEADERSHIP TASB

Editor's note: Leadership TASB is a unique board development program designed to take experienced board members to a new level of service and leadership by introducing them to a variety of issues, people, activities, and locations. These columns are written by class members and track the group's progress.

Our Leadership TASB class traveled this spring to El Paso, where we toured schools, visited the Mexican consulate, and learned about the different challenges confronting school districts along the border.

Public school districts in the El Paso area, Education Service Center Region 19, are isolated from the rest of Texas and must depend on each other to educate and care for their kids. The year-round districts in the region offer a range of programs and activities.

School leaders and students face many challenges, including economic disadvantages and issues related to health care, mental health, and funding. However, everywhere we looked, we saw students achieving and thriving in public schools. Our trip gave us the opportunity to learn how fellow board members and other school leaders help their students succeed.

On the first day of our late-April trip, we traveled to San Elizario, a community on the outskirts of the sprawling city of El Paso. Our bus followed the Rio Grande, and we passed cotton fields and pecan farms on the way to San Elizario ISD, which has 3,200 students.

At San Elizario High School, we entered through its "Pathway of Champions," an outdoor walkway that honors the district's many accomplishments. The high school band played, cheerleaders performed, and administration officials greeted us with hugs and handshakes. The school leaders there were some of the most welcoming and friendly people I have ever met.

The theme throughout our visit to the district was board and superintendent relations. After our arrival, we went to the library, where every table was decorated with school colors and trophies. We enjoyed a delicious and authentic breakfast complete with homemade tortillas.

We listened to a panel made up of board members and the superintendent talking about how they work on board relations in their district. We then toured the school's CTE facilities, which offer 12 different programs at the high school, including automotive tech, construction, culinary (complete with a restaurant), biomedical, and cosmetology. They were proud of their graphic design program, which has equipment unlike any other school in the El Paso area.

San Elizario ISD recently voted to switch to a four-day school week, a change that has prompted a flurry of teacher applications. District leaders believe that nothing should keep their students from being successful, and they have created a culture of achievement for them.

Following our informative and memorable visit to the high school, we toured the community. We drove through one of the new developments, which had the Texas-Mexico border fence as a backdrop.

We then headed to the downtown area, where we did a walking tour of Los Portales Museum, the Presidio Chapel, and the old El Paso County Jail. Legend has it Billy the Kid broke into the jail to rescue a friend, locked up the guards, and threw away the key!

San Elizario is a beautiful, laid-back town with a friendly atmosphere. LTASB

Photos by Nicole Green, TASB staff

LTASB members gather in front of Ysleta ISD's Alicia R. Chacon International School. On the far left is Cruz A. Ochoa, Ysleta ISD school board president.

San Elizario High School band members, cheerleaders, and dance students welcome LTASB members to the school by escorting the class down the school's "Pathway of Champions."

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LTASB members listen in on a class at Ysleta ISD's Alicia R. Chacon International School.

The LTASB class's trip to San Elizario, a community on the outskirts of El Paso, included a tour of Los Portales Museum.

At a lunch at San Elizario ISD's administration offices, LTASB members enjoy a ballet folklorico performance by students from Josefa L. Sambrano Elementary School.

LTASB members listen to school leaders at Ysleta ISD's Riverside Elementary School.

class members thoroughly enjoyed our time there.

We headed back to San Elizario ISD's administration offices, where staff made us feel like we had stepped into an authentic Mexican restaurant. We were served enchiladas, rice and beans, and flan for dessert. Our dining entertainment included a ballet folklorico performance by talented elementary school students.

On our way back to El Paso, we visited the Mexican consulate, where we learned about the different ways that staff members help the Mexican people. Thousands of children who are United States citizens but live in Mexico cross the border on weekdays to attend school. These families receive help from the consulate to navigate the challenges that arise from this binational living arrangement.

On the second day, we visited Ysleta ISD. With a student population of more than 36,000, the A-rated district is one of the three largest districts in the El Paso area.

We received a warm welcome at Riverside Elementary School. One of the programs highlighted on the tour of that campus was robotics. The kids showed us their robots, how they worked, and talked to us about their preparations for an upcoming international competition in Dallas.

Next, we went to Alicia R. Chacon International School, a K-8 dual language arts magnet school. Students learn in English and Spanish, and each selects a third language — either Chinese, German, Japanese, Russian, or French. Students also participate in cultural activities related to the third language, from karate to ballet. This school uses a lottery system for enrollment, and the spots are coveted by students and their families.

Finally, we visited the district's Eastview High School, a state-of-the-art facility. Its gym was spacious and beautiful, outfitted with cameras using artificial intelligence to livestream games being played in the gym as well as on the football field. The students we met were so professional — it was hard to believe they were only juniors.

We toured the school's EPAN program, its version of ESPN, and its TV broadcasting program KEHS. Nearly half of the teachers there graduated from Eastview High School, went to college, and then returned to teach. The culture and traditions run deep in this district, and they take pride in everything they do.

It was inspiring to see what school leaders and staff accomplish for their kids each day. Every session in this program has been amazing, but the trip to El Paso was, for me, one of the best sessions. It was truly unforgettable, and I am a better person and board member for this experience.★

Megan Parsons, a Liberty Hill ISD trustee, is a member of the Leadership TASB class of 2022-23.

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

The District of Choice

2023 - 2024 Board Meeting Dates	
July 2023	No Board Meeting
Wednesday, August 9, 2023	Regular Board Meeting
Tuesday, September 12, 2023	Special Board Meeting due to MASBA Conference
Wednesday, October 11, 2023	Regular Board Meeting
Wednesday, November 8, 2023	Regular Board Meeting
December 2023	No Board Meeting
Wednesday, January 17, 2024	Special Board Meeting due to Winter Break
Wednesday, February 14, 2024	Regular Board Meeting
Wednesday, March 6, 2024	Special Board Meeting due to Spring Break
Wednesday, April 10, 2024	Regular Board Meeting
Wednesday, May 8, 2024	Regular Board Meeting
Wednesday, May 15, 2024	Board Instructional Workshop
Wednesday, May 22, 2024	Board Budget Workshop
Wednesday, June 12, 2024	Regular Board Meeting
Wednesday, June 19, 2024	Special Board Meeting for Budget Adoption

2023

MASBA

ANNUAL CONFERENCE

San Antonio, TX September 14th-16th

¡Nos vemos en San Antonio!

MASBA 2023 Conference Agenda at a Glance
September 14-16, 2023
The Westin Riverwalk, San Antonio

Thursday 9/14/2023

7:30 - 10:00 a.m.	Registration
10:00 a.m. - 3:00 p.m.	On-site Pre-Conference Seminar (5 hours of CEC)
2:30 - 7:30 p.m.	Registration
6:00 - 7:00 p.m.	First Conference Keynote (1 hour CEC)
7:00 - 8:00 p.m.	Welcome Dinner
8:00 - 10:00 p.m.	Dance

Friday 9/15/2023

7:30 a.m. - 5:00 p.m.	Registration
7:30 - 8:00 a.m.	Breakfast
8:00 - 8:15 a.m.	Intro Ceremony
8:15 - 9:15 a.m.	Conference Keynote (1 hour CEC)
9:15- 9:30 a.m	Break & Meet and Greet
9:30 - 10:30 a.m.	Conference Keynote (1 hour CEC)
10:30 - 10:45 a.m.	Break
10:45 - 11:45 a.m.	Concurrent Sessions (1 hour CEC)
12:00 - 1:15 p.m.	Lunch and Conference Keynote (1 hour CEC)
1:15 - 2:15 p.m.	Concurrent Sessions (1 hour CEC)
2:15 - 2:30 p.m.	Break
2:30 - 3:30 p.m.	Concurrent Sessions (1 hour CEC)
3:30 - 3:45 p.m.	Break
3:45 - 4:45 p.m.	Concurrent Sessions (1 hour CEC)
7:00 - 11 p.m.	MASBA Gala Dinner, Awards, and Dance

Saturday 9/16/2023

8:00 - 10:00 a.m.	Registration
8:30 - 9:15 a.m.	Breakfast and Member meeting
9:15 - 10:15 a.m.	Conference Keynote (1 hour CEC)
10:15 - 11:15 a.m.	Legislator Panel: Post Session Conversation (1 hour CEC hour)
11:15 - 11:30 a.m	Break
11:30 a.m. - 1:30 p.m	Lunch and Conference Programming (2 hours CEC)
1:30 - 2:00 p.m.	Conference Closing

Possibility of earning 17 hours of Continuing Education Credits.

Texas Association of School Administrators | Texas Association of School Boards

Kay Bailey Hutchison
Convention Center
Dallas
Sept. 29–Oct. 1

TASA | TASB Convention
txEDCON23

ABOUT | PROGRAM | REGISTRATION | HOUSING | EXHIBIT HALL

General Session Speaker
Matthew McConaughey

Registration and housing open Tuesday, July 25. Make plans now to attend!

LEARN MORE

(/Home.aspx)

Home (/Home.aspx) > Housing

Housing Reservations

Housing will open July,25.

Hotel Information

View the map of hotels (/housing/documents/txedcon-hotel-map.pdf) contracted for txEDCON23.

TASA | TASB shuttle buses

Convention shuttles are provided complimentary between official TASA | TASB Convention hotels and the Kay Bailey Hutchison Convention Center on Thursday beginning at noon, Friday, Saturday and Sunday.

If you require a wheelchair assisted service pickup, please call the phone number listed on the shuttle service sign (available in hotel lobbies) at least 30 minutes before your desired departure time to be sure we can adequately accommodate your needs.

Mobility rentals

If you would like to rent a power scooter or wheelchair for delivery to the Convention Center or area hotels, please contact ABCO Ready Rentals by phone 972.412.3500 or email readyrental@hotmail.com (mailto:readyrental@hotmail.com) to rent a mobility scooter.

If you have any questions or any other accessibility needs, please contact Taylor Thompson at taylor.thompson@tasb.org (mailto:taylor.thompson@tasb.org).

Housing pirates

When we secure sleeping rooms at hotels for our conferences (commonly referred to as room blocks), we research the properties to make sure that our attendees will be adequately accommodated. The room block is established to ensure that rooms meet our standards and are offered at a discounted price.

We are informed that registrants are often contacted by fax, e-mail or most often by phone with offers for cut rate housing. The intent is to convince you that the offer is made on our behalf, or that the soliciting company is associated with TASA | TASB. This is not true.

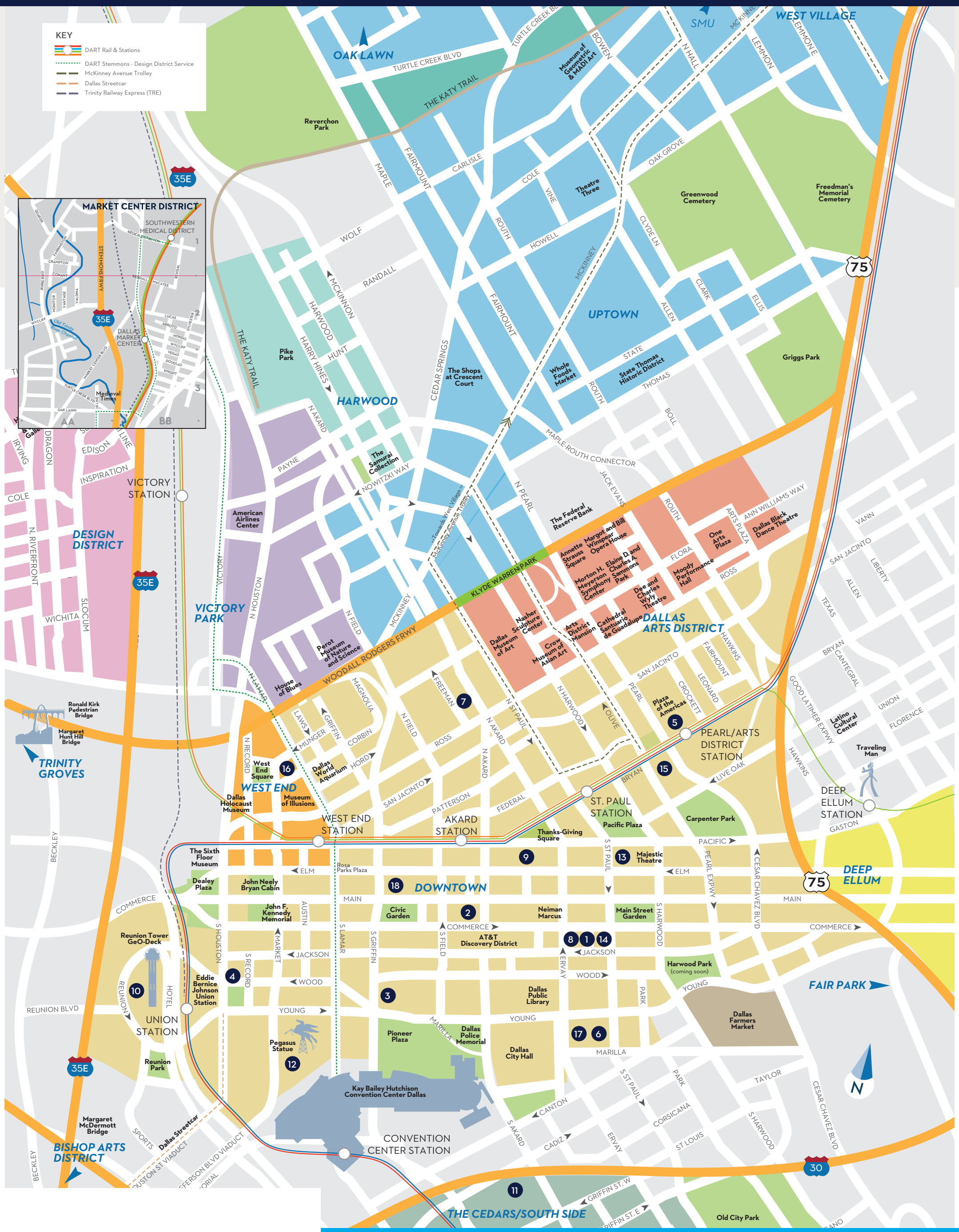
The exclusive service provider for TASA | TASB Convention housing is **Convention Housing Management (CHM)**. Find more about how housing pirates work and what to do (/housing/housing-warning.aspx) if you encounter this situation.

Assistance with housing

Housing for the TASA | TASB Convention is handled exclusively by Convention Housing Management (CHM). **Please call 800.340.1905 or e-mail tasa_tasb@chmrooms (mailto:tasa_tasb@chmrooms.com).com for assistance.**

If you have questions that CHM cannot answer, e-mail Janice Rivera at janice.rivera@tasb.org (mailto:janice.rivera@tasb.org) or call 800.580.8272, extension 1187.

Downtown Dallas & SURROUNDING AREA



txED CON23
TASA | TASB Convention

Convention Dates:
SEPTEMBER 29 - OCTOBER 1, 2023

accommodations (DISTANCE FROM KBHCCD)

1. AC Hotel by Marriott Dallas Downtown (0.5 MI)
2. Adolphus Hotel (0.4 MI)
3. Aloft Dallas Downtown (0.2 MI)
4. Courtyard by Marriott Dallas Downtown (0.4 MI)
5. Dallas Marriott Downtown (1 MI)
6. Fairfield Inn & Suites Dallas Downtown (0.3 MI)
7. Fairmont Dallas Hotel (0.8 MI)
8. Hampton Inn & Suites Dallas Downtown (0.5 MI)
9. Hilton Garden Inn Dallas Downtown (0.5 MI)
10. Hyatt Regency Dallas (0.6 MI)
11. Lorenzo Hotel (0.3 MI)
12. Omni Dallas Hotel (CONNECTED TO KBHCCD VIA SKYBRIDGE)
13. Renaissance Saint Elm Dallas Downtown (0.6 MI)
14. Residence Inn by Marriott Dallas Downtown (0.5 MI)
15. Sheraton Dallas (0.9 MI)
16. Springhill Suites by Marriott Downtown (0.7 MI)
17. TownePlace Suites by Marriott Dallas Downtown (0.3 MI)
18. Westin Dallas Downtown (0.5 MI)

*DRIVING DISTANCE

VISIT DALLAS

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MEMORANDUM

To: Members of the Board of Trustees

From: Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, Mrs. Blanca Cruz, HR Director, Mr. Jesus Martinez, Support Services Director, and Mr. Horacio Hernandez, Technology Director

Subject: San Elizario ISD Safe to Return to In-Person and Continuity of Services Plan

Date: June 13, 2023

HISTORY:

As a result of the COVID-19 emergency closure, the San Elizario Independent School District Leadership (SEISD) Team developed a prevention and mitigation practices plan designed to reduce the likelihood that a coronavirus outbreak occurs in the school district.

RATIONALE:

The SEISD continues to be committed to following the prevention and mitigation practices already in place to reduce the likelihood of a coronavirus outbreak in the school district. In addition, this re-entry plan will serve to meet the Elementary and Secondary School Emergency Relief (ESSER) III requirement. This plan will be reviewed continuously throughout the school year. Finally, the re-entry plan will be returned to the Board of Trustees at the January and June board meetings.

BUDGET:

There is no budget impact for this item.

ADMINISTRATIVE RECOMMENDATION:

The administrative recommendation is that the Board of Trustees review the re-entry plan.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☒ Attachment Included

San Elizario Independent School District

Back@theNEST

Re-entry Plan

2023 - 2024

Soaring to Excellence 780

Plan subject to change based on TEA, CDC, Local, and State guidelines

revised 06/07/2023

Message from Board President

The 2023-2024 school year is now upon us. We are excited to welcome everyone back. As we prepare for the upcoming school year in San Elizario ISD, please rest assured that we continue to take every precautionary measure to ensure the safety and well-being of our students, district personnel, and parents on campus. We are also committed to supporting our students' educational journey and those of our teachers.

Continuing communication between home, school, and community will be key to making this school year successful and memorable for everyone.

Thank you for entrusting the San Elizario ISD with your children and choosing to live and work in this beautiful community.

Sincerely,
Sandra Licon
San Elizario ISD Board President

Message from the Superintendent of Schools

Dear San Elizario ISD Community,

Our San Elizario ISD Team is excited to have the opportunity to welcome everyone back for the upcoming school year. We know the previous years provided significant challenges to the education of our students and fundamental obstacles to the districts' normal method of operation. Together, we worked to keep supporting one another. On behalf of the San Elizario Team, please accept our thanks and admiration for everything you did!

While there are still many questions about the COVID-19 pandemic and its future and continued impact, there is one commitment we have made in San Elizario ISD and that is implementing safety precautions that will enable us to have a better learning and work environment for our students and employees. Safety precautions will continue so that our learning environments are protected for all stakeholders. With your collaboration and continued support, we can all work to keep San Elizario ISD and the children we serve, and our employees safe. This re-entry guide is specifically designed to be read by all stakeholders and serve as a fluid document that will be updated to address continuously changing information as it arises.

Thank you once again for choosing San Elizario ISD. We are proud to be able to contribute to improving the lives of children. San Elizario ISD continues to be the place where students soar.

Respectfully,

Jeannie Meza-Chavez, Ph.D.
San Elizario ISD Superintendent of Schools

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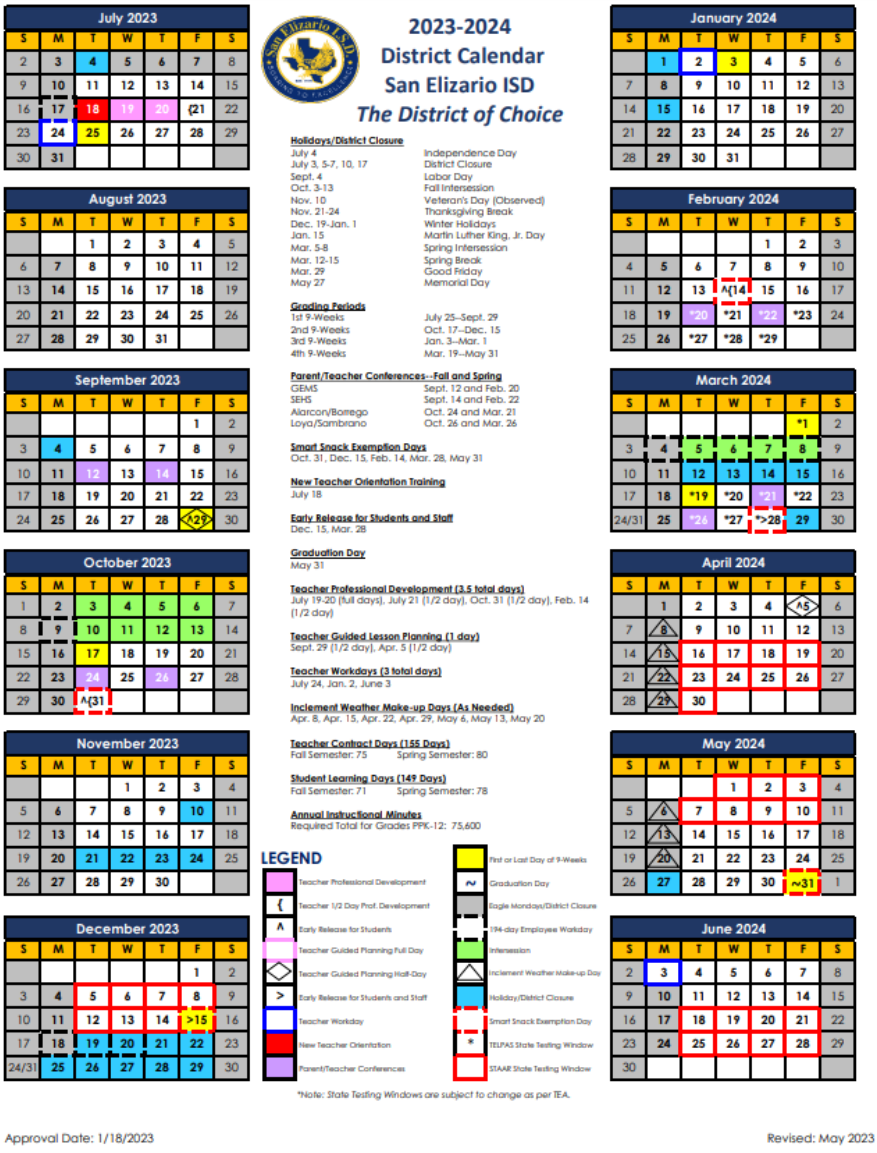
PART I - Attestations

Introduction

The San Elizario Independent School District Leadership Team developed a prevention and mitigation practices plan that are outlined in this document and are designed to significantly reduce the likelihood that a coronavirus outbreak occurs on campus. Some practices are required for all school systems, some are required in areas with high levels of community spread, and some are recommendations.



District Calendar

The San Elizario Independent School Board approved a year-round calendar for the 2023 – 2024 school year. The district will proceed with this year-round calendar which allows for more frequent breaks for our students and teachers. In addition, to the year-round calendar, the district will begin a 4-day instructional week this school year.

Bell Schedule

Bell schedules will be differentiated by grade level (i.e., primary, and elementary or secondary schools).

Elementary Bell Schedule:

7:20 AM–4:05 PM (525 instructional minutes)

Loya Primary School, Sambrano Elementary School, Alarcon Elementary School & Borrego Elementary School

Secondary Bell Schedule:

8:05 AM–4:50 PM (525 instructional minutes)

Ann M. Garcia-Enriquez Middle School & San Elizario High School

Attendance Requirements

Teachers will take attendance daily regardless of the method of instruction (i.e., on-campus instruction or remote instruction). Students are required to attend school at least 90% of the school year to receive credit and be promoted regardless of the method of instruction. All guidelines set forth by the Board policy FEA and FEC (LOCAL) will be enforced.

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Methods of Instructions
The San Elizario Independent School District will be offering face-to-face instruction for all students at all grade levels for the 2023 – 2024 school year.

Teacher Availability and Instructional Support
Teachers will be available throughout the school week. The campus principal will set additional meeting times to further support our parents and students, set by the campus principal.

Student Engagement
Teachers will engage students with high-yield instructional strategies to address the loss of learning created by the COVID-19 emergency closure. In addition, the following will address the specific learning loss among low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness and children in foster care:

- Implementation of Guided Reading at the elementary grade levels
- Implementation of Fundamental Five at the secondary grade levels
- Implementation of Istation
- Implementation of Newsela
- Implementation of IXL
- Implementation of targeted tutoring

The following table specifies the instructional methods San Elizario ISD selected and are allowable by the Texas Education Agency.

School	Grade Level	Face-to-Face
Loya Primary	PK 3 - PK4	★
Sambrano Elementary	K - 2nd	★
Alarcon Elementary	3rd - 6th	★
Borrego Elementary	3rd - 6th	★
Garcia Enriquez MS	7th - 8th	★
San Elizario HS	9th - 12th	★

Materials Design
SOAR@theNEST

The San Elizario Independent School District offers a robust online resource center called Specialized Online Academic Resources referred to as SOAR@theNEST. Students and parents may access the district's online resources in an easy to navigate link. The link is provided below.

- https://www.seisd.net/Page/529

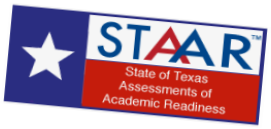
Technology Devices

Continuing with the 1:1 device to student initiative, San Elizario Independent School District purchased to ingress cohorts at each campus new Chromebooks (elementary and middle school) and laptops (high school). The totals per campus are Borrego Elementary School 145 Chromebooks, Alarcon Elementary School 85 Chromebooks, Sambrano Elementary School 160 Chromebooks, Garcia-Enriquez Middle School 220 Chromebooks, and San Elizario High School 290 laptops. All these devices come with a clamshell or protector, charger, and headphones.

Traditional grading practices will continue for the 2023 – 2024 school year. Teachers will be monitoring student progress throughout the school year. In addition, report cards and progress reports will be available via Parent Portal. Paper progress reports and report cards will be available for pick-up upon parent / guardian request. All guidelines set forth by Board policy EIA and EIE (LOCAL) will be enforced. To further ensure the success of our students, ongoing progress monitoring will continue with e e assistance of our counselors, at-risk teachers, social workers, math and reading interventionists, and teachers.

State Assessments

The State of Texas Assessments for Academic Readiness (STAAR) will continue for the 2023 – 2024 school year. In addition, schools will continue to administer districtwide benchmarks and common assessments in order to measure student progress. Board policy EIE (LOCAL) will be enforced.



Professional Development Calendars

The San Elizario Independent School District has been providing on-going professional development to all teachers. This has been targeted professional development to prepare teachers to teach effectively address the loss of learning due to the COVID-19 emergency closure.

Instructional materials support for online instructional materials

Students in the San Elizario Independent School District will engage with academic material that is available for face-to-face instruction The San Elizario Independent School District has been strategically adopting instructional materials that can be implemented in both face-to-face and online mode in the event of an unanticipated long-term closure. The following are a few examples of the instructional materials available to our students:

- Istation – R&M
- HMH (K-2 ELAR) - Sambrano
- K-1 STEMScopes Math Sambrano
- STEMScopes
- My World Pearson (Social Studies)
- PK-1 Estrellita/Fundations
- Go Math
- PK3-PK4 – follow guidelines & Oracy focus

Specific supports for educators and families to implement effective remote asynchronous instruction

The teachers will continue to receive professional development that will help them develop highly effective and interactive lessons. In addition, the teachers will receive side-by-side support from the school's instructional specialists and the district's instructional officers. Professional Learning Committee (PLC) meetings will focus on research-based instructional delivery.

Parents may find how-to videos on the district's SOAR@theNEST online resources page. These are designed to assist parents on how to help their children access District resources. In addition, the district will continue to make the Helpdesk available to parents. Our district and campus parent liaison along with the administrators will continue to provide the technological assistance needed to ensure students experience success.

PART II

Open Response

The following blueprint will be followed in the event of an unanticipated long-term closure occurs:

San Elizario ISD Learning – SOAR@theNEST -- Blueprint

	Loya & Sambrano PreK3 - 2nd	Alarcon & Borrego 3rd - 6th	GEMS 7th - 8th	SEHS 9th - 12th
Structure/Schedule	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home
Learning Management System (LMS) or Virtual Environment	Google Classroom	Google Classroom	Google Classroom	Google Classroom
Online Resources	Istation – R&M HMH (K-2 ELAR) - Sambrano K-1 STEMScopes Math Sambrano STEMScopes My World Pearson (Social Studies) PK-1 Estrellita/Fundations Go Math PK3-PK4 – follow guidelines & Oracy focus	Istation – R HMH (ELAR) Reflex Math STEMScopes My World Pearson (Social Studies) Sharon Wells	Istation – R Pearson ELAR IXL STEMScopes HMH (Social Studies)	STEMScopes Pearson ELAR • HMH (Social Studies)
Explicit Instruction	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*
Social Emotional Learning	PBIS Counseling Services *Common Sense Education: Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education: Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education: Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education: Digital Citizenship & Social Emotional Learning*
Making Individualized Connections with Students	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)
Scope & Sequence TEKS alignment	TEKS Resource System Targeted curriculum and assessment align to the TEKS	TEKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS
Mode of Communication	Dojo	Dojo	Dojo	Remind/Alternative

TEKS Alignment

The San Elizario Independent School District will continue to use the TEKS Resource System for face-to-face instruction. The TEKS Resource System is a targeted curriculum and assessment tool aligned to the Texas Essential Knowledge and Skills (TEKS).

https://www.teksresourcesystem.net/

Special Education

San Elizario ISD will fulfill its obligation to provide instructional and related services as required by each student's IEP. Instructional and related services as outlined in each student's IEP will be provided as documented in each student's Individualized Emergency Contingency Plan. If a parent would like to request an adjustment to service provision, an ARD may be held at any time to address these requests.

Instructional materials include specifically designed resources and / or accommodations and modifications to support students with disabilities in both an asynchronous environment or face-to-face environment.

Teachers will work with parents to obtain progress with regard to instruction.

Special education paraprofessionals will also be available to assist students with instructional activities throughout the school day.

Co-teach and support facilitation services will be provided in accordance with the students' IEP.

If a student's IEP has recommended speech therapy, occupational therapy, physical therapy, adaptive physical education, VI or AI instructional support, or Special Education Counseling, these services will continue as set forth in the Individualized Emergency Contingency Plan and each child's IEP.

Section 504

Each 504 student will follow the instructional plan developed for general education peers unless their 504 plan indicates alternative services are necessary. Parents may request a Section 504 meeting at any time to review the accommodations and services in place for their child. Teachers will continue to implement each student's accommodation and related services as developed by the 504 committee. Additionally, should a child receive dyslexia instruction as part of their 504 services, these services will be provided in a small group or individual setting to comply with the services set forth in the 504 plan.

Intervention

All RTI students will receive support as outlined in their individualized Intervention Plan.

Progress Monitoring

- Teachers should review the progress of each student with an IAP weekly and determine what, if any, additional accommodations may be needed for each student to continue to make progress.
- Teachers should consider alternate strategies/supports to ensure continued progress (i.e., more synchronous instruction; more small-group support, etc.).
- Teachers should, after other interventions have been unsuccessful, request to convene a Section 504 committee meeting to address lack of progress.

English Learners

ELL students are eligible to receive a variety of services and participate in programs that will help them learn academic content and become skilled in their second language (English).

- Compliance with the LPAC process is required.
- All students will receive instructional accommodations according to each individual student's LPAC.

PART III

Guidelines for Sanitizing Technology Devices
How to clean your computer or laptop:

- Turn off the power. For computers, power down then unplug the device and monitor. Unplug laptops and remove battery if possible.
- Gently wipe monitor free of smudges, smears, or dust using a microfiber cloth
- If this does not work, use a solution of diluted dish soap. A single drop of soap and warm water.
- Dip a clean fiber cloth into the solution and thoroughly wring it out. This is important when cleaning laptops, as liquid should not drip down through keys.
- Gently wipe the display with dampened cloth.
- Rinse all soap out of this cloth and wring it out again. Go back over your display to remove any soap residue.
- Gently wipe the screen with a dry microfiber cloth.

How to clean computer keyboard:

- Disconnect the power source. For computers, power down and unplug the device. Additionally, unplug the keyboard from the computer batteries for a wireless keyboard. Laptops should be unplugged and remove battery if possible.
- Spray keyboard with canned air to remove any leftover crumbs or dust.
- Lightly dab a cotton swab, gently rubbing alcohol. Spot test first to be sure alcohol does not remove lettering.
- Dry keys using microfiber cloth. Do not replace batteries or plug in until keys are completely dry.

How to clean touchscreens

- Touchscreens should be cleaned daily using a dry microfiber cloth.
- For more thorough cleaning, a dampened microfiber cloth, then wipe display dry with a fresh microfiber.
- Careful not to get any moisture in the openings.

How to disinfect tablets:

- Use a touchscreen-safe antimicrobial spray and a microfiber cloth. (Please refer to the manufacturer's recommendations and instructions)
- Make sure electronics are powered off and unplugged.
- Dampen a microfiber cloth with spray, being careful not to oversaturate cloth.
- Wipe down screen, avoid all openings.
- Allow spray to sit the amount of time noted on product.
- Wipe screens dry with a fresh microfiber cloth.

How to disinfect tablet cover:

- Mix a couple of drops of dish soap with warm water in a bowl
- Dip the cloth into the solution so that it is damp, not saturated.
- Wipe down the cover.
- Rinse cloth until it runs clean; wring it out so that it is damp.
- Wipe cover again to remove soapy residue and leave to air dry or wipe with a dry cloth.

Transitions (*The measures below are currently lifted*)

- Signage and floor markings will be present to help assist students and staff with social distancing in common spaces and hallways. 3-6 feet distancing will be followed whenever possible.
- During passing periods, traffic flow will be routed to minimize student contact.
- Students will be instructed to stay to their far right during passing periods.
- Staff will be onsite to ensure compliance with current CDC guidelines, currently applicable.

Water Fountains

- Students are encouraged to bring a transparent plastic water container to school each day with their name clearly marked on it.
- SEISD (San Elizario Independent School District) has retrofitted several of the existing water fountains to bottle-filling stations.

Transportation

Bus transportation is provided for all Special Education students when required by the students ARD and IEP. All general education students will be provided transportation if eligible from the designated transportation areas to each campus.

- Parents are strongly encouraged to provide transportation to school for their children. This will allow for better social distancing among riders inside school buses.
- Buses will be thoroughly cleaned and sanitized after the morning and afternoon routes, focusing on high-touch surfaces.
- Drivers, bus monitors and student riders may continue to use a face mask if they choose to, as long as the wearing of a mask is not a mandate.

Student Arrival (*The measures below are currently lifted*)

- Parents will not be permitted to walk students inside the school building.
- Parents will remain in their cars during morning drop-off and dismissal.
- Early bird arrivals are strongly discouraged. Any students dropped off before the building is open will not be allowed inside the building and will not be monitored.

Student Pick-Up during the Instructional Day (*The measures below are currently lifted*)

- Parents picking up students during the day will call ahead so that students can be sent or accompanied to parent vehicles upon arrival. If a parent/guardian must enter the campus, it will be limited to one visitor per student, and additional family members will need to wait outside of the school building.

Student Meals: Breakfast & Lunch

- Campuses utilizing the Breakfast in the Classroom program may continue.
- Lunch meals will be served in the cafeteria, a 3-6-foot distancing will be observed when possible. ***(This measure is currently lifted)***

Library (*The measures below are currently lifted*)

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- Books and materials will be collected in boxes or on carts and left untouched until a 3-day quarantine is complete.
- Librarians will wear gloves while working with any books or library materials.
- Students' access to stacks will be one way.
- Students will only be allowed in specialty display areas one at a time.
- All shared materials will be removed.
- Social distancing of 3-6 feet will be observed as much as possible.

Off-Campus Student Events (*The measures below are currently lifted*)

- SEISD will pursue virtual activities in lieu of field trips, assemblies, and special performances accordingly.
- When participating in off-campus, school-sanctioned activities, students should follow all on-campus, in-person protocols and requirements.

On-Campus Events (*The measures below are currently lifted*)

- SEISD will avoid scheduling any non-essential large group gatherings and events.
- Typical parent meetings, such as meet the teacher, open houses, parent conferences, etc. will be held virtually as appropriate.
- Any extracurricular activity, including campus club meetings, that are approved to be held on campus will adhere to social distancing requirements outlined by SEISD, TEA and UIL.

Athletics

- All students who participate in athletics will be required to meet UIL requirements.
- All students will be required to attend in-person, after-school practices, and games.
- All students must complete Rank One online paperwork prior to any athletic workouts or try outs.
- Please contact the high school and middle school administrators at each individual campus for information on when their athletic classes are scheduled.

Middle School Athletics

- Middle school students will need to complete all Rank One paperwork prior to the first day of practice.
- Middle school game schedules will be adjusted to accommodate any delayed start of practices. Middle school game schedules are TBA.

Social Emotional Student Supports

SEISD Counselors are available to support students academically, socially, and emotionally. Our counselors are prepared and ready to provide mental health support or resources for families who may be struggling emotionally. These services may be provided remotely or face-to-face.

Social Emotional Learning (SEL) lessons will be offered to SEISD students to develop important skills such as self-awareness, self-management, social awareness, relationship skills and responsible decision making.

Practices to Prevent the Virus from Entering the School *(The measures below are currently lifted)*

If an individual who has been in a school is lab-confirmed to have COVID-19, the district lead nurse will notify the local health department, in accordance with applicable federal, state, and local laws and regulations, including confidentiality requirements of the Americans with Disabilities Act (ADA) and Family Educational Rights and Privacy Act (FERPA).

Consistent with school notification requirements for other communicable diseases, and consistent with legal confidentiality requirements, San Elizario ISD will notify all teachers, staff, and families of all students in a school if a lab-confirmed COVID-19 case is identified among students, teachers or staff who participate on any on campus activities.

General Building Entry Guidelines
Introduction

The safety and well-being of all students, staff, and visitors are a priority for **San Elizario ISD** as the district re-enters the work site and instructional facilities at one hundred percent. Various changes in the way the workplace and campuses look, as well as practices and protocols, have been implemented to follow recommended **Guidance as stated by the City of El Paso Department of Public Health's Local Health Authority, TEA, and CDC. Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through contact with contaminated surfaces, but it is possible to get infected if one touches a contaminated surface and then touches their nose, eyes, or mouth. The risk of transmission appears to be proportional to the closeness and frequency of interaction between an infected individual and others who are not infected, and/or not vaccinated.** Our goal is to collaboratively ensure that all students, employees, and visitors in district facilities feel safe and secure to effectively navigate the complexities of a "new normal" and reduce the risk of exposure to and infection with COVID-19.

The measures implemented include more frequent sanitizing of highly touched areas (facilities and school buses), surfaces and work areas, daily student, staff and visitor wellness checks, temperature checks, access to hand sanitizer throughout the district's facilities, to include classrooms, social distancing floor markings, (Centers for Disease Control and Prevention) CDC guidance signage, safety shields in high traffic reception areas, sneeze guard desk shields for primary and elementary students, continuation of face mask wearing (although currently not required) for those who choose to do so, needle point bipolar ionization through HVAC systems, higher MERV rated filtration, increased filter changeout frequency and other measures detailed in this book. The cooperation of all staff in keeping a safe environment as the district and the community continue to fight the spread of COVID-19 is essential.

As always, San Elizario ISD staff will continue to meet the challenges of COVID-19 with continuous improvements and perseverance, embodying the commitment of educating all students for success—no matter the circumstances. This guidebook is the San Elizario Independent School District's guidance on re-entry into the physical instructional environment.

Guidance concerning the coronavirus (COVID-19) is regularly updated. The information outlined here are the current best practices provided by federal, state, and local health officials for mitigating COVID-19 in the work environment. The district will update this guidance as new information becomes available. This plan is fluid and will be reviewed in accordance with CDC, TEA, and Local Department of Public Health guidelines for effectiveness and revised as needed to meet the needs of all stakeholders.

General Guidelines

Building/ Campus Hours

Please refer to individual Department or Campus Facility schedules. For the safety of the learning environment, parents are strongly encouraged to assess their children and themselves for symptoms before sending students to school.

Health and Safety

The **San Elizario Independent School District** continues to monitor the transmission indicators of the coronavirus. Your health and safety remain our top priority. As a result, the District continues to practice a variety of safety measures and to scale safety efforts as quickly as possible to keep employees safe. In order to address the spread of COVID-19, it is important to know how the virus is transmitted.

Transmission of COVID-19

Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through contact with contaminated surfaces, but it is possible to get infected if one touches a contaminated surface and then touches their nose, eyes, or mouth. The risk of transmission appears to be proportional to the closeness and frequency of interaction between an infected individual and others who are not infected, and/or not vaccinated.

The Centers for Disease Control and Prevention (CDC) website supplies the latest information about COVID-19 transmission: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

Persons at Higher Risk

Based on what we know, persons at high risk for severe illness from COVID-19 include people 65 years and older, people with underlying medical conditions such as heart disease, lung disease, asthma, diabetes, people on dialysis, people with liver disease, and people with compromised immune systems.

Symptoms of COVID-19

The new coronavirus (COVID-19) is different from the coronaviruses that cause mild illnesses like the common cold. Infection with COVID-19 can cause illness ranging from mild to severe and in some cases can be fatal. Based on what is currently known, symptoms may appear 2 to 14 days after exposure to the virus. Symptoms of COVID-19 typically include cough, shortness of breath or difficulty breathing, chills or repeated shaking with chills, fever (≥99.5°F), muscle pain, sore throat, and, in some cases, a loss of taste or smell. Other less common symptoms include nausea, vomiting, and/or diarrhea. In some cases, infected persons have no signs or symptoms and are referred to as asymptomatic.

While most cases have been among adults, symptoms of COVID-19 in children are like symptoms in adults. Symptoms of COVID-19 in children typically include cold-like symptoms, such as fever, runny nose, and cough. Vomiting and diarrhea have also been reported.

Campus Administrators/Department Heads

Campus Administrators/Department Heads will be responsible for the following (*as applicable based on current guidelines*):

- Screenings (temperature check and COVID-19 Health Assessment Health Portal questionnaire) (See addendum) ***(This measure is currently lifted)***
- Social distancing (3-6 feet) ***(This measure is currently lifted)***
- Personal protection equipment
- Cleaning supplies
- Signage standards pertaining to COVID-19 ***(This measure is currently lifted)***
- Entrances, exits, and traffic flow pertaining to COVID-19 ***(This measure is currently lifted)***
- Lobby and visitor processes pertaining to COVID-19 ***(This measure is currently lifted)***
- Shared area protocols ***(This measure is currently lifted)***

Campus Administrators/Department Heads will collaborate to implement safety protocols and procedures within the department or campus. Each facility will have a department head/ campus administrator who will be responsible for implementing and monitoring the safety protocols and procedures within. Department heads/ campus administrators will judge the specific needs of their building by conducting daily evaluations of the building's functionality in work and instructional areas ***(This measure is currently lifted).***

Campus administrators/department heads will collaborate in mapping unidirectional traffic in their workspaces where applicable, ensuring directional arrows and signage are installed, reconfiguring office and classroom space usage as needed to promote appropriate distancing/spacing of 3-6 feet whenever possible ***(This measure is currently lifted).*** Campus administrators/department heads will continue practices regarding the safe use of any special areas or equipment, such as copiers. Department heads/campus administrators will ensure an enhanced cleaning regime is visible and will report any additional cleaning needs or supplies to the proper staff member.

Enhanced Cleaning

The Custodial Services Department has a high standard for cleanliness and safety and is committed to upholding those standards with our intensive cleaning process. Enhanced cleaning and disinfecting protocols have been put in place as a result of COVID-19 and are based on current local health and government guidelines.

Utilization of EPA Registered chemicals for disinfection, focus on proper dwell time for proper disinfection and increased frequency of disinfecting high touch surfaces.

- Doorknobs
- Countertops
- Handrails
- Light switches
- Restroom fixtures
- Desks
- Keyboards and mouse
- Desk Phones

Areas of enhanced focus

- Buses
- Restrooms
- Offices
- Break rooms
- Vending machines
- Copier/printers
- Front desk and lobby areas
- Equipment

Suggested personal area cleaning

- Desks
- Computer keyboards and mouse
- Phone
- Remote control
- Chair arms
- File cabinet drawer handles
- Coffee machine

Buses

Buses will be thoroughly cleaned and sanitized after the morning and afternoon routes, focusing on high-touch surfaces such as bus seats, steering wheels, knobs, door handles and step rails. Social distancing guidelines for buses of 3-6 feet will be followed when possible. Bus drivers, bus monitors and student riders may use a face mask if they choose to do so, although not required.

Common Areas

All students, staff and visitors will be required to follow established safety protocols.

- Social distancing (3-6 ft.), ***(This measure is currently lifted)***
- The use of face coverings is not required but, those choosing to wear a face mask may continue to do so.

Hand sanitizer or portable hand sanitizer dispensers, and spray cleaners will be available in common areas. Doors in common areas may need to remain open to avoid multiple persons touching the handles.

Stop the Spread of Germs

Employees, students, and visitors can do their part to help prevent the spread of respiratory diseases by following these guidelines:

Social Distancing *(This measure is currently lifted)*

The District will follow social distancing protocols within buildings as per current guidelines. Individuals should keep a three-foot minimum distance between other persons as much as possible. Social distancing markings at all district campuses and facilities will be clearly visible to promote distancing guidelines.

Face Coverings

The Texas State Governor's Executive Order Number GA-36 prohibits governmental agencies, including school districts from mandating the use of face coverings. Therefore, the use of a face covering is no longer required while on district grounds. However, those that choose to continue wearing a face covering (face mask), may continue to do so.

As a reminder, face masks do not replace social distancing and frequent handwashing. CDC recommends washing hands for at least 20 seconds and doing so frequently. Employees are encouraged to continue the use of video conferencing methods to conduct meetings.

Gloves

Follow these tips:

- Wash your hands before putting gloves on.
- Remove hand jewelry prior to use.
- Make sure gloves fit properly.
- Be aware that sharp objects can puncture gloves.
- Always change your gloves if they rip or tear.
- Never reuse, share, wash, or disinfect gloves.

How to Remove Gloves

- Pinch and hold the outside of the glove near the wrist area.
- Peel downwards, away from the wrist, turning the glove inside out.
- Pull the glove away until it is removed from the hand and hold the inside-out glove with the gloved hand.
- With your ungloved hand, slide your fingers under the wrist of the remaining glove, taking care not to touch the outside of the glove.
- Again, peel downwards, away from the wrist, turning the glove inside out.
- Continue to pull the glove down and over the inside-out glove being held in your gloved hand.
- After removing gloves, wash your hands thoroughly with soap and water or alcohol-based hand sanitizer.

Main Lobby Areas (*The measures below are currently lifted*)

No loitering or congregating will be allowed in any lobby areas. Floor markings/safe zones will be established around the front desk/receiving areas. Spaces will be reconfigured to achieve social distancing as needed.

District facilities and Campuses (*The measures below are currently lifted*)

For the safety of our learning environment, all visitors will be required to follow established safety protocols and guidelines. All visitors will be screened for symptoms of COVID 19, by having their temperature checked and by answering a Health Assessment questionnaire. If a visitor has any symptoms of COVID 19, the visitor will not be admitted into the facility.

Appointment Scheduling *(The measure below is currently lifted)*

San Elizario ISD staff must set department or campus appointments with visitors, including parents, during hours of the day where foot traffic from employees or students is minimal. For example, after employee or student entry or before departure times.

Campus and Facility Contact Numbers

Administration (Central) Office	(915) 872-3900
Excell Academy	(915) 872-3915
Support Services Operations Center	(915) 872-3980
Lorenzo G. Loya Primary	(915) 872-3940
Lorenzo G. Alarcon Elementary	(915) 872-3930
Alfonso Borrego Sr. Elementary	(915) 872-3910
Josefa L. Sambrano Elementary	(915) 872-3950
Ann M. Garcia-Enriquez Middle School	(915) 872-3960
San Elizario High School	(915) 872-3970

Wash your hands often

Visitors with an Appointment

If a visitor has an appointment, the reception staff member will suggest that the department representative come to meet with the visitor in a provided space. However, the final decision on whether to allow the person to go to the department will be left with the department representative. For campus visitors, Campus staff will follow established visitor protocols.

Visitors without an Appointment

If a visitor does not have an appointment, the department will be contacted to determine whether someone is available to assist the visitor. If the specific staff member is not available, and for the safety of the learning environment, the visitor may be asked to schedule an appointment or attempt to conduct their business via phone or other means.

Conference and Training Rooms (*The measures below are currently lifted*)

The following guidelines will apply to the use of conference rooms and common workspaces:
Conference rooms and common workspaces may be utilized by following social distancing guidelines as applicable based on current guidance. Teams are encouraged to continue the use of electronic mediums to conduct group meetings.

The following guidelines should be practiced for in-person meetings:

- Seating, if used, should be situated so that persons are at least three feet apart, when possible.
- Whiteboards ARE NOT to be used unless each individual person has a personal set of markers so that writing utensils are not shared among participants.
- Tables and surfaces should be wiped down with sanitizing products at the start and end of each meeting.
- Staff should plan for a 30-minute window between meetings for cleaning.

Restrooms

When opening or closing the restroom door, it is recommended to use a paper towel, tissue, disinfectant wipe, or disposable glove. Restrooms will be stocked with soap and paper towels. Hand soap will be available in all restrooms. Posters on how to wash hands properly will be posted in all restrooms. Restrooms will be cleaned regularly throughout the day, and at night as applicable. Portable hand sanitizer stations will be located right outside restrooms or hallways.

Meals and Break Rooms

While there is no data to suggest that COVID-19 can be transmitted through properly cooked and handled food, the coronavirus can live on surfaces for extended periods of time and is transmissible in locations like communal kitchens and break rooms where people are gathered in close proximity for extended periods of time and where surfaces are improperly sanitized between use.

Workstations
Employees will be required to follow a "clean desk" protocol. No food, drinks, or items that can be damaged should remain on the desk at the end of the workday. Personal cups, water bottles, etc., should be put away in drawers or cabinets. Workstations will undergo a daily cleaning/disinfecting, which requires that workstations be clear. Employees are asked to collaborate in the efforts by wiping down their workstations and equipment during the day.

The workstation of an employee who shows symptoms consistent with COVID-19 or has been diagnosed with COVID-19 will not be used for at least 24 hours, when possible. After 24 hours, the workstation will be cleaned and sanitized by Custodial Service.

Individual Offices *(This measure is currently lifted)*
Employees in individual offices are encouraged to use video conferencing methods for meetings and should not hold meetings or host guests in their office unless a three-foot social distancing can be achieved.

Screening Process *(This measure is currently lifted)*
All staff will be screened for symptoms of COVID-19 as a safety measure to promote a healthy work and learning environment and reduce the risk of transmission of COVID-19. (See addendum)

Employee Self-Screening
Employees are asked to self-screen before reporting to work by checking their temperature and determining if they have any of the following new or worsening signs or symptoms of possible COVID-19:

- Feverish feeling or a measured temperature equal to or greater than 99.5°F
- Repeated shaking with chills
- Cough
- Sore throat
- Nasal Congestion
- Persistent Headaches
- Shortness of breath or difficulty breathing
- Body aches / Muscle or Joint Pain
- Fatigue
- Nausea / Vomiting
- Loss of sense of smell or taste
- Been in close contact with a person who is lab confirmed to have COVID-19
- If running a fever of 99.5°F or higher, or feeling ill, please stay at home.
- Make sure to contact your health provider, if needed, and notify your supervisor regarding your absence.

If you have one or more of the above symptoms, it is recommended by the Health Department for you to be referred for COVID-19 testing. Additionally, you will need to follow self-quarantine recommendations until you have obtained test results or clearance from your health care provider.

All travel restrictions are lifted in El Paso County; staff and students may travel out of the region; however, they should observe all preventive measures and recommendations (social distancing, wearing face covering if applicable, washing hands often) while traveling and upon return.

Staff Who Become Ill During the Workday

Due to the contagious nature of the virus, all staff should stay informed, practice healthy habits, and avoid sharing equipment when possible to prevent the spread of COVID-19.

Signs or symptoms may appear 2 – 14 days after exposure to the virus.

People with the following symptoms may have COVID-19:

- Cough
- Shortness of breath/difficulty breathing
- Chills/repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- Loss of taste or smell
- Diarrhea
- Fever of 99.5°F or higher or feverish feeling
- Known close contact with a person who has COVID-19

If staff develop symptoms of COVID-19 during the workday or are confirmed to have COVID-19 infection, the following steps will be taken to reduce transmission:

- Separate ill staff from others and send them home.
- Contact **Custodial Department** for Standard Operating Procedures of cleaning/disinfection of ill staff's desk/workstation.
- Contact Health Services to assist with contact tracing to determine other staff that may have been exposed to the virus**.**
- **Human Resources** will inform staff of possible exposure to the virus while keeping confidentiality. (See Board Policy DH and Educator Code of Ethics)

Return-to-Work Guidance

The virus that causes COVID-19 can be spread to others by infected persons through respiratory droplets from those who have few symptoms, no symptoms, or are mildly ill. Due to the contagious nature of the virus, all staff should stay informed and take actions based on established guidance.

Staff and Students with Confirmed COVID-19 may not return to work or school until….

No longer having a fever (99.5°F or higher) within 24 hours without the use of fever-reducing medicine (Advil, Tylenol, or aspirin) and

Significant improvement of other symptoms (cough, sore throat, headache, etc.) and 5 days have passed since the date of test.

Staff with symptoms of COVID-19 who **have not been tested or evaluated** by a medical professional are assumed to have COVID-19 and must follow the CDC Isolation Guidelines.

https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html

Staff with symptoms of COVID-19 may not return to work until:

- The same criteria listed above have been met, or
- The staff member has a statement from a medical professional that clears them to return to work based on an alternative diagnosis.

Staff that is not fully vaccinated and is exposed to persons known to have COVID-19 may not return to work until:

- The end of the 5-day self-quarantine period from the last date of exposure.
- The employee must provide a medical professional's note clearing them to return to work.
- Return-to-work guidance cannot predict every unique situation.

Staff that test positive for COVID-19 may return to work 5 days after testing positive.

Follow CDC guidelines:

https://www.cdc.gov/coronavirus/2019-ncov/your-health/if-you-were-exposed.html

Employee and students who are fully vaccinated do not have to quarantine unless they are showing signs and symptoms of COVID-19 if exposed.

Addendum

Form 1 - SEISD

ed)

1. Have you	Yes or No
2. Have you	
3. Have you	
4. Have you	
5. Have you	
6. Have you	
7. Have you	
8. Have you	
9. Have you	
10. Have you	
11. Have you	
12. Have you COVID 19?	

After Being Exposed to COVID-19

START PRECAUTIONS
Immediately

Wear a mask as soon as you find out you were exposed
Start counting from Day 1

- Day 0 is the day of your last exposure to someone with COVID-19
- Day 1 is the first full day after your last exposure

CONTINUE PRECAUTIONS
10 Full Days

You can still develop COVID-19 up to 10 days after you have been exposed

Take Precautions

Wear a high-quality mask or respirator (e.g., N95) any time you are around others inside your home or indoors in public[1]

- Do not go places where you are unable to wear a mask. For travel guidance, see CDC's Travel webpage.

Take extra precautions if you will be around people who are more likely to get very sick from COVID-19.

More about how to protect yourself and others >

Watch for symptoms

- fever (100.4°F or greater)
- cough
- shortness of breath
- other COVID-19 symptoms

If you develop symptoms

- isolate immediately
- get tested
- stay home until you know the result

If your test result is positive, follow the isolation recommendations.

GET TESTED
Day 6

Get tested at least 5 full days after your last exposure
Test even if you don't develop symptoms.

If you already had COVID-19 within the past 90 days, see specific testing recommendations.

IF YOU TEST
Negative
Continue taking precautions through day 10

- Wear a high-quality mask when around others at home and indoors in public

You can still develop COVID-19 up to 10 days after you have been exposed.

IF YOU TEST
Positive
Isolate immediately

NOTE: If you answered yes to one or more of the above questions, please proceed with the following:

a) Contact your immediate supervisor/administrator and notify them of your symptoms
b) It is recommended for you to follow up with your Primary Care Provider for further evaluation or
c) El Paso City Health Department recommends to call (915) 212-0783/ 434-1092 or register online at EPStrong.org to schedule an appointment for COVID 19 testing

Employee's Signature: _____ Department/Campus: _____ Date: _____

When to Isolate

Regardless of vaccination status, you should isolate from others when you have COVID-19.

You should also isolate if you are sick and suspect that you have COVID-19 but do not yet have test results. If your results are positive, follow the full isolation recommendations below. If your results are negative, you can end your isolation.

IF YOU TEST
Negative
You can end your isolation

IF YOU TEST
Positive
Follow the full isolation recommendations below

When you have COVID-19, isolation is counted in days, as follows:

If you had no symptoms

- Day 0 is the day you were tested (not the day you received your positive test result)
- Day 1 is the first full day following the day you were tested
- If you develop symptoms within 10 days of when you were tested, the clock restarts at day 0 on the day of symptom onset

If you had symptoms

- Day 0 of isolation is the day of symptom onset, regardless of when you tested positive
- Day 1 is the first full day after the day your symptoms started

Isolation

If you test positive for COVID-19, stay home for at least 5 days and isolate from others in your home.

You are likely most infectious during these first 5 days.

- Wear a high-quality mask if you must be around others at home and in public.
- Do not go places where you are unable to wear a mask. For travel guidance, see CDC's Travel webpage.
- Do not travel.
- Stay home and separate from others as much as possible.
- Use a separate bathroom, if possible.
- Take steps to improve ventilation at home, if possible.
- Don't share personal household items, like cups, towels, and utensils.
- Monitor your symptoms. If you have an emergency warning sign (like trouble breathing), seek emergency medical care immediately.
- Learn more about what to do if you have COVID-19.

Ending Isolation

End isolation based on how serious your COVID-19 symptoms were. Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.

If you had no symptoms

You may end isolation after day 5.

If you had symptoms and:

Your symptoms are improving

You may end isolation after day 5 if:

- You are fever-free for 24 hours (without the use of fever-reducing medication).

Your symptoms are not improving

Continue to isolate until:

- You are fever-free for 24 hours (without the use of fever-reducing medication).
- Your symptoms are improving. [1]

If you had symptoms and had:

Moderate illness (you experienced shortness of breath or had difficulty breathing)

You need to isolate through day 10.

Severe illness (you were hospitalized) or have a weakened immune system

- You need to isolate through day 10.
- Consult your doctor before ending isolation.
- Ending isolation without a viral test may not be an option for you.

If you are unsure if your symptoms are moderate or severe or if you have a weakened immune system, talk to a healthcare provider for further guidance.

Regardless of when you end isolation

Until at least day 11:

- Avoid being around people who are more likely to get very sick from COVID-19.
- Remember to wear a high-quality mask when indoors around others at home and in public.
- Do not go places where you are unable to wear a mask until you are able to discontinue masking (see below).
- For travel guidance, see CDC's Travel webpage.

Removing Your Mask

After you have ended isolation, when you are feeling better (no fever without the use of fever-reducing medications and symptoms improving),

- Wear your mask through day 10.

OR

- If you have access to antigen tests, you should consider using them. With two sequential negative tests 48 hours apart, you may remove your mask sooner than day 10.

Note: If your antigen test results[1] are positive, you may still be infectious. You should continue wearing a mask and wait at least 48 hours before taking another test. Continue taking antigen tests at least 48 hours apart until you have two sequential negative results. This may mean you need to continue wearing a mask and testing beyond day 10.

After you have ended isolation, if your COVID-19 symptoms recur or worsen, restart your isolation at day 0. Talk to a healthcare provider if you have questions about your symptoms or when to end isolation.

Employee Support

All staff members are encouraged to communicate any concerns to their supervisor, who will be able to further direct them in the event added services, information, and/or considerations are needed. Below are some resources available for employees.

Resources

TRS-Active Care		(800) 222-9205	www.trsactivecareaetna.com
Teledoc		(855) 835-2362	https://member.teladoc.com/trsactivecare
Texas Department of State Health Services ■ *COVID-19 Self-Checker* ■ *COVID-19 Test Collection Sites*		Dial 2-1-1, then choose Option 6.	https://www.dshs.state.tx.us/coronavirus/testing.aspx coronavirus@dshs.texas.gov
Centers for Disease Control and Prevention ■ *"If You are Sick or Caring for Someone"*		(800) 322-4636	https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html

Centers for Disease Control and Prevention and the Texas Education Agency

https://www.cdc.gov/ https://tea.texas.gov/ CDC.GOV

https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html

Distrito Escolar Independiente de San Elizario

Plan de Reingreso 2023-2024

Plan sujeto a cambios según las pautas de TEA, CDC, locales y estatales

Mensaje del presidente de la junta

El año escolar 2023 - 2024 ya está sobre nosotros. Estamos emocionados de darles la bienvenida a todos. Mientras nos preparamos para el próximo año escolar en San Elizario ISD, tenga la seguridad de que continuamos tomando todas las medidas de precaución para garantizar la seguridad y el bienestar de nuestros estudiantes y el personal del distrito. También estamos totalmente comprometidos en apoyar la trayectoria educativa de nuestros estudiantes, así como la de nuestros profesores.

La comunicación continua entre el hogar, la escuela y la comunidad será clave para que este año escolar sea exitoso y memorable para todos.

Gracias por confiarle a San Elizario ISD a sus hijos y elegir vivir y trabajar en esta hermosa comunidad.

Atentamente,

Sandra Licon
Presidente de la Junta de San Elizario ISD

Mensaje del Superintendente de Escuelas

Estimada comunidad de San Elizario ISD,

Nuestro equipo de San Elizario ISD está emocionado de tener la oportunidad de darles la bienvenida a todos para el próximo año escolar. Sabemos que el año anterior presentó desafíos importantes para la educación de nuestros estudiantes y obstáculos fundamentales para el método normal de funcionamiento de los distritos. Juntos, trabajamos para seguir apoyándonos unos a otros. En nombre del equipo de San Elizario, ¡acepte nuestro agradecimiento y admiración por todo lo que hizo!

Si bien todavía hay muchas preguntas sobre la pandemia de COVID-19 y su impacto futuro y continuo, hay un compromiso que hemos hecho en San Elizario ISD y es implementar precauciones de seguridad que nos permitirán tener un mejor ambiente de aprendizaje y trabajo para nuestros estudiantes y empleados. Las precauciones de seguridad continuarán para que nuestros entornos de aprendizaje estén protegidos para todas las personas interesadas. Con su colaboración y apoyo continuo, todos podemos trabajar para mantener seguros a San Elizario ISD, a los niños a quienes servimos y a nuestros empleados. Esta guía de reingreso está diseñado específicamente para que la lean todas las partes interesadas y sirve como un documento fluido que se actualizará para abordar la información que cambia continuamente a medida que surge.

Gracias una vez más por elegir a San Elizario ISD. Estamos orgullosos de poder contribuir a mejorar la vida de los niños. San Elizario ISD sigue siendo el lugar donde los estudiantes se elevan.

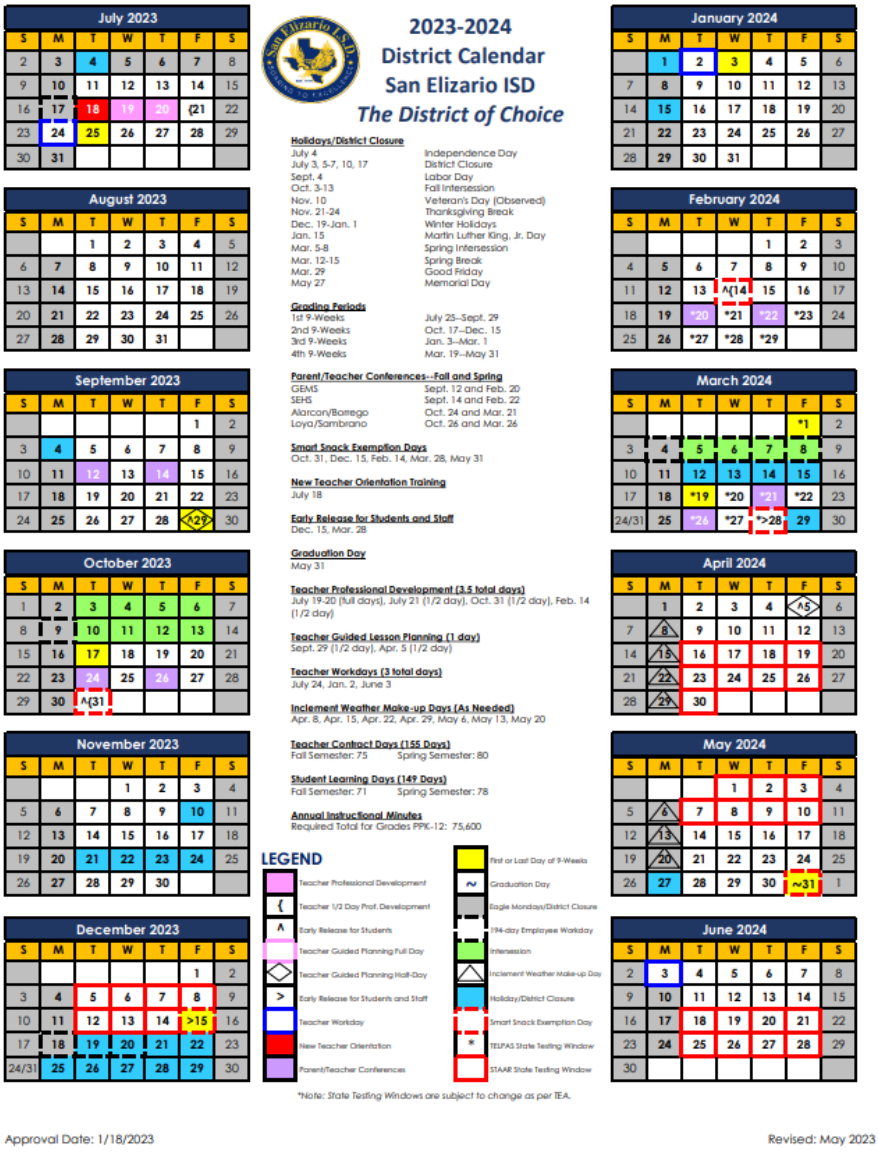
Respetuosamente,

Jeannie Meza-Chavez, Ph.D.
Superintendente de Escuelas de San Elizario ISD

PARTE I – Certificaciones

Introducción

El Equipo de Liderazgo del Distrito Escolar Independiente de San Elizario desarrolló un plan de prácticas de prevención y mitigación que se describe en este documento y está diseñado para reducir significativamente la probabilidad de que ocurra un brote de coronavirus en el campus. Algunas prácticas son obligatorias para todos los sistemas escolares, algunas son obligatorias en áreas con altos niveles de propagación comunitaria y algunas son recomendaciones.



Calendario del distrito

La Junta Escolar Independiente de San Elizario aprobó un calendario anual para el año escolar 2023-2024. El distrito continuará con este calendario anual que permite descansos más frecuentes para nuestros estudiantes y maestros.

Horario escolar

Los horarios de las campanas se diferenciarán por nivel de grado (es decir, escuelas primarias y primarias o secundarias). A continuación encontrará los horarios.

Horario de Primarias:

7:20 AM–4:05 PM (525 instructional minutes)

Loya Primary School, Sambrano Elementary School, Alarcon Elementary School y Borrego Elementary School

Horario de Secundarias:

8:05 AM–4:50 PM (525 instructional minutes)

Ann M. Garcia-Enriquez Middle School y San Elizario High School

Requisitos de asistencia

Los maestros tomarán la asistencia diariamente. Se requiere que los estudiantes asistan a la escuela por lo menos el 90% del año escolar para recibir crédito y ser promovidos. Se harán cumplir todas las pautas establecidas por la política de la Junta FEA y FEC (LOCAL).

Métodos de instrucciones
El Distrito Escolar Independiente de San Elizario ofrecerá instrucción en persona para todos los estudiantes en todos los niveles de grado para el año escolar 2023-2024.

Disponibilidad de maestros y apoyo educativo
Los maestros estarán disponibles durante la semana escolar. El director de la escuela establecerá cualquier horario de reunión adicional para apoyar aún más a nuestros padres y estudiantes.

Participación de los estudiantes
Los maestros involucrarán a los estudiantes con estrategias de instrucción de alto rendimiento para abordar la pérdida de aprendizaje creada por el cierre de emergencia de COVID-19. Además, lo siguiente abordará la pérdida de aprendizaje específica entre los estudiantes de bajos ingresos, los estudiantes con discapacidades, los estudiantes de inglés, las minorías raciales y étnicas, los estudiantes sin hogar y los niños en hogares de acogida:

• Implementación de lectura guiada en los niveles de grado de primaria.
• Implementación de Fundamental Five en los niveles de grado secundario
• Implementación de Istation
• Implementación de Newsela
• Implementación de IXL
• Implementación de tutorías específicas

La siguiente tabla especifica los métodos de instrucción que San Elizario ISD seleccionó y son permitidos por la Agencia de Educación de Texas.

Escuela	Nivel	En Persona
Loya Primary	**PK 3 - PK4**	★
Sambrano Elementary	**K - 2nd**	★
Alarcon Elementary	**3rd - 6th**	★
Borrego Elementary	**3rd - 6th**	★
Garcia Enriquez MS	**7th - 8th**	★
San Elizario HS	**9th - 12th**	★

Diseño de materiales

SOAR @ theNEST
El Distrito Escolar Independiente de San Elizario ofrece un sólido centro de recursos en línea llamado Recursos Académicos Especializados en Línea al que se hace referencia como SOAR @ theNEST. Los estudiantes y los padres pueden acceder a los recursos en línea del distrito en un enlace fácil de navegar. El enlace se proporciona a continuación.

- https://www.seisd.net/Page/529

Dispositivos tecnológicos
Continuando con la iniciativa 1:1 de dispositivos para estudiantes, el Distrito Escolar Independiente de San Elizario compró Chromebooks nuevos (escuela primaria y secundaria) y computadoras portátiles (escuela secundaria) para grupos de ingreso en cada campus. Los totales por plantel son 145 Chromebooks de la Escuela Primaria Borrego, 85 Chromebooks de la Escuela Primaria Alarcón, 160 Chromebooks de la Escuela Primaria Sambrano, 220 Chromebooks de la Escuela Intermedia García-Enríquez y 290 computadoras portátiles de la Escuela Secundaria San Elizario. Todos estos dispositivos vienen con una cubierta o protector, cargador y auriculares.

Progreso del estudiante: políticas de calificación de la escuela
Requisitos de calificación
Las prácticas tradicionales de calificación continuarán durante el año escolar 2023-2024. Los maestros estarán monitoreando el progreso de los estudiantes durante el año escolar. Además, las boletas de calificaciones y los informes de progreso estarán disponibles a través del Portal para padres. Los informes de progreso en papel y las boletas de calificaciones estarán disponibles para recoger a pedido de los padres / tutores. Se harán cumplir todas las pautas establecidas por la política de la Junta EIA y EIE (LOCAL). Para asegurar aún más el éxito de nuestros estudiantes, el monitoreo continuo del progreso continuará con la ayuda de nuestros consejeros, maestros en riesgo, trabajadores sociales, intervencionista de matemáticas y lectura y maestros.

Evaluaciones estatales
Las Evaluaciones de Preparación Académica del Estado de Texas (STAAR) continuarán durante el año escolar 2023-2024. Es posible que haya opciones en línea disponibles. Además, las escuelas continuarán administrando evaluaciones comparativas y evaluaciones comunes en todo el distrito para medir el progreso de los estudiantes. Se hará cumplir la política de la mesa directiva EIE (LOCAL).

Implementación Calendarios de desarrollo professional

El Distrito Escolar Independiente de San Elizario ha estado brindando desarrollo profesional continuo a todos los maestros. Este ha sido un desarrollo profesional dirigido a preparar a los maestros para que enseñen a abordar de manera efectiva la pérdida de aprendizaje debido al cierre de emergencia de COVID-19.

Apoyo de materiales de instrucción para materiales de instrucción en línea

Los estudiantes del Distrito Escolar Independiente de San Elizario se involucrarán con material académico que está disponible para instrucción en persona el Distrito Escolar Independiente de San Elizario ha estado adoptando estratégicamente materiales instructivos que se pueden implementar tanto en modo presencial como en línea en el caso de un cierre inesperado a largo plazo. Los siguientes son algunos ejemplos de los materiales de instrucción disponibles para nuestros estudiantes:

- Istation - R&M
- HMH (K-2 ELAR) - Sambrano
- K-1 STEMScopes Math Sambrano
- STEMScopes
- My World Pearson (Estudios Sociales)
- PK-1 Estrellita / Fundaciones
- Ir a las matemáticas
- PK3-PK4: siga las pautas y el enfoque de Oracy

Apoyos específicos para que los educadores y las familias implementen una instrucción asincrónica remota eficaz

Los maestros continuarán recibiendo desarrollo profesional que los ayudará en el desarrollo de lecciones interactivas y altamente efectivas. Además, los maestros recibirán apoyo de los especialistas en instrucción de la escuela y los oficiales de instrucción del distrito. Las reuniones del Comité de Aprendizaje Profesional (PLC) se enfocarán en la entrega de instrucción basada en la investigación.

Los padres pueden encontrar videos instructivos en la página de recursos en línea SOAR @ theNEST del distrito. Estos están diseñados para ayudar a los padres sobre cómo ayudar a sus hijos a acceder a los recursos del Distrito. Además, el distrito seguirá poniendo el servicio de asistencia técnica a disposición de los padres. Nuestro enlace de padres del distrito y la escuela junto con los administradores continuarán brindando la asistencia tecnológica necesaria para asegurar que los estudiantes experimenten el éxito.

PARTE II
Respuesta Abierta

Plan en caso de un cierre a largo plazo

Se seguirá el siguiente plan en caso de que se produzca un cierre imprevisto a largo plazo:

Aprendizaje de San Elizario ISD - SOAR @ theNEST – Plan

	Loya & Sambrano PreK3 - 2nd	Alarcon & Borrego 3rd - 6th	GEMS 7th - 8th	SEHS 9th - 12th
Structure/Schedule	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home
Learning Management System (LMS) or Virtual Environment	Google Classroom	Google Classroom	Google Classroom	Google Classroom
Online Resources	Istation – R&M HMH (K-2 ELAR) - Sambrano K-1 STEMScopes Math Sambrano STEMScopes My World Pearson (Social Studies) PK-1 Estrellita/Fundations Go Math PK3-PK4 – follow guidelines & Oracy focus	Istation – R HMH (ELAR) Reflex Math STEMScopes My World Pearson (Social Studies) Sharon Wells	Istation – R Pearson ELAR IXL STEMScopes HMH (Social Studies)	STEMScopes Pearson ELAR • HMH (Social Studies)
Explicit Instruction	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*
Social Emotional Learning	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*
Making Individualized Connections with Students	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)
Scope & Sequence TEKS alignment	TEKS Resource System Targeted curriculum and assessment align to the TEKS	TEKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS
Mode of Communication	Dojo	Dojo	Dojo	Remind/Alternative

Alineación de los TEKS

El Distrito Escolar Independiente de San Elizario continuará usando el Sistema de Recursos TEKS para la instrucción presencial. El Sistema de Recursos TEKS es un plan de estudios y una herramienta de evaluación específicos que está alineado con los Conocimientos y Habilidades Esenciales de Texas (TEKS).

https://www.teksresourcesystem.net/

Educación especial

San Elizario ISD cumplirá con su obligación de proporcionar servicios de instrucción y servicios relacionados según lo requiera el IEP de cada estudiante. Los servicios educativos y relacionados como se describen en el IEP de cada estudiante se proporcionarán según se documenta en el Plan de contingencia de emergencia individualizado de cada estudiante. Si un padre desea solicitar un ajuste en la prestación del servicio, se puede realizar un ARD en cualquier momento para atender estas solicitudes.

Los materiales de instrucción incluyen recursos diseñados específicamente y / o adaptaciones y modificaciones para ayudar a los estudiantes con discapacidades tanto en un entorno asincrónico como en un entorno presencial.

Los maestros trabajarán con los padres para obtener progreso con respecto a la instrucción.
También habrá paraprofesionales de educación especial disponibles para ayudar a los estudiantes con las actividades de instrucción durante el día escolar.
Los servicios de co-enseñanza y facilitación de apoyo se proporcionarán de acuerdo con el IEP de los estudiantes.
Si el IEP de un estudiante ha recomendado terapia del habla, terapia ocupacional, fisioterapia, educación física adaptativa, apoyo instructivo de VI o AI, o Consejería de Educación Especial, estos servicios continuarán como se establece en el Plan de Contingencia de Emergencia Individualizado y el IEP de cada niño.

Sección 504

Cada estudiante 504 seguirá el plan de instrucción desarrollado para los compañeros de educación general a menos que su plan 504 indique que son necesarios servicios alternativos. Los padres pueden solicitar una reunión de la Sección 504 en cualquier momento para revisar las adaptaciones y los servicios establecidos para su hijo. Los maestros continuarán implementando las adaptaciones de cada estudiante y los servicios relacionados desarrollados por el comité 504. Además, si un niño recibe instrucción sobre dislexia como parte de sus servicios 504, estos servicios se brindarán en un grupo pequeño o en un entorno individual para cumplir con los servicios establecidos en el plan 504.

Intervención

Todos los estudiantes de RTI recibirán apoyo como se describe en su Plan de Intervención individualizado.

Seguimiento del progreso

- Los maestros deben revisar el progreso de cada estudiante con un IAP semanalmente y determinar qué adaptaciones adicionales, si las hay, pueden ser necesarias para que cada estudiante continúe progresando.
- Los maestros deben considerar estrategias / apoyos alternativos para asegurar un progreso continuo (es decir, instrucción más sincrónica, más apoyo en grupos pequeños, etc.).
- Los maestros deben, después de que otras intervenciones no hayan tenido éxito, solicitar convocar una reunión del comité de la Sección 504 para abordar la falta de progreso.

Educacion Bilingue

Los estudiantes ELL son elegibles para recibir una variedad de servicios y participar en programas que los ayudarán a aprender el contenido académico y adquirir habilidades en su segundo idioma (inglés).

- Se requiere el cumplimiento del proceso LPAC.
- Todos los estudiantes recibirán adaptaciones de instrucción de acuerdo con el LPAC de cada estudiante individual.

PARTE III

Cómo limpiar su computadora o computadora portátil:

- Apague la energía. En el caso de las computadoras, apague y luego desconecte el dispositivo y el monitor. Desenchufe las computadoras portátiles y retire la batería si es posible.
- Limpie suavemente el monitor para que no tenga manchas, manchas o polvo con un paño de microfibra
- Si esto no funciona, use una solución de jabón para platos diluido. Una sola gota de jabón y agua tibia.
- Sumerja un paño de fibra limpio en la solución y escúrralo bien. Esto es importante al limpiar computadoras portátiles, ya que el líquido no debe gotear a través de las teclas.
- Limpie suavemente la pantalla con un paño húmedo.
- Enjuague todo el jabón de este paño y escúrralo nuevamente. Vuelve a revisar tu pantalla para eliminar cualquier residuo de jabón.
- Limpie suavemente la pantalla con un paño de microfibra seco.

Cómo limpiar el teclado de la computadora:

- Desconecte la fuente de energía. Para computadoras, apague y desenchufe el dispositivo. Además, desconecte el teclado de la computadora. Retire las baterías del teclado inalámbrico. Las computadoras portátiles deben desenchufarse y quitar la batería si es posible.
- Rocíe el teclado con aire enlatado para eliminar las migas o el polvo sobrantes.
- Frote ligeramente un hisopo de algodón en alcohol suave. Primero haga una prueba puntual para asegurarse de que el alcohol no elimine las letras.
- Seque las llaves con un paño de microfibra. No reemplace las baterías ni enchufe hasta que las llaves estén completamente secas.

Cómo limpiar pantallas táctiles

- Las pantallas táctiles deben limpiarse a diario con un paño de microfibra seco.
- Para una limpieza más profunda, use un paño de microfibra humedecido y luego seque la pantalla con una microfibra nueva.
- Tenga cuidado de que no entre humedad en las aberturas.

Cómo desinfectar tabletas:

- Utilice un aerosol antimicrobiano apto para pantallas táctiles y un paño de microfibra. (Consulte las recomendaciones e instrucciones del fabricante)
- Asegúrese de que los dispositivos electrónicos estén apagados y desenchufados.
- Humedezca un paño de microfibra con spray, teniendo cuidado de no saturar demasiado el paño.
- Limpie la pantalla, evite todas las aberturas.
- Deje que el spray se asiente el tiempo indicado en el producto.
- Seque la pantalla con un paño de microfibra limpio.

Cómo desinfectar la cubierta de la tableta:

- Mezcle un par de gotas de jabón para platos con agua tibia en un recipiente
- Sumerja un paño en la solución para que esté húmedo, no saturado.
- Limpie la cubierta.
- Enjuague el paño hasta que quede limpio; escúrralo para que quede húmedo.
- Limpie la tapa nuevamente para eliminar los residuos de jabón y déjela secar al aire o limpie con un paño seco.

Transiciones (***Las medidas que figuran a continuación se han levantado actualmente***)

- Habrá carteles y marcas en el piso para ayudar a los estudiantes y al personal con el distanciamiento social en los espacios comunes y los pasillos. Siempre que sea posible, se seguirá una distancia de 3 a 6 pies.
- Durante los períodos de transición, el flujo de tráfico se enrutará para minimizar el contacto de los estudiantes.
- Se les indicará a los estudiantes que permanezcan en el extremo derecho durante los períodos de transición.
- El personal estará en el lugar para garantizar el cumplimiento.

Fuentes de agua

- Se anima a los estudiantes a traer un recipiente de plástico transparente para agua a la escuela todos los días con su nombre claramente marcado en él.
- SEISD ha modernizado varias de las fuentes de agua existentes en estaciones de llenado de botellas.

Transporte

Se proporciona transporte en autobús para todos los estudiantes de educación especial cuando lo requieran el ARD y el IEP de los estudiantes. Todos los estudiantes de educación general recibirán transporte si son elegibles desde las áreas de transporte designadas a cada campus.

- Se recomienda encarecidamente a los padres que proporcionen transporte a la escuela para sus hijos. Esto permitirá un mejor distanciamiento social entre los pasajeros dentro de los autobuses escolares.
- Los autobuses se limpiarán y desinfectarán a fondo después de las rutas de la mañana y la tarde, centrándose en las superficies de alto contacto.
- Los conductores, los monitores de autobús y los estudiantes que viajan en autobús pueden seguir usando una máscara facial si así lo desean. siempre y cuando el uso de una máscara no sea un mandato.

Llegada del estudiante (*Las medidas que figuran a continuación se han levantado actualmente*)

- A los padres no se les permitirá caminar a los estudiantes dentro del edificio de la escuela.
- Los padres permanecerán en sus autos durante la entrega y salida de la mañana.
- Se desaconseja encarecidamente la llegada anticipada. Los estudiantes que dejen antes de que el edificio esté abierto no podrán ingresar al edificio y no serán monitoreados.

Recogida de estudiantes durante el día de instrucción (*Las medidas que figuran a continuación se han levantado actualmente*)

- Los padres que recojan a los estudiantes durante el día llamarán con anticipación para que los estudiantes puedan ser enviados o acompañados a los vehículos de los padres a su llegada. Si un padre / tutor debe ingresar al campus, se limitará a un visitante por estudiante y los miembros adicionales de la familia deberán esperar fuera del edificio de la escuela.

Comidas para estudiantes: desayuno y almuerzo

- Los campus que utilizan el programa Desayuno en el salón de clases continuarán.
- Los almuerzos se servirán en la cafetería, se observará una distancia de 3-6 pies cuando sea posible. ***(Esta medida se ha levantado actualmente)***

Biblioteca (*Las medidas que figuran a continuación se han levantado actualmente*)

- Los libros y materiales se recogerán en cajas o carritos y no se tocarán hasta que se complete una cuarentena de 3 días.
- Los bibliotecarios usarán guantes cuando trabajen con libros o materiales de la biblioteca.
- El acceso de los estudiantes a las pilas será unidireccional.
- Los estudiantes solo podrán ingresar a las áreas de exhibición de especialidades de uno en uno.
- Se eliminarán todos los materiales compartidos.
- Se observará un distanciamiento social de 3 a 6 pies tanto como sea posible.

Eventos para estudiantes fuera del campus (*Las medidas que figuran a continuación se han levantado actualmente*)

- SEISD buscará actividades virtuales en lugar de excursiones, asambleas y presentaciones especiales en consecuencia.
- Al participar en actividades fuera del campus, sancionadas por la escuela, los estudiantes deben seguir todos los protocolos y requisitos en el campus en persona.

Eventos en el campus (*Las medidas que figuran a continuación se han levantado actualmente*)

- SEISD evitará programar reuniones y eventos de grupos grandes que no sean esenciales.
- Las reuniones típicas de padres, como conocer al maestro, jornadas de puertas abiertas, conferencias de padres, etc. se llevarán a cabo virtualmente según sea apropiado.
- Cualquier actividad extracurricular, incluidas las reuniones del club del campus, que se apruebe para llevarse a cabo en el campus se adherirá a los requisitos de distanciamiento social descritos por SEISD, TEA y UIL.

Atletismo

- Todos los estudiantes que participan en deportes deberán cumplir con los requisitos de UIL.
- Se requerirá que todos los estudiantes asistan a clases de atletismo en persona, prácticas y juegos después de la escuela.
- Todos los estudiantes deben completar el papeleo en línea de Rank One antes de cualquier entrenamiento atlético o pruebas.
- Por favor, comuníquese con los administradores de la escuela secundaria y secundaria en cada campus individual para obtener información sobre cuándo están programadas sus clases de atletismo.

Atletismo de secundaria

- Los estudiantes de escuela intermedia deberán completar todos los trámites de rango uno antes del primer día de práctica.
- Los horarios de los juegos de la escuela secundaria se ajustarán para adaptarse a cualquier retraso en el inicio de las prácticas. Los horarios de los juegos de la escuela secundaria están por confirmar.

Apoyos socioemocionales para estudiantes

Los consejeros de SEISD están disponibles para apoyar a los estudiantes académica, social y emocionalmente. Nuestros consejeros están preparados y listos para brindar apoyo o recursos de salud mental para familias que puedan estar pasando por dificultades emocionales. Estos servicios se pueden proporcionar de forma remota o presencial.

Se ofrecerán lecciones de aprendizaje social y emocional (SEL) a los estudiantes de SEISD para desarrollar habilidades importantes como la autoconciencia, la autogestión, la conciencia social, las habilidades para relacionarse y la toma de decisiones responsable.
Prácticas para evitar que el virus ingrese a la escuela

Prácticas para evitar que el virus ingrese a la escuela (*Las medidas que figuran a continuación se han levantado actualmente*)
Si se confirma en laboratorio que una persona que ha estado en una escuela tiene COVID-19, la enfermera principal del distrito notificará al departamento de salud local, de acuerdo con las leyes y regulaciones federales, estatales y locales aplicables, incluidos los requisitos de confidencialidad de los estadounidenses con Ley de Discapacidades (ADA) y Ley de Privacidad y Derechos Educativos de la Familia (FERPA).

De acuerdo con los requisitos de notificación de la escuela para otras enfermedades transmisibles, y de acuerdo con los requisitos legales de confidencialidad, San Elizario ISD notificará a todos los maestros, personal y familias de todos los estudiantes en una escuela si se identifica un caso de COVID-19 confirmado por laboratorio entre estudiantes, maestros o personal que participe en cualquier actividad del campus.

Pautas generales de entrada al edificio
Introducción
La seguridad y el bienestar de todos los estudiantes, el personal y los visitantes son una prioridad para San Elizario ISD ya que el distrito vuelve a ingresar al lugar de trabajo y las instalaciones de instrucción al cien por cien. Se han implementado varios cambios en la apariencia del lugar de trabajo y los campus, así como las prácticas y los protocolos, para seguir la Guía recomendada según lo establecido por la Autoridad de Salud Local del Departamento de Salud Pública de la Ciudad de El Paso, TEA y CDC. La transmisión del coronavirus en general ocurre mucho más comúnmente a través de gotitas respiratorias que a través del contacto con superficies contaminadas, pero es posible infectarse si uno toca una superficie contaminada y luego se toca la nariz, los ojos o la boca. El riesgo de transmisión parece ser proporcional a la cercanía y frecuencia de interacción entre un individuo infectado y otros que no están infectados y / o no vacunados. Nuestro objetivo es garantizar en colaboración que todos los estudiantes, empleados y visitantes en las instalaciones del distrito se

sientan seguros y protegidos para navegar de manera efectiva las complejidades de una “nueva normalidad” y reducir el riesgo de exposición e infección con COVID-19.

Las medidas implementadas incluyen desinfección más frecuente de áreas muy tocadas (instalaciones y autobuses escolares), superficies y áreas de trabajo, controles diarios de bienestar de estudiantes, personal y visitantes, controles de temperatura, pruebas rápidas de COVID-19 por solicitud, acceso a desinfectante de manos en todo el distrito. instalaciones, para incluir aulas, marcas de piso de distancia social, (Centros para el Control y la Prevención de Enfermedades) señalización de orientación de los CDC, escudos de seguridad en áreas de recepción de alto tráfico, protectores de escritorio con protección contra estornudos para estudiantes de primaria y primaria, continuación del uso de mascarilla (aunque no es obligatorio) para aquellos que elijan hacerlo, ionización bipolar de punta de aguja a través de sistemas HVAC, filtración con clasificación MERV más alta, mayor frecuencia de cambio de filtro y otras medidas detalladas en este libro. La cooperación de todo el personal para mantener un ambiente seguro mientras el distrito y la comunidad continúan luchando contra la propagación de COVID-19 es esencial.

Como siempre, el personal de San Elizario ISD continuará enfrentando los desafíos de COVID-19 con mejoras continuas y perseverancia, incorporando el compromiso de educar a todos los estudiantes para el éxito, sin importar las circunstancias. Esta guía es la guía del Distrito Escolar Independiente de San Elizario sobre el reingreso al entorno de instrucción física.

La guía sobre el coronavirus (COVID-19) se actualiza periódicamente. La información que se describe aquí son las mejores prácticas actuales proporcionadas por los funcionarios de salud federales, estatales y locales para mitigar el COVID-19 en el entorno laboral. El Distrito actualizará esta guía a medida que haya nueva información disponible. Este plan es fluido y se revisará de acuerdo con las pautas de los CDC, la TEA y el Departamento de Salud Pública local para determinar su eficacia y se revisará según sea necesario para satisfacer las necesidades de todas las partes interesadas.

Reglas generales

Horario del edificio / escuela
Consulte los horarios individuales del Departamento o de las Instalaciones del campus. Para la seguridad del entorno de aprendizaje, se recomienda encarecidamente a los padres que evalúen a sus hijos ya sí mismos para detectar síntomas antes de enviar a los estudiantes a la escuela.

Salud y seguridad
El Distrito Escolar Independiente de San Elizario continúa monitoreando los indicadores de transmisión del coronavirus. Su salud y seguridad siguen siendo nuestra máxima prioridad. Como resultado, el Distrito continúa practicando una variedad de medidas de seguridad y escalando los esfuerzos de seguridad lo más rápido posible para mantener seguros a los empleados. Para abordar la propagación de COVID-19, es importante saber cómo se transmite el virus.

Transmisión de COVID-19
La transmisión del coronavirus en general ocurre mucho más comúnmente a través de gotitas respiratorias que a través del contacto con superficies contaminadas, pero es posible infectarse si uno toca una superficie contaminada y luego se toca la nariz, los ojos o la boca. El riesgo de transmisión parece ser proporcional a la cercanía y frecuencia de interacción entre un individuo infectado y otros que no están infectados y / o no vacunados.

El sitio web de los Centros para el Control y la Prevención de Enfermedades (CDC) proporciona la información más reciente sobre la transmisión de COVID-19:

https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

Personas con mayor riesgo
Según lo que sabemos, las personas con alto riesgo de enfermedad grave por COVID-19 incluyen personas de 65 años o más, personas con afecciones médicas subyacentes como enfermedad cardíaca, enfermedad pulmonar, asma, diabetes, personas en diálisis, personas con enfermedad hepática, y personas con sistemas inmunológicos comprometidos.

Síntomas de COVID-19

El nuevo coronavirus (COVID-19) es diferente de los coronavirus que causan enfermedades leves como el resfriado común. La infección por COVID-19 puede causar enfermedades que van de leves a graves y, en algunos casos, pueden ser fatales. Según lo que se conoce actualmente, los síntomas pueden aparecer de 2 a 14 días después de la exposición al virus. Los síntomas de COVID-19 generalmente incluyen tos, falta de aliento o dificultad para respirar, escalofríos o temblores repetidos con escalofríos, fiebre (≥ 99.5 ° F), dolor muscular, dolor de garganta y, en algunos casos, pérdida del gusto o del olfato. Otros síntomas menos comunes incluyen náuseas, vómitos y / o diarrea. En algunos casos, las personas infectadas no presentan signos ni síntomas.
y se denominan asintomáticos.

Si bien la mayoría de los casos se han producido en adultos, los síntomas de COVID-19 en niños son como los síntomas en adultos. Los síntomas de COVID-19 en los niños generalmente incluyen síntomas similares a los de un resfriado, como fiebre, secreción nasal y tos. También se han informado vómitos y diarrea.

Administradores de escuela / jefes de departamento
Los administradores del campus / jefes de departamento serán responsables de lo siguiente ***(según corresponda según las directrices actuales)***

- ❖ Pruebas de detección (control de temperatura y cuestionario del portal de salud de evaluación de la salud COVID-19 (Ver anexo) ***(Esta medida se ha levantado actualmente)***
- ❖ Distanciamiento social (3-6 pies) ***(Esta medida se ha levantado actualmente)***
- ❖ Equipo de protección personal
- ❖ Suministros de limpieza
- ❖ Estándares de señalización para COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Entradas, salidas y flujo de tráfico tocante COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Procesos de lobby y visitantes tocante COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Protocolos de área compartida ***(Esta medida se ha levantado actualmente)***

Los administradores de la escuela / jefes de departamento colaborarán para implementar protocolos y procedimientos de seguridad dentro del departamento o campus. Cada instalación tendrá un jefe de departamento / administrador de la escuela que será responsable de implementar y monitorear los protocolos y procedimientos de seguridad dentro.
Los jefes de departamento / administradores del campus juzgarán las necesidades específicas de su edificio

mediante la realización de evaluaciones diarias de la funcionalidad del edificio en las áreas de trabajo e instrucción ***(esta medida se ha levantado actualmente).***

Los administradores / jefes de departamentos colaborarán en el mapeo del tráfico unidireccional en sus espacios de trabajo cuando corresponda, asegurando que se instalen flechas direccionales y señalización, reconfigurando el uso del espacio de oficinas y aulas según sea necesario para promover el distanciamiento / espaciamiento adecuado de 3-6 pies siempre que sea posible ***(esta medida se ha levantado actualmente)***. Los administradores/jefes de departamento continuarán las prácticas con respecto al uso seguro de cualquier área o equipo especial, como copiadoras. Los jefes de departamento/administradores del campus se asegurarán de que un régimen de limpieza mejorado sea visible e informarán cualquier necesidad o suministros de limpieza adicionales al miembro del personal adecuado.

Limpieza mejorada
El Departamento de Servicios de Conserjería tiene un alto estándar de limpieza y seguridad y está comprometido a mantener esos estándares con nuestro proceso de limpieza intensivo. Se han implementado protocolos mejorados de limpieza y desinfección como resultado de COVID-19 y se basan en las pautas gubernamentales y de salud locales actuales.

Utilización de productos químicos registrados por la EPA para la desinfección, enfoque en el tiempo de permanencia adecuado para una desinfección adecuada y una mayor frecuencia de desinfección de superficies de alto contacto.

- Pomos de las puertas
- Encimeras
- Pasamanos
- Interruptores de luz
- Accesorios de baño
- Escritorios
- Teclados y mouse
- Teléfonos de escritorio

Áreas de enfoque mejorado

- Autobuses
- Baños
- Oficinas
- Salas de descanso
- Máquinas expendedoras
- Copiadoras / impresoras
- Áreas de recepción y lobby
- Equipo

Limpieza de área personal sugerida

- Escritorios
- Teclados y mouse de computadora
- Teléfono
- Mando a distancia
- Brazos de silla
- Manijas de los cajones del archivador
- Cafetera

Autobuses
Los autobuses se limpiarán y desinfectarán a fondo después de las rutas de la mañana y la tarde, centrándose en las superficies de alto contacto como los asientos del autobús, los volantes, las perillas, las manijas de las puertas y los pasamanos. Cuando sea posible, se seguirán las pautas de distanciamiento social para autobuses de 3 a 6 pies. Los conductores de autobús, los monitores de autobús y los estudiantes que viajan en autobús pueden usar una mascarilla si así lo desean, aunque no es obligatorio.

Áreas communes
Se requerirá que todos los estudiantes, personal y visitantes sigan los protocolos de seguridad establecidos.

- Distanciamiento social (3-6 pies) lo mejor posible ***(Esta medida se ha levantado actualmente)***
- No se requiere el uso de cubiertas para el rostro, pero quienes elijan usar una mascarilla pueden continuar haciéndolo.

En las áreas comunes habrá disponibles dispensadores de desinfectante para manos o desinfectantes para manos portátiles y limpiadores en aerosol. Es posible que las puertas de las áreas comunes deban permanecer abiertas para evitar que varias personas toquen las manijas.

Detener la propagación de gérmenes
Los empleados, estudiantes y visitantes pueden hacer su parte para ayudar a prevenir la propagación de enfermedades respiratorias siguiendo estas pautas:

Distanciamiento social ***(Esta medida se ha levantado actualmente)***
El Distrito seguirá los protocolos de distanciamiento social dentro de los edificios, según las directrices actuales. Las personas deben mantener una distancia mínima de tres pies entre otras personas tanto como sea posible. Las marcas de distanciamiento social en todos los campus e instalaciones del distrito serán claramente visibles para promover las pautas de distanciamiento.

Cubre vocas
La Orden Ejecutiva del Gobernador del Estado de Texas Número GA-36 prohíbe a las agencias gubernamentales, incluidos los distritos escolares, exigir el uso de cubiertas faciales. Por lo tanto, ya no se requiere el uso de una cubierta facial mientras se encuentre en los terrenos del distrito. Sin embargo, aquellos que opten por seguir usando una cubierta facial (mascarilla), pueden continuar haciéndolo.

Como recordatorio, las máscaras faciales no reemplazan la necesidad de mantener el distanciamiento social y lavarse las manos con frecuencia. Los CDC recomiendan lavarse las manos durante al menos 20 segundos y hacerlo con frecuencia. Se anima a los empleados a que sigan utilizando métodos de videoconferencia para realizar reuniones.

Guantes
Siga estos consejos:

- Lávese las manos antes de ponerse los guantes.
- Quítese las joyas de mano antes de usarlas.
- Asegúrese de que los guantes le queden bien.
- Tenga en cuenta que los objetos afilados pueden perforar los guantes.
- Siempre cámbiese los guantes si se rompen o se rompen.
- Nunca reutilice, comparta, lave o desinfecte los guantes.

Cómo quitarse los guantes

- Apriete y sostenga la parte exterior del guante cerca del área de la muñeca.
- Pelar hacia abajo, alejándose de la muñeca, dando la vuelta al guante.
- Retire el guante hasta que se lo quite de la mano y sostenga el guante de adentro hacia afuera con la mano enguantada.
- Con la mano sin guante, deslice los dedos por debajo de la muñeca del guante restante, teniendo cuidado de no tocar la parte exterior del guante.
- Nuevamente, pele hacia abajo, alejándose de la muñeca, volviendo el guante al revés.
- Continúe tirando del guante hacia abajo y sobre el guante de adentro hacia afuera que sostiene en su mano enguantada.
- Después de quitarse los guantes, lávese bien las manos con agua y jabón o desinfectante de manos a base de alcohol.

Áreas del vestíbulo principal (*Las medidas que figuran a continuación se han levantado actualmente*)
No se permitirá holgazanear o congregarse en las áreas del vestíbulo. Se establecerán marcas de piso / zonas seguras alrededor de la recepción / áreas de recepción. Los espacios se reconfigurarán para lograr el distanciamiento social según sea necesario.

Instalaciones y campus del distrito (*Las medidas que figuran a continuación se han levantado actualmente*)
Para la seguridad de nuestro entorno de aprendizaje, todos los visitantes deberán seguir los protocolos y pautas de seguridad establecidos. Todos los visitantes serán evaluados para detectar síntomas de COVID 19, controlando su temperatura y respondiendo un cuestionario de Evaluación de la Salud. Si un visitante tiene algún síntoma de COVID 19, el visitante no será admitido en la instalación.

Programación de citas (***Las medidas que figuran a continuación se han levantado actualmente)***
El personal del Distrito Escolar Independiente de San Elizario debe establecer citas en el departamento o en el campus con los visitantes, incluidos los padres, durante las horas del día en las que el tráfico de empleados o estudiantes es mínimo. Por ejemplo, después de la entrada de un empleado o estudiante o antes de las horas de salida.

Números de contacto del campus y las instalaciones

Oficina de administración (central)	(915) 872-3900
Excell Academy	(915) 872-3915
Centro de operaciones de servicios de apoyo	(915) 872-3980
Lorenzo G. Loya Primaria	(915) 872-3940
Primaria Lorenzo G. Alarcón	(915) 872-3930
Alfonso Borrego Sr. Primaria	(915) 872-3910
Primaria Josefa L. Sambrano	(915) 872-3950
Escuela Intermedia Ann M. García-Enriquez	(915) 872-3960
Preparatoria San Elizario	(915) 872-3970

Wash your hands often

Visitantes con cita
Si un visitante tiene una cita, el miembro del personal de recepción sugerirá que el representante del departamento venga a reunirse con el visitante en un espacio provisto. Sin embargo, la decisión final sobre si permitir que la persona vaya al departamento se dejará en manos del representante del departamento. Para los visitantes de la escuelas, el personal del campus seguirá los protocolos establecidos para visitantes.

Visitantes sin cita previa
Si un visitante no tiene una cita, se contactará al departamento para determinar si alguien está disponible para ayudar al visitante. Si el miembro específico del personal no está disponible, y por la seguridad del entorno de aprendizaje, se le puede pedir al visitante que programe una cita o intente realizar sus negocios por teléfono u otros medios.

Salas de conferencias y formación (***Las medidas que figuran a continuación se han levantado actualmente)***
Las siguientes pautas se aplicarán al uso de salas de conferencias y espacios de trabajo comunes:
Las salas de conferencias y los espacios de trabajo comunes se pueden utilizar siguiendo las pautas de distanciamiento social. Se anima a los equipos a continuar utilizando medios electrónicos para realizar reuniones de grupo.

En circunstancias especiales, se deben aplicar las siguientes pautas para las reuniones en persona:

- Los asientos, si se usan, deben ubicarse de manera que las personas estén separadas por al menos tres pies.
- Las pizarras blancas NO DEBEN usarse a menos que cada persona individual tenga un juego personal de marcadores para que los utensilios de escritura no se compartan entre los participantes.
- Las mesas y superficies deben limpiarse con productos desinfectantes al comienzo y al final de cada reunión.
- El personal debe planificar una ventana de 30 minutos entre reuniones para la limpieza.

Baños
Al abrir o cerrar la puerta del baño, se recomienda utilizar una toalla de papel, un pañuelo de papel, una toallita desinfectante o un guante desechable. Los baños estarán equipados con jabón y toallas de papel. Habrá jabón de manos disponible en todos los baños. Se colocarán carteles sobre cómo lavarse las manos correctamente en todos los baños. Los baños se limpiarán regularmente durante el día y por la noche según corresponda. Las estaciones portátiles de desinfectante de manos estarán ubicadas justo afuera de los baños o pasillos.

Comidas y salas de Descanso
Si bien no hay datos que sugieran que COVID-19 se pueda transmitir a través de alimentos cocinados y manipulados adecuadamente, el coronavirus puede vivir en las superficies durante períodos prolongados de tiempo y es transmisible en lugares como cocinas comunales y salas de descanso donde las personas se reúnen de cerca. proximidad durante períodos prolongados de tiempo y donde las superficies se desinfectan incorrectamente entre usos.

Estaciones de trabajo
Se requerirá que los empleados sigan un protocolo de "escritorio limpio". Ningún alimento, bebida o artículo que pueda dañarse debe permanecer en el escritorio al final de la jornada laboral. Las tazas personales, botellas de agua, etc., deben guardarse en cajones o armarios. Las estaciones de trabajo se someterán a una limpieza / desinfección diaria, lo que requiere que las estaciones de trabajo estén despejadas. Se pide a los empleados que colaboren en los esfuerzos limpiando sus estaciones de trabajo y equipos durante el día.

La estación de trabajo de un empleado que muestre síntomas consistentes con COVID-19 o que haya sido diagnosticado con COVID-19 no se utilizará durante al menos 24 horas, cuando sea posible. Después de 24 horas, el servicio de conserjería limpiará y desinfectará la estación de trabajo.

Oficinas individuales (*Esta medida se ha levantado actualmente*)
Se anima a los empleados de oficinas individuales a utilizar métodos de videoconferencia para las reuniones y no deben realizar reuniones ni recibir invitados en su oficina a menos que se pueda lograr un distanciamiento social de tres pies.

Proceso de selección (*Esta medida se ha levantado actualmente*)
Todo el personal, sera examinado para detectar síntomas de COVID-19 como medida de seguridad para promover un ambiente de trabajo y aprendizaje saludable y reducir el riesgo de transmisión de COVID-19. (Ver anexo)

Autoevaluación del empleado
Se les pide a los empleados que se autoexaminen antes de presentarse al trabajo comprobando su temperatura y determinando si tienen alguno de los siguientes signos o síntomas nuevos o que empeoran de un posible COVID-19:

- Sensación de fiebre o una temperatura medida igual o superior a 99.5 ° F
- Sacudidas repetidas con escalofríos
- tos
- Dolor de garganta
- Congestión nasal
- Dolores de cabeza persistentes

- Falta de aire o dificultad para respirar
- Dolores corporales / dolores musculares o articulares
- Fatiga
- Náuseas / Vómitos
- Pérdida del sentido del olfato o del gusto
- Ha estado en contacto cercano con una persona que, según el laboratorio, tiene COVID-19
- Si tiene fiebre de 99.5 ° F o más, o se siente enfermo, quédese en casa.
- Asegúrese de comunicarse con su proveedor de salud, si es necesario, y notifique a su supervisor sobre su ausencia.

Si tiene uno o más de los síntomas anteriores, el Departamento de Salud recomienda que lo deriven para la prueba de COVID-19. Además, deberá seguir las recomendaciones de auto cuarentena hasta que haya obtenido los resultados de la prueba o la aprobación de su proveedor de atención médica.

Todas las restricciones de viaje se levantan en el condado de El Paso; el personal y los estudiantes pueden viajar fuera de la región; sin embargo, deben observar todas las medidas y recomendaciones preventivas (distanciamiento social, cubrirse la cara si corresponde, lavarse las manos con frecuencia) durante el viaje y al regresar.

Personal que se enferma durante la jornada laboral
Debido a la naturaleza contagiosa del virus, todo el personal debe mantenerse informado, practicar hábitos saludables y evitar compartir equipo cuando sea posible para prevenir la propagación del COVID-19.

Los signos o síntomas pueden aparecer de 2 a 14 días después de la exposición al virus.

Las personas con los siguientes síntomas pueden tener COVID-19:

- Tos
- Falta de aire / dificultad para respirar
- Escalofríos / temblores repetidos con escalofríos
- Dolor muscular
- Dolor de cabeza
- Dolor de garganta
- Pérdida del gusto u olfato
- Diarrea
- Fiebre de 99.5 ° F o más o sensación febril
- Contacto cercano conocido con una persona que tiene COVID-19

Si el personal desarrolla síntomas de COVID-19 durante la jornada laboral o se confirma que tiene una infección por COVID-19, se tomarán las siguientes medidas para reducir la transmisión:

- Separe al personal enfermo de los demás y envíelos a casa.
- Comuníquese con el Departamento de Conserjería para conocer los procedimientos operativos estándar de limpieza / desinfección del escritorio / estación de trabajo del personal enfermo.

- Comuníquese con los Servicios de Salud para ayudar con el rastreo de contactos para determinar otros miembros del personal que puedan haber estado expuestos al virus.
- Recursos Humanos informará al personal sobre la posible exposición al virus manteniendo la confidencialidad. (Vea la Política de la Junta DH y el Código de Ética del Educador)

Orientación para el regreso al trabajo
El virus que causa COVID-19 puede ser transmitido a otras personas por personas infectadas a través de gotitas respiratorias de aquellos que tienen pocos síntomas, ningún síntoma o están levemente enfermos. Debido a la naturaleza contagiosa del virus, todo el personal debe mantenerse informado y tomar acciones según las pautas establecidas.

El personal y los estudiantes con COVID-19 confirmado no pueden regresar al trabajo o la escuela hasta:

Ya no tener fiebre (99.5 ° F o más) dentro de las 24 horas sin el uso de medicamentos para reducir la fiebre (Advil, Tylenol o aspirina) y mejoría significativa de otros síntomas (tos, dolor de garganta, dolor de cabeza, etc.) y Han pasado al menos 5 dias de la prueba positiva (PCR) o el miembro del personal tiene una declaración de un profesional médico que lo autoriza a regresar al trabajo basado en un diagnóstico alternativo.

Se asume que el personal con síntomas de COVID-19 que no ha sido examinado o evaluado por un profesional médico tiene COVID-19.

Es posible que el personal con síntomas de COVID-19 no regrese al trabajo hasta que:
- Se han cumplido los mismos criterios enumerados anteriormente, o
- El miembro del personal tiene una declaración de un profesional médico que lo autoriza a regresar al trabajo basado en un diagnóstico alternativo.

El personal que no este vacuno y es expuesto a personas que se sabe que tienen COVID-19 no puede regresar al trabajo hasta que:

- El final del período de autocuarentena de 5 días a partir de la última fecha de exposición.
- El empleado debe proporcionar una nota de un profesional médico que lo autorice a regresar al trabajo.
- La orientación para el regreso al trabajo no puede predecir cada situación única.

El personal que dé positivo por COVID-19 puede regresar a trabajar 5 días después de haber dado positivo.

Los empleados y estudiantes que estén completamente vacunados no tienen que ponerse en cuarentena a menos que muestren signos y síntomas de COVID-19 si están expuestos.

Apéndice

Formulario 1 - Cuestionario de evaluación respiratoria para empleados de SEISD (***Esta medida se ha levantado actualmente***)

SEISD Employee Respiratory Screening	
1. Have you had any recent fevers of 99.5°F or greater?	Yes or No
2. Have you had any repeated shaking with chills?	
3. Have you had any cough (dry or productive)?	
4. Have you had a sore throat?	
5. Have you had any nasal congestion or runny nose?	
6. Have you had any persistent headaches?	
7. Have you had any shortness of breath?	
8. Have you had any body aches/ muscle or joint pain?	
9. Have you been experiencing extreme fatigue?	
10. Have you had any nausea/vomiting/ diarrhea?	
11. Have you had loss of your sense of smell or taste?	
12. Have you been in close contact with a person who is lab confirmed to have COVID 19?	

NOTA: Si respondió afirmativamente a una o más de las preguntas anteriores, proceda con lo siguiente:
a) Comuníquese con su supervisor / administrador inmediato y notifique sus síntomas
b) Se recomienda que haga un seguimiento con su Proveedor de atención primaria para una evaluación adicional o
c) El Departamento de Salud de la ciudad de El Paso recomienda llamar al (915) 212-0783 / 434-1092 o registrarse en línea en EPStrong.org para programar una cita para pruebas COVID 19

Firma del empleado: _____ Departamento / Campus: _____ Fecha: _____

Después de haber estado expuesto al COVID-19

TOME PRECAUCIONES
inmediatamente

Colóquese una mascarilla tan pronto como tome conocimiento de su exposición

Empiece a contar desde el día 1

- El día 0 es el día de su última exposición a una persona con COVID-19
- **El día 1 es el primer día completo** después de su última exposición

SIGA CON LAS MEDIDAS DE PRECAUCIÓN
10 días completos

El COVID-19 puede aparecer hasta 10 días después de su exposición

Tome precauciones

Use una mascarilla o respirador de muy buena calidad (como un N95) siempre que esté en contacto con otras personas dentro de su casa o en lugares públicos cerrados [1]

- No vaya a lugares donde no puede usar una mascarilla. Para ver la guía de viajes, consulte la página web de viajes de los CDC.

Tome precauciones adicionales si va a estar en contacto con personas que tienen mayor probabilidad de enfermarse gravemente a causa del COVID-19.

Más sobre cómo protegerse y proteger a los demás >

Esté atento a los síntomas

- fiebre (100.4 °F o más)
- tos
- falta de aire
- otros síntomas del COVID-19

Si presenta síntomas

- aíslese inmediatamente
- hágase una prueba de detección
- quédese en casa hasta conocer el resultado

Si el resultado de su prueba es positivo, siga las recomendaciones de aislamiento.

HÁGASE UNA PRUEBA DE DETECCIÓN
DÍA 6

Hágase una prueba de detección al menos 5 días completos después de su última exposición

Hágase la prueba incluso si no presenta síntomas.

Si ya tuvo COVID-19 en los últimos 90 días, vea las recomendaciones de pruebas de detección correspondientes a su situación.

SI SU PRUEBA ES
negativa

Siga tomando precauciones hasta el día 10

- Use una mascarilla de alta calidad cuando está en contacto con otras personas en casa y en lugares públicos cerrados

El COVID-19 igual puede aparecer hasta 10 días después de su exposición.

SI SU PRUEBA ES
positiva

Aíslese de inmediato

¿Cuándo aislarse?

Más allá de que esté vacunado o no, **debe aislarse de otras personas si tiene COVID-19**.

También debe aislarse **si está enfermo y sospecha que podría tener COVID-19 pero todavía no tiene los resultados de la prueba de detección.** Si su resultado es positivo, siga todas las recomendaciones de aislamiento a continuación. Si su resultado es negativo, puede suspender el aislamiento.

SI SU PRUEBA ES
negativa
Puede suspender su aislamiento

SI SU PRUEBA ES
positiva
Siga todas las recomendaciones de aislamiento a continuación

Cuando tiene COVID-19, el aislamiento se cuenta en días, de la siguiente manera:

Si no tuvo síntomas

- **El día 0 es el día que se hizo la prueba** (no el día que recibió el resultado positivo)
- **El día 1 es el primer día completo** después del día en que se hizo la prueba
- Si presenta síntomas dentro de los 10 días de su prueba de detección, el **recuento empieza el día 0 del día de aparición de los síntomas**

Si tuvo síntomas

- **El día 0 de aislamiento es el día que aparecieron los síntomas**, más allá de cuándo recibió el resultado positivo
- **El día 1 es el primer día completo** después del día en que empezó a tener síntomas.

Aislamiento

Si su prueba es positiva para COVID-19, **quédese en casa por al menos 5 días y aíslese de otras personas de su hogar.**

Probablemente sea **más infeccioso durante los primeros 5 días.**

- **Use una mascarilla de buena calidad** si tiene que estar cerca de otras personas en el hogar y en público.
- No vaya a lugares donde no puede usar una mascarilla. Vea guías de viajes en la página web de viajes de los CDC.
- No viaje.
- Quédese en casa y apartado de otras personas tanto como pueda.
- Use un baño separado, si es posible.
- Tome medidas para mejorar la ventilación en casa, tanto como sea posible.
- No comparta los artículos del hogar de uso personal como tazas, toallas y utensilios.
- Esté atento a la aparición de síntomas. Si tiene una señal de advertencia de emergencia (como dificultad para respirar), busque atención médica de emergencia inmediatamente.
- Aprenda más sobre qué hacer si tiene COVID-19.

Suspender el aislamiento

Suspenda el aislamiento en función de la gravedad de sus síntomas de COVID-19. La pérdida del gusto y el olfato pueden durar semanas o meses después de la recuperación, pero no son motivo para demorar la suspensión del aislamiento.

Si no tuvo síntomas

Puede suspender el aislamiento después del día 5.

Si tuvo síntomas y:

Sus síntomas están mejorando

Puede **suspender el aislamiento después del día 5** si:

- Hace 24 horas que no tiene fiebre (sin necesidad de medicamentos para bajar la fiebre).

Sus síntomas no están mejorando

Siga en aislamiento hasta que:

- Hayan transcurrido 24 horas sin que tenga fiebre (sin necesidad de medicamentos para bajar la fiebre).
- Sus síntomas estén mejorando.[1]

Si tuvo síntomas y tuvo:

Enfermedad moderada (tuvo dificultad para respirar)

Debe **aislarse hasta el día 10.**

Enfermedad grave (fue hospitalizado) o tiene un sistema inmunitario debilitado

- Debe **aislarse hasta el día 10.**
- **Consulte a su médico** antes de suspender el aislamiento.
- Es posible que suspender el aislamiento sin una prueba viral no sea la opción correcta para usted.

Si no sabe con certeza si sus síntomas son moderados o graves, o si tiene un sistema inmunitario debilitado, hable con un proveedor de atención médica para pedirle orientación.

Más allá de cuándo termine el aislamiento

Hasta al menos el día 11:

- Evite el contacto con personas que tienen más riesgo de enfermarse gravemente a causa del COVID-19.
- Recuerde usar una mascarilla de muy buena calidad en espacios cerrados cuando está con otras personas, ya sea en casa o en lugares públicos.
- No vaya a lugares donde no puede usar mascarilla hasta que esté en condiciones de suspender el uso de su mascarilla (ver abajo).
- Vea guías de viajes en la página web de viajes de los CDC.

Cuándo dejar de usar mascarilla

Una vez que haya terminado su aislamiento y se sienta mejor (no tenga fiebre sin el uso de medicamentos antitérmicos y sus síntomas estén mejorando):

- Use su mascarilla hasta el día 10.

O

- Si tiene acceso a pruebas de antígenos, considere usarlas. Con dos pruebas negativas consecutivas con un intervalo de 48 horas, puede dejar de usar la mascarilla antes del día 10.

Importante: Si el resultado de su prueba de antígenos[1] es positivo, significa que todavía podría ser infeccioso. Debe seguir usando una mascarilla y dejar transcurrir al menos 48 horas para hacerse otra prueba. Siga haciéndose pruebas de antígenos con un intervalo de al menos 48 horas entre ellas hasta tener dos resultados negativos consecutivos. Esto puede significar que deba seguir usando una mascarilla y haciéndose pruebas más allá del día 10.

Una vez que suspendió el aislamiento, si reaparecen o empeoran sus síntomas del COVID-19, vuelva a iniciar el aislamiento desde el día 0. Consulte a un proveedor de atención médica si tiene preguntas acerca de sus síntomas o sobre cuándo suspender el aislamiento.

Apoyo a los empleados
Se anima a todos los miembros del personal a comunicar cualquier inquietud a su supervisor, quien podrá orientarlos más en caso de que se necesiten servicios, información y / o consideraciones adicionales. A continuación, se muestran algunos recursos disponibles para los empleados.

Recursos

TRS-Active Care	(800) 222-9205	www.trsactivecareaetna.com
Teledoc	(855) 835-2362	https://member.teladoc.com/trsactivecare
Texas Department of State Health Services ■ *COVID-19 Self-Checker* ■ *COVID-19 Test Collection Sites*	Dial 2-1-1, then choose Option 6.	https://www.dshs.state.tx.us/coronavirus/testing.aspx coronavirus@dshs.texas.gov
Centers for Disease Control and Prevention ■ *"If You are Sick or Caring for Someone"*	(800) 322-4636	https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html

Centros para el Control y la Prevención de Enfermedades y la Agencia de Educación de Texas
https://www.cdc.gov/ https://tea.texas.gov/ CDC.GOV

https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Aggie Reyes, Director of Child Nutrition Services
Subject: May 2023 – Meal Service Update
Date: May 30, 2023

HISTORY: The Child Nutrition Services Department will provide a monthly report to the Members of the Board of Trustees.

RATIONALE: The Child Nutrition Services Department served 92,814 student meals in the month of May 2023. This count includes breakfast, lunch, supper, and after-school snacks.

The goal of the Child Nutrition Department is to remain involved in student activities and find ways to support student recognitions each month.
In the Month of May 2023, we participated in the following school events:

- Special meals were prepared for High School seniors and athletes throughout the month of May.
- Farmers Markets for students at Lorenzo Loya & Lorenzo Alarcon.
- Special meals were prepared at Borrego, Alarcon, and GEMS to celebrate student achievement.
- Cycle menu review with the teachers at Lorenzo Loya Primary.
- Student sampling and menu review with the student council students at San Elizario High School.

We are privileged to serve such an extraordinary student population & caring SEISD community.

BUDGET: No budget impact.

ADMINISTRATIVE RECOMMENDATION: No Recommendation

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included