

**The Lockhart Independent School District  
Board of Trustees  
M.L. Cisneros Education Support Center Boardroom, 2nd Floor, Room 200, 419 Bois D'Arc Street,  
Lockhart, TX 78644  
Regular Meeting, July 26, 2021 – 6:30 PM**

Notice is hereby given that on July 26, 2021, the Board of Trustees of the Lockhart Independent School District will hold a Regular meeting at 6:30 PM in the M.L. Cisneros Education Support Center Boardroom, 2nd Floor, Room 200, 419 Bois D'Arc Street, Lockhart, TX 78644. 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 same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Recognition
  - A. The Ocean Corporation Wet Welding Certification Winners
  - B. LISD #LockhartLeading Distributive Leadership Winner
5. PUBLIC HEARING
  - A. Public Hearing for Optional Flexible School Day Program (OFSDP) for Pride High School for the 2021-2022 School Year 4
6. Public Comments
7. CLOSED SESSION:
  - A. Adjourned to Closed Session: Pursuant to Texas Government Code Section 551.072 (Deliberation Regarding Real Property); Texas Government Code Section 551.074, (Personnel, to deliberate regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee); Texas Government Code Section 551.076 (Deliberation regarding implementation of security personnel or devices):
  - B. Superintendent's Performance Review
8. Business: Consent Agenda
  - A. Approval of Minutes:
    1. June 28, 2021 6
  - B. Approve Request for Advanced Class Waivers for Extracurricular Participation 10
  - C. Approve Renewal of Tutoring Contracts for School Year 2021-22 12
  - D. Approve List of Vendor Purchases in Excess of \$50,000 for the 2021-2022 School Year 14
  - E. Approve Budget Amendments 17
  - F. Approve Administrators for the List of Certified T-TESS Appraisers for the 2021-2022 School Year 21
  - G. Approve T-TESS Appraisal Calendar 23
  - H. Approve Contract Between Community Action, Inc. of Central Texas and Lockhart ISD, 2021-2022 26
  - I. Approve Renewal of Special Education Contracts for School Year 2021-22 34
  - J. Review Quarterly Investments Report 38
  - K. Review Tax Collection Report 46
9. COMMUNICATION
  - A. Leading Forward 2021-2022 49

B. Review Local Policy Update 117: CH(LOCAL): PURCHASING AND ACQUISITION; CV(LOCAL): FACILITIES CONSTRUCTION; DEC(LOCAL): COMPENSATION AND BENEFITS - LEAVES AND ABSENCES 51

10. COMMUNICATION/ACTION

- A. Consider and/or Approve Optional Flexible School Day Program (OFSDP) for Pride High School for the 2021-2022 School Year 65
- B. Consider and/or Approve Lockhart ISD 2021-2022 Student Code of Conduct 78
- C. Consider and/or Approve RFP 21-007 for Executive Coaching Services 126
- D. Consider and/or Approve RFP 21-008 for Counseling Services 128
- E. Consider and/or Approve 2021 Nomination for Position on the Texas Association of School Boards, Region 13, Position C 130

11. BOARD AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST\*

12. BENEDICTION

13. ADJOURNMENT

\*BOARD AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST: Items of community interest are limited to: 1) expressions of thanks, congratulations or condolence; 2) information regarding holiday schedules; 3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; 4) a reminder about an upcoming event organized or sponsored by the governing body; 5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official employee of the school district.

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

Texas Government Code Section:

- 551.071 Consultation with Attorney; Closed Meeting
- 551.072 Deliberation Regarding Real Property; Closed Meeting
- 551.073 Deliberation Regarding Prospective Gift; Closed Meeting
- 551.074 Personnel Matters; Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee; Closed Meeting
- 551.075 Conference Relating to Investments and Potential Investments Attended by Board of Trustees of Texas Growth Fund; Closed Meeting
- 551.076 Deliberation Regarding Security Devices; Closed Meeting
- 551.082 School Children; School District Employees; Disciplinary Matter or Complaint
- 551.083 Certain School Boards; Closed Meeting Regarding Consultation with Representative of Employee Group
- 551.084 Investigation; Exclusion of Witness from Hearing

Should any final action, final 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 decision, 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.

On this day of Thursday, July 22, 2021, this Notice was mailed or faxed to news media who had previously requested such Notice and an original copy was posted on the display window in the School District Administration Building on said date.



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Superintendent

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

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BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

# Minutes of Regular Meeting

## The Board of Trustees

### Lockhart Independent School District

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A Regular meeting of the Board of Trustees of Lockhart Independent School District was held Monday, June 28, 2021, beginning at 6:30 PM in the M.L. Cisneros Education Support Center Boardroom, 2nd Floor, Room 200, 419 Bois D'Arc Street, Lockhart, TX 78644.

1. Call to Order was at 6:30 P.M. by Vice President Michael Wright. Other members present were Warren Burnett, Dr. Barbara Sanchez, Tom Guyton, Sam Lockhart and Rene Rayos. Steve Johnson arrived at 6:40p.m.
2. Pledge of Allegiance
3. Invocation was given by Trustee Burnett
4. PUBLIC MEETING
  - A. Public Meeting for 2021-2022 Budget and Proposed Tax Rate

None.

5. Recognitions
  - A. Caldwell County Coronavirus Relief Fund Grant
  - B. Lockhart Junior High School Million Word Readers
  - C. LISD #LockhartLeading Cultivate Talent Winner
  - D. LISD #LockhartLeading Personal Leadership Winner

6. Public Comment

None.

7. CLOSED SESSION:

- A. Adjourned to Closed Session: Pursuant to Texas Government Code Section 551.072 (Deliberation Regarding Real Property); Texas Government Code Section 551.074, (Personnel, to deliberate regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee); Texas Government Code Section 551.076 (Deliberation regarding implementation of security personnel or devices) specifically to discuss:

1. Superintendent's Performance Review

**The Board of Trustees on Monday, June 28, 2021 convened at 6:51 PM in closed session in accordance with the Texas Open Meetings Act for the purposes of discussing items listed under the Texas Government Code Section 551.072 (Deliberation Regarding Real Property); Texas Government Code Section 551.074 (Personnel to deliberate regarding**

**the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee); and Texas Government Code Section 551.076 (Deliberation regarding implementation of security personnel or devices). The Board ended its closed session at 7:41 PM on Monday, June 28, 2021. No votes, decisions, or actions were taken while in closed session.**

8. Business: Consent Agenda

A. Approve Minutes

1. May 24, 2021

2. June 7, 2021

B. Approve Resolution Classifying Funds as Committed for 2020-2021 Financial Statements

C. Approve Final Amended Budget for 2020-2021

D. Approve Resolution Extending Depository Contract for Funds with First Lockhart National Bank

E. Approve Purchases from Skyward in Excess of \$50,000

F. Approve Change in Board Policy CPC(Local)

G. Approve Contract Extension for Southwest Food Service Excellence for 2021-2022 School Year

H. Approve 2021-2022 ESC-13 Commitment Forms

I. Approve Agreement Between Lockhart ISD and Communities In Schools of Central Texas, 2021-2022

J. Review Request for Advanced Class Waivers for Extracurricular Participation

K. Review Cash Investments Report

L. Review Tax Collection Report

**Trustee Wright made the motion that the Board approve the consent agenda as presented. Trustee Guyton seconded the motion. The motion passed, 7-0.**

9. COMMUNICATION

A. District Improvement Plan and Campus Improvement Plans Final Update for the 2020-2021 School Year

This presentation was given by the Deputy Superintendent, Kim Brents. No action was taken.

B. Review List of Vendor Purchases in Excess of \$50,000 for the 2021-2022 School Year

This review was given by Nicole Dean, CFO. No action was taken.

C. Renewal of Special Education Contracts

This update was given by Nicole Dean, CFO. No action was taken.

D. Renewal of Tutoring Contracts for School Year 2021-22

This update was given by Nicole Dean, CFO. No action was taken.

10. COMMUNICATION/ACTION

A. Consider and/or Approve Competitive Sealed Proposal for Plumbing and Fire Alarm for Portables

**Trustee Guyton made a motion that the Board approve AirCo Mechanical LTD's proposal for CSP 21-006 for Portable Plumbing Connections in the amount of \$113,225 and Convergent Technologies for Fire Alarm Connections in the amount of \$11,575. For the Plumbing Contractors, if a satisfactory contract cannot be negotiated with AirCo Mechanical LTD for Plumbing Connections the District shall: 1) Formally end negotiations with that provider; 2) Select the next most highly qualified provider; and 3) negotiate a contract with that provider at a fair and reasonable price.**

**In order of selections by most qualified plumbing contractor:**

- 1. AirCo Mechanical LTD**
- 2. Alpha Building Corporation**

**Trustee Rayos seconded the motion. The motion carried, 7-0.**

B. Consider and/or Approve Navarro Chiller Replacement

**Trustee Sanchez made the motion that the Board approve Way Mechanical Service's proposal for CSP 21-005 for the Navarro Chiller Replacement in the amount of \$328,467 along with \$2,000 for the controls and amend the 2021-2022 budget. If a satisfactory contract cannot be negotiated with Way Mechanical Service for the Navarro Chiller Replacement, the District shall: 1) Formally end negotiations with that provider; 2) Select the next most highly qualified provider; and 3) negotiate a contract with that provider at a fair and reasonable price. In order of selections by most qualified contractor:**

- 1. Way Mechanical Service**
- 2. Texas Chiller Systems**

**Trustee Guyton seconded the motion. The motion carried, 7-0.**

C. Consider and/or Approve 2021-2022 Budgets for Maintenance and Operation Fund, Debt Service Fund, School Nutrition Fund and Maintenance Tax Note Debt Service Fund

**Trustee Rayos made the motion the Board amend the proposed budget of \$68,491,634 to increase function 11 by \$50,000 for the special assignment stipends for an approved budget total of \$68,541,634 for the Maintenance and Operation Fund, Debt Service Fund, School Nutrition Fund, and Maintenance Tax Note Debt Service Fund. Trustee Sanchez seconded the motion. The motion carried, 7-0**

D. Consider and/or Approve Amendment to the 2021-2022 Employee Compensation Plan

**Trustee Guyton made the motion that the Board approve the Amended 2021-2022 One-Time Payment for the 2021-2022 Employee Compensation Plan as presented. Trustee Rayos seconded the motion. The motion carried, 7-0.**

E. Consider and/or Approve the RSSP COVID-19 Recovery and Acceleration Plan for School Year 2021-2022

**Trustee Guyton made the motion that the Board approve the RSSP COVID-19 Recovery and Acceleration Plan for SY '21-22. Trustee Sanchez seconded the motion. The motion carried, 7-0.**

F. Consider and/or Approve Elementary and Secondary School Emergency Relief (ESSER III) Plan

**Trustee Guyton made the motion that the Board approve the Elementary and Secondary School Emergency Relief (ESSER III) Plan as presented. Trustee Burnett seconded the motion. The motion carried, 7-0.**

G. Consider and/or Approve Staffing for the 2021-2022 School Year

**Trustee Sanchez made the motion that the Board approve the proposed new staff positions for the 2021-2022 school year. Trustee Burnett seconded the motion. The motion carried, 7-0.**

H. Consider and/or Approve Delegate and Alternate for Texas Association of School Boards (TASB) 2021 Convention Delegate Assembly

**Trustee Guyton made the motion that the Board designate Michael Wright as this years' Delegate and Sam Lockhart as the Alternate Delegate to attend the annual TASA/TASB Delegate Assembly at this year's TASA/TASB Convention in September. Trustee Burnett seconded the motion. The motion carried, 7-0.**

11. BOARD AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST\*
12. BENEDICTION was given by Trustee Guyton
13. ADJOURNMENT was at 9:05 PM by Board President Steve Johnson.

\_\_\_\_\_  
Steve Johnson, Board President

\_\_\_\_\_  
Warren Burnett, Board Secretary

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

**DISTRICT GOAL(S) ALIGNMENT:**

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

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BACKGROUND INFORMATION:

ATTACHMENT(S):

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## 2021-2022 List of Vendor Purchases over \$50,000

Vendor:	Est. amount	Description of goods/services
AT&T Mobility	\$ 165,000	Mobile Hotspots/service for students
BLUEBONNET TRAILS COMMUNITY MHMR CENTER	\$ 80,000	Contracted mental health services
ESC, REGION 13	\$ 192,500	Professional development and services
FOLLETT SCHOOL SOLUTIONS, INC.	\$ 54,000	Library books and online services
IMAGINATION STATION, INC.	\$ 71,051	Software for students
RENAISSANCE LEARNING	\$ 70,000	Software for students
STAR AUTISM SUPPORT, INC.	\$ 72,000	Autism services for Special Education
SKYWARD INC.	\$ 97,000	Software & web hosting services for student & financial data mgmt
STRICTLY TECHNOLOGY	\$ 75,000	Technology devices, parts & support
TEXAS FLEET FUEL	\$ 400,000	Fuel for buses and other district vehicles
TIME WARNER/SPECTRUM	\$ 80,000	Phones lines, fax lines, POTS lines and PRI connections
VERIZON WIRELESS	\$ 58,800	District cell phones
WALMART COMMUNITY BRC	\$ 120,000	Supplies
WALSH GALLEGOS TREVINO	\$ 60,000	Legal services
WELLS FARGO BANK NORTHWEST, N.A. (INSIGHT INVESTMENTS)	\$ 60,000	Lease of computers and technology
WESTERN-BRW PAPER CO, INC	\$ 85,000	Copy paper
Total	\$ 1,730,351	

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RECOMMENDATION:

RECOMMENDED MOTION:

**Lockhart ISD**  
**Budget Amendments**  
**July 26, 2021**

							21-22	DR (CR)	New
							Appropriation	Amendment	Appropriation
FND	FN	OBJ	SO	ORG	YR-PIC	Code Description			
<b>1. To amend the budget between functions for various Technology projects:</b>									
196	53	6299	00	999	099000		-	10,415	10,415
196	53	6397	00	101	099000		-	2,000	2,000
196	53	6397	00	103	099000		-	2,000	2,000
196	53	6397	00	999	099000		-	6,500	6,500
196	53	6399	03	999	099000		-	15,000	15,000
196	53	6639	00	999	099000		-	21,895	21,895
196	11	6397	00	999	099000		100,000	(57,810)	42,190
							100,000	-	100,000
<b>2. To amend the budget between functions for Athletic Capital Outlay projects:</b>									
181	11	6397	00	001	091000		-	4,334	4,334
181	11	6397	00	045	091000		-	12,167	12,167
181	11	6639	00	045	091000		-	6,500	6,500
181	36	6397	00	001	091000		-	22,800	22,800
181	36	6639	00	001	091000		-	22,000	22,000
181	36	6397	00	045	091000		-	4,500	4,500
199	81	6629	00	999	099N00		454,565	(72,301)	382,264
							454,565	-	454,565
<b>3. To amend the budget between functions for CTE Capital Outlay projects:</b>									
197	11	6249	00	001	022000		-	9,000	9,000
197	11	6397	00	001	022000		-	14,400	14,400
197	11	6629	00	045	022000		-	17,000	17,000
197	11	6631	00	001	022000		-	50,000	50,000
199	81	6629	00	999	099N00		382,264	(90,400)	291,864
							382,264	-	382,264
<b>4. To amend the budget between functions for General Fund Capital Outlay projects:</b>									
199	11	6397	00	999	099000		-	52,000	52,000
199	51	6249	00	104	099000		-	4,000	4,000
199	51	6319	00	045	099000		-	16,601	16,601
199	51	6319	00	999	091000		-	34,600	34,600
199	51	6631	00	936	099000		-	30,000	30,000
199	51	6639	00	936	099000		-	7,000	7,000
199	81	6629	00	999	099N00		291,864	(144,201)	147,663
							291,864	-	291,864

**Lockhart ISD**  
**Budget Amendments**  
**July 26, 2021**

									New
							21-22	DR (CR)	21-22
FND	FN	OBJ	SO	ORG	YR-PIC	Code Description	Appropriation	Amendment	Appropriation
<b>5. To amend the General Fund Budget for district wide Capital Projects:</b>									
199	51	6299	00	101	099000	Remove Pink Counters in Classrooms	-	5,800	5,800
199	51	6319	00	001	099000	Re-wire 600 wing	-	7,500	7,500
199	51	6319	00	038	099000	Portable Repairs	-	20,000	20,000
199	51	6319	00	045	099000	110 Power Outlets at Work Stations	-	1,500	1,500
199	51	6319	00	101	099000	Cottage Repairs	-	15,700	15,700
199	51	6319	00	102	099000	Carpet and panel replacement	-	9,100	9,100
199	51	6319	00	103	099000	LED Lighting Upgrade	-	4,800	4,800
199	51	6319	00	104	099000	Café ceiling tile replacement / LED lighting upgrade / water filling stations	-	32,800	32,800
199	51	6319	00	105	099000	Lighting Retrofit	-	12,825	12,825
199	52	6299	00	001	099000	Door Access & GOPAC Ticket Window	-	6,100	6,100
199	52	6299	00	101	099000	Door Access	-	9,200	9,200
199	52	6299	00	104	099000	Door Access	-	7,200	7,200
199	52	6397	00	101	099000	Security Cameras	-	1,500	1,500
199	52	6397	00	103	099000	Security Cameras	-	1,200	1,200
199	52	6397	00	106	099000	Security Cameras	-	1,500	1,500
199	81	6619	53	104	099000	Security Fencing	-	13,400	13,400
199	81	6629	00	045	099000	Awning from building to portables	-	44,400	44,400
199	81	6629	00	999	099000	HVAC Repairs Ceontgency	-	50,000	50,000
199	81	6629	00	999	099000	Roof Reperis Contengency	-	45,000	45,000
							-	289,525	289,525
							<b>Submitted by:</b>		
							Nicole Dean		
							Chief Financial Officer		

# Lockhart Independent School District Board of Trustees

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RECOMMENDED MOTION:

**Lockhart ISD**  
**2021-2022 T-TESS Appraisal Calendar**

\*For more detailed information see link: <https://teachfortexas.org/Views/Appraiser>

<b>Appraisal Period</b>	
<b>August 18, 2021 - May 27, 2022</b>	
<b>T-TESS Orientation</b>	<b>Deadline</b>
Campus Annual Orientation for All Teachers	Friday, September 10, 2021
Teacher Orientation for Teachers New to T-TESS	Friday, September 10, 2021
Orientation for Late Hires	Within the first 6 weeks of starting school
<b>Goal Setting and Professional Development Plan</b>	<b>Deadline</b>
Conference (required for new to the profession teachers and new to the district teaching staff)	Within 6 weeks of the annual orientation. No later than Friday, October 22, 2021
Plan(within 6 weeks of orientation)	(no later than) Friday, October 22, 2021
<b>Observation Period</b>	
First Day to Observe	Monday, September 13, 2021
Last Day to Observe (15 days from last day of instruction)	Friday, May 6, 2022
Dates Excluded from Formal Observations <i>First three weeks of school</i> <i>Last 15 days of instruction</i>	August 18, 2021 – September 10, 2021
	May 6, 2022 – May 27, 2022
<b>End-of-Year Conference Period</b>	<b>Deadline</b>
End-of-Year Conference Period Begins	Monday, January 24, 2022
End-of-Year Conference Period Ends	Friday, May 6, 2022
Summative Annual Appraisal Reports Completed	Friday, May 20, 2022
Last Day to Amend Summative Report	Friday, May 27, 2022

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BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

**INTERAGENCY AGREEMENT BETWEEN  
COMMUNITY ACTION INC. OF CENTRAL TEXAS  
AND  
LOCKHART INDEPENDENT SCHOOL DISTRICT  
Special Education Services**

**I. PARTIES TO THE AGREEMENT**

Lockhart Independent School District (Hereinafter referred to as Lockhart ISD)  
And  
Community Action, Inc. of Central Texas (Hereinafter referred to as Head Start)

**II. CONTRACT PERIOD: September 1, 2021 to July 31, 2022**

**III. PURPOSE:** To establish the best cooperative method of providing services to preschool children with disabilities and their families and to build a strong working partnership between the Head Start program and Lockhart ISD. It is the intent of the Agreement to:

- a. Define the services to be provided by each Agency.
- b. Ensure that the eligible children with disabilities receive a free and appropriate public education, as required by law, in the least restrictive environment.
- c. Ensure that each Agency assumes the responsibility to communicate with the other, and share leadership responsibilities and by doing so ensure that available resources are utilized in the most effective manner.

**IV. JOIN THE ROLES IN SYSTEM REVIEW, COORDINATION, COLLABORATION, ALIGNMENT, AND IMPLEMENTATION**

**Lockhart ISD:**

1. Provide services to preschool children with disabilities as mandated by the current revisions of the Individual with Disabilities Education Act.
2. Provide preschool children with disabilities a free and appropriate public education (FAPE), including the development and implementation of an Individualized Education Plan (IEP).
3. Place preschool children with disabilities in the least restrictive environment at Lockhart with an opportunity to interact with non-disabled peers to the maximum extent appropriate, as required by IDEA.

**CAI Head Start Program:**

1. Recruit, enroll, and serve eligible children (according to the Policy Council approved enrollment criteria) ages 3 to 5 years of age.
2. Assist Lockhart ISD with providing FAPE by serving as a Least Restrictive Environment (LRE) as determined by the IEP team

3. Provide all Head Start services as outlined in the Head Start Performance Standards.
4. Screen all enrolled children for potential problems in the areas of health, dental health, and emotional/behavior development, and developmental progress.
5. Obtain physical information and a developmental history for each enrolled child.
6. Provide a dental examination for each enrolled child.
7. Provide follow-up services / treatment for any identified health or dental problems and assure that all appropriate immunizations are received by enrolled children.
8. Throughout the year when children are found at risk on developmental screeners or through classroom performance/home performance, Head Start staff, including the Disability Specialist, will assist the parent in understanding the need for a referral for a screening or full evaluation by Lockhart ISD or other appropriate professionals. Upon parent's request Head Start staff will assist the parent in making a referral for their child to Lockhart ISD.
9. Assure that professionals on the multi-disciplinary team are informed of the Head Start eligibility disabilities criteria as outlined in Head Start Performance Standards, 1302.60-72, so that eligibility under Head Start, as well as IDEA can be determined. Assure that all evaluations are not culturally biased (CFR 34, 300.530).
10. Assist in identifying other appropriate community agencies that provide services to children 3 to 5 years of age utilizing our Community Resource Directory.

#### V. PROGRAM DESCRIPTION:

- a.) **Community Action Head Start Program** is a federally funded program that provides services to low income preschool aged children and services are offered to meet the special needs of children with disabilities. Head Start is funded to serve 547 children ages zero-to-five with 10% of those slots available for children with disabilities.
- b.) **Lockhart ISD** provides educational services to eligible children from EE through 12<sup>th</sup> grade. Working with the Lockhart School District, State and Federal funds are also available to serve children ages three through five with disabilities.

#### VI. SERVICE IMPLEMENTATION:

- a) **Child Find / Recruitment:**  
Head Start will invite representatives from Lockhart ISD to participate in Head Start recruitment efforts and will distribute Lockhart ISD literature and/or information to appropriate families. Head Start will invite Lockhart ISD to participate in the selection process of Head Start families by attending Selection Committee Meetings when applicable.
- b) **Referrals:**  
**Head Start to Lockhart ISD** - After all screenings have been completed and compared to home and school performance (through discussion with teacher and parents) if a

child's performance indicates the need for further assessment to determine if special education services would be appropriate the Disabilities Specialist along with the, Family Advocate or Center Director and/or child's teacher, will discuss these results in more detail with the parent. Information will be provided about the need for early intervention and the process of being assessed though the local school district will be discussed. If the parents are interest in making a referral through the school district and would like support and assistance through Head Start, parental consent for referral to an outside agency and permission to share information between Head Start and the local school district will be obtained in writing. These documents will allow the Disability Specialist to work cooperatively with the parent and the local school district to help the evaluation process proceed as efficiently as possible. Head Start staff will assist the parents in completing the needed documents to make the referral to the school district and will assist the school district in maintaining contact with the parents (Head Start often has daily interaction with the parents).

**Lockhart ISD to Head Start** - For children who meet the Head Start criteria for enrollment, Lockhart ISD staff, with parent approval, will contact the Disabilities Specialist, and/or other Head Start staff, for referral. The referral will not be complete without a completed application and required supporting documentation. If Head Start has an opening to enroll the child and all criteria have been met, the child will be enrolled for Head Start services. If no enrollment openings are available the child will be placed at the top of the waiting list. No child will be denied placement in a Head Start classroom on the basis of a disability or its severity if: the parents wish to enroll the child and meet the Head Start age and income eligibility criteria, and Head Start is seen as an appropriate placement according to the child's IEP, and the program has space to enroll the child. Once the program has filled 10% of its slots for children with disabilities, the child with a disability and children without a disability will compete for the available enrollment opportunities.

c) **Evaluation:**

Eligibility must be established under both IDEA and Head Start Performance Standards 1302 and:

- Lockhart ISD will get the parent's permission to evaluate.
- Lockhart ISD will explain the parental rights.
- Lockhart ISD will evaluate children within 45 calendar days of receiving parental consent.
- If needed, an interpreter will be made available.
- Lockhart will develop and complete the IEP with input from the Head Start staff.
- With parental consent, Lockhart ISD will provide the Disabilities Specialist and assigned teachers with information and copies or ARD paperwork form implementing the IEP in the classroom.
- With parental consent, Lockhart ISD will notify the Disabilities Specialist and/or other Head Start staff verbally or in writing of dates and times of any ARD meetings. This communication between Lockhart ISD and Head Start will ensure cooperation between the two programs in helping the child meet IEP goals.
- The Head Start Disability Specialist and Family Advocate (along with the Teacher and Center Director) will help the parent understand his/her role in the special education process, including attending ARD meetings on a regular basis.

The goal of communication between Lockhart ISD and Head Start is to work together to help the parent as a full participating member of the ARD committee and the ongoing series provided through Lockhart ISD for the child.

- Lockhart ISD will notify the parent in advance of any ARD meetings and ensure that the meetings is held at a mutually agreed upon time.
- Lockhart ISD will assure that the parents understand the IEP. Lockhart ISD will work cooperatively with Head Start staff to understand the IEP and to help implement the goals in the Head Start setting. Lockhart ISD staff will keep the Disability Specialist informed of any changes in the IEP.
- Lockhart ISD, with parental permission, along with the parent, will keep the Head Start staff updated on changes in the IEP. Head Start staff will address questions, concerns and progress noted in the Head Start setting with the Lockhart staff in charge of the IEP.
- The IEP, which is developed by Lockhart ISD with input from Head Start staff and the parents, will focus on the child's needs, strengths, developmental potential and the family's strengths and circumstances, as well as the child's weaknesses.

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d.) **Placement:**

Head Start will:

- Provide 10% of its enrollment slots for children with disabilities.
- Share Head Start enrollment criteria with Lockhart ISD.
- Stay in contact with Lockhart ISD to continue to recruit children with disabilities for the waiting list and keep Lockhart ISD apprised of the child count, especially regarding the progress towards maintaining 10% children with a disability in the program

e) **Special Education and Related Service Delivery:**

Head Start will:

- Assist parents in attending therapy sessions as appropriate.
- Allow Lockhart ISD therapists and teachers (as well as private therapists) to provide service in all Head Start centers.
- Implement the IEP goals in the Head Start classroom by working cooperatively with Lockhart ISD special education staff and therapists and attend ARD meetings (with parental consent)
- Assist Lockhart ISD in supporting parents with any home therapy/programs.

Lockhart ISD will:

- Provide all special education services including related services as stated in the ARD document.

f.) **Specialized Equipment / Furniture:**

- Lockhart ISD will provide all equipment and furniture in the setting where the child receives his special education services as identified in the ARD document
- Lockhart ISD will provide all transportation as identified in the ARD document.
- Head Start will provide appropriate equipment and furniture in the Head Start setting

(unless the child is receiving primary special education services) for the child to be able to participate appropriately in all classroom activities.

## **VII. CONFIDENTIALITY**

Lockhart ISD and Head Start will follow all regulations pertaining to confidentiality as outlined in IDEA Part B.

## **VIII. TRAINING AND TECHNICAL ASSISTANCE:**

Lockhart ISD and Head Start will allow opportunities for their staff to train with their partner agency.

Lockhart ISD and Head Start will provide training to parents of children with disabilities as per the ARD document.

Lockhart ISD and Head Start will strive to provide some joint training to parents.

## **IX. DOCUMENTATION:**

Head Start and Lockhart ISD will inform each other of changes in children's status when parental consent has been provided for the two agencies to share information.

## **X. TRANSITION ACTIVITIES:**

Lockhart ISD and Head Start will prepare children with disabilities and their parents for transition as follows:

- Children who need significant classroom/curriculum modifications or accommodations and/or health accommodations or modifications will be provided with a staffing that involves the parent, Lockhart ISD personnel, Head Start content managers who oversee services the child needs, and outside agencies that are providing services for the child at least two months prior to the transition from one classroom to the next. This meeting will be set at a mutually agreed upon time with the agencies and the parents.
- Lockhart ISD and Head Start will prepare children with disabilities and their parents prior to transitioning out of the Head Start program. These activities will range from 6 to 2 months prior to the child leaving the program. Lockhart ISD staff, the Disability Specialist along with the Family Advocate, Center Director and Teacher will be responsible for these transition activities.

## **XI. CONTACT INFORMATION**

### **Lockhart ISD**

**Melissa J. Corona, Director of Special Services 512-398-0270**

### **CAI HEAD START PROGRAM**

**Patricia Vargas, Mental Health and Disabilities Coordinator 512 396 3395 ext. 206**

**Dr. Imelda Medrano, Early Childhood Education Program Director 512-396-3395 ext. 228**  
**[imedrano@communityaction.com](mailto:imedrano@communityaction.com)**

**Review, Modification, and/or Termination of Agreement:**

This interagency Agreement will be reviewed and revised by Community Action Head Start Program and Lockhart ISD annually. Either party, upon thirty (30) days written notice, may terminate this Agreement.

Approved by:

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Carole Belver, Executive Director  
Community Action, Inc. of Central Texas

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Melissa J. Corona, Director of Special Services  
Lockhart Independent School District

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Dr. Imelda Medrano, Early Childhood  
Education Program Director  
Community Action, Inc. of Central Texas

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Patricia Vargas, Mental Health and Disabilities  
Coordinator Community Action, Inc. of Central Texas

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

---

AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

---

BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

## RFQ 20-008 Special Education Contracted Services

Service	Vendor
Licensed Specialist in School Psychology	The Stepping Stones Group
	Trinity ES, LLC
Educational Diagnostician	The Stepping Stones Group
	Trinity ES, LLC
Speech/Language Pathologist	The Stepping Stones Group
	Trinity ES, LLC
	Jeanne Ply
	Texas Therapy Specialists
Special Education Counselor	The Stepping Stones Group
	Trinity ES, LLC
Physical Therapist	The Stepping Stones Group
Occupational Therapist	The Stepping Stones Group
	Trinity ES, LLC
	Gale Lindsey
Certified Occupational therapy assistant	The Stepping Stones Group
Orientation and Mobility specialist	The Stepping Stones Group
	Cindy L Haughn
Music therapist	The Stepping Stones Group
	The Right Key Music Therapy
Adapted PE teacher	The Stepping Stones Group
	Trinity ES, LLC
Behavior Specialist	The Stepping Stones Group
	Trinity ES, LLC
Certified Teacher of the Blind and Visually impaired	The Stepping Stones Group
Certified Teacher of the Deaf and Hard of Hearing	The Stepping Stones Group
	Trinity ES, LLC
Special Education Teacher	The Stepping Stones Group



# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

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AGENDA TITLE:

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BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

LOCKHART INDEPENDENT SCHOOL DISTRICT  
REPORT OF INVESTMENT ACTIVITY  
For the period ending June 30, 2021

Introduction

House Bill 2459, which was passed during the 1995 legislative session, amended a section of the Education Code dealing with investments. Code Section 2256.023 as amended, requires that the Investment Officer of the District prepare a report of investment activity and position. Monthly financial reports and invested fund statements are included in Board agendas and become a part of the permanent record. However, it is prudent to provide more detailed information on a regular basis. This report covers the quarter April 1, 2021 through June 30, 2021.

Cash

The District's funds are required to be deposited and invested under the terms of a depository contract pursuant to the School Depository Act. First Lockhart National Bank (FLNB) deposits for safekeeping and trust with the Federal Reserve System, pledged securities in an amount sufficient to protect District funds on a day-to-day basis during the period of the contract. The pledge of securities is waived only to the extent of Federal Deposit Insurance Corporation (FDIC) insurance.

The District's cash balances were properly collateralized and insured at all times during the period, with the expectation of one day, May 24, 2021. On this day, a large transfer was made to into FLNB to for the monthly payroll. The highest combined balances of bank deposits at FLNB for the quarter ended June 30, 2021, occurred during the month of May 2021, in the amount of \$7,172,207. FDIC insurance for government accounts is \$250,000 for the combined amount of all time deposits, and an additional \$250,000 for the combined amount of all interest-bearing demand deposits. The total par value of U.S. Treasury notes pledged as collateral in June was \$4,932,525. FLNB provides a minimum interest rate of 1.0% on an annual basis, per the bank depository contract. Interest is credited on investments as earned on a monthly basis and is recorded on the District's books as earned. Interest accrues on investments with maturities longer than one month. As of June 31, 2021, the District General Fund has earned interest from all investments in the amount of \$150,258.

Investments

Temporary investments balances are held by Texas Local Government Investment Pools (TexPool, Lone Star, and Texas Term/TexasDaily).

TexPool Prime is a public funds investment pool created by the Texas Treasury Safekeeping Trust Company (the Trust Company) to provide a safe, efficient, and liquid investment alternative for the placement of local government funds in authorized, short-term, fully-collateralized investment. TexPool Prime invests in U.S. Government securities, repurchase agreements collateralized by U. S.

LOCKHART INDEPENDENT SCHOOL DISTRICT  
REPORT OF INVESTMENT ACTIVITY  
For the period ending June 30, 2021

Government securities and AAA-rated no-load money market mutual funds, commercial paper and certificate of deposits. TexPool Prime is rated AAAM by Standard & Poor's, the highest rating a local government pool can achieve. The weighted average maturities may be authorized longer than one year provided legal limits are not exceeded.

The State, with the authority of the Texas Legislature, created the Texas Treasury Safekeeping Trust Company (the Trust Company). This is a special purpose trust company with direct access to the service of the Federal Reserve Bank to manage, disburse, transfer, safe-keep and invest public funds and securities more efficiently and economically. The Comptroller of Public Accounts is the sole officer, director and shareholder of the Trust Company. Federated Investors manage the daily operations of the pool under a contract with the State Comptroller. Federated Investors is the administrator for the TexPool program providing Participant Services and Marketing functions to TexPool participants. Federated Investors is also the investment manager and provides for accounting, custodial, and transfer agency services to TexPool. Interest is accrued daily and paid monthly.

Texas Daily/Term is a portfolio established by the Texas Term advisory board pursuant to the provisions of the Texas Term common investment contract. Texas Daily offers governmental entities such as Texas schools a convenient method of pooling funds for temporary investment. It operates as a money market fund and seeks to maintain a constant net asset value of \$1.00 per share, while offering liquidity and as high a level of current income as is consistent with the preservation of principal. The net income of Texas Daily is calculated daily and each month is reinvested in additional shares of the Daily Portfolio.

Investment Strategy by Fund

The strategy of the Maintenance and Operations Fund, Capital Projects, Payroll, and School Nutrition Fund is to closely match projected cash needs during the year through legal, authorized investments. Only investments authorized by Board Policy CDA (Legal) and CDA (Local) will be purchased. Investments should be purchased with the intent of holding until maturity. Liquidity and safety are predominant considerations with continued emphasis on yield, but not to the impairment of the other two objectives.

Debt Service Fund - All legal authorized investments should closely match projected cash needs during the year. Investment maturities may be authorized longer than one year provided legal limits are not exceeded. Only investments authorized by Board Policy CDA (legal) and CDA (local) will be purchased, with the objective of timing maturity with the dates that the districts' debt is due. Investments should be purchased with the

LOCKHART INDEPENDENT SCHOOL DISTRICT  
REPORT OF INVESTMENT ACTIVITY  
For the period ending June 30, 2021

intent of holding until maturity. The same comments affecting M&O investment operations are applicable to the Debt Service fund investments.

2014 Bond Proceeds - Bond funds are invested only as authorized by Board Policy CDA (legal) and CDA (local), with the objective of timing maturity with the District's bond draw schedule. While interest earned monthly is recorded on the District's books as earned interest, interest accrues on investments with maturity dates longer than one month. Investment maturities may be authorized longer than one year provided legal limits are not exceeded. Only investments authorized by Board Policy CDA (legal) and CDA (local) will be purchased.

Student Activity / Agency Funds - All legal authorized investments should closely match projected cash needs during the year. Investment maturities may be authorized longer than one year provided legal limits are not exceeded. Only investments authorized by Board Policy CDA (legal) and CDA (local) will be purchased.

Conclusion

Interest is credited on investments as earned on a monthly basis and is recorded on the District's books as earned. Therefore, the District's investment earnings will always reflect compounded interest earned in relation to capital invested, term of investment, and market conditions. The investment pools are in relatively short-term securities; consequently the risk to the District is minimal.

Compliance

We, the approved Investment Officers of Lockhart ISD, hereby certify that the above Investment Report represents the investment position of the district in compliance with the Board approved Investment Policy, the Public Funds Investment Act (Texas Government Code 2256), and Generally Accepted Accounting Principles (GAAP).

Respectfully submitted,



Nicole Dean, Chief Financial Officer



Michelle Wylie, Director of Finance

	First Lockhart National Bank	Texpool Prime	Texas Daily	Texas Term
<u>April-21</u>				
Average Monthly Return	1.01%	0.08%	0.05%	0.06%
Weighted Average Maturity	N/A	51	50	100
Annualized Expense Ratio	N/A	0.05%	0.05%	0.15%
Standard & Poor's Rating	N/A	AAAm	AAAm	AAAf
<u>May-21</u>				
Average Monthly Return	1.01%	0.08%	0.04%	0.48%
Weighted Average Maturity	N/A	51	42	84
Annualized Expense Ratio	N/A	0.05%	0.03%	0.15%
Standard & Poor's Rating	N/A	AAAm	AAAm	AAAf
<u>June-21</u>				
Average Monthly Return	1.00%	0.07%	0.03%	0.03%
Weighted Average Maturity	N/A	45	50	74
Annualized Expense Ratio	N/A	0.05%	0.04%	0.16%
Standard & Poor's Rating	N/A	AAAm	AAAm	AAAf

N/A = not applicable

n/av = not available at the time of report

Glossary:

AAAm= Extremely strong capacity to meet its financial commitments. Safety is excellent and has a superior capacity to maintain principal value and limit exposure to loss.

AAAf/S1+ = The fund's portfolio holdings provide extremely strong protection against losses from credit. The S1+ rating indicates that bond funds possess low sensitivity to changing market conditions. The level of risk is less than or equal to a portfolio of government securities maturing within 1-3 years.

AAAV-1+ = Funds with this rating are considered to have the lowest market risk (stable value). The rating is assigned to only money market funds or local government investment pools that should not experience loss of principal value to shareholders or participants even in severely adverse interest rate environments. (Rating by Fitch IBCA, a nationally recognized rating agency.)

Accrued Interest  
As of June 30, 2021

	<u>As of</u> <u>6/30/2021</u>
Texas Term Program General Fund	\$ -
Texas Term CD Program Top Ten	\$ 1,081
Total Accrued Interest	<u>\$ 1,081</u>
 Interest Rate	 0.65%

Quarterly Investment Report  
For Quarter Ended: June 30, 2021

<b><u>Texpool</u></b>	<b><u>Balance on 06/30/2021</u></b>	<b><u>Balance on 03/31/2021</u></b>	<b><u>Net Change</u></b>
Interest & Sinking Fund	\$ 5,497,918	\$ 4,796,986	\$ 700,932
General/Operating Fund	\$ 20,627,123	\$ 25,297,197	\$ (4,670,074)
School Nutrition	\$ 1,255,439	\$ 879,832	\$ 375,606
C.D. Marshall JHS Scholarship	\$ 31,706	\$ 31,700	\$ 6
Burditt Scholarship Fund	\$ -	\$ 9,801	\$ (9,801)
GF Hudnall Scholarship	\$ 15,569	\$ 15,566	\$ 3
J.M. Moore Scholarship	\$ 24,951	\$ 24,946	\$ 5
Latricia White Scholarship	\$ 14,093	\$ 14,090	\$ 3
Mary B. C. Sanders Scholarship	\$ 6,003	\$ 6,003	\$ 1
Hazelett Scholarship	\$ 655	\$ 655	\$ -
Canning Engineering Scholarship	\$ 24,572	\$ 24,568	\$ 5
Mohle Scholarship Fund	\$ 10	\$ 10	\$ -
<b>Total Funds</b>	<b>\$ 27,498,038</b>	<b>\$ 31,101,353</b>	<b>\$ (3,603,314)</b>
<b>Interest Rate</b>	<b>0.07%</b>	<b>0.09%</b>	

<b><u>Texas Term/Texas Daily</u></b>	<b><u>Balance on 06/30/2021</u></b>	<b><u>Balance on 03/31/2021</u></b>	<b><u>Net Change</u></b>
Texas Term CD Program Top Ten	\$ 374	\$ 176,237	\$ (175,862)
Texas Daily/Texas Term General Funds	\$ 284,032	\$ 284,003	\$ 29
Texas Daily School Nutrition Funds	\$ 6,669	\$ 6,668	\$ 1
Texas Daily/Texas Term Debt Svce	\$ 455,465	\$ 455,419	\$ 46
<b>Total Funds</b>	<b>\$ 746,540</b>	<b>\$ 922,327</b>	<b>\$ (175,787)</b>
<b>Interest Rate</b>	<b>0.03%</b>	<b>0.06%</b>	

<b><u>First Lockhart National Bank</u></b>	<b><u>Balance on 06/30/2021</u></b>	<b><u>Balance on 03/31/2021</u></b>	<b><u>Net Change</u></b>
Interest & Sinking Fund	\$ 29,380	\$ 525,230	\$ (495,850)
General/Operating Fund	\$ 2,999,889	\$ 1,719,031	\$ 1,280,858
Redemption Account	\$ 2,160	\$ 2,155	\$ 5
Payroll	\$ 1,115,808	\$ 1,090,439	\$ 25,369
School Nutrition	\$ 79,111	\$ 537,112	\$ (458,001)
Fiduciary Funds	\$ 9,193	\$ 8,156	\$ 1,037
Top Ten Scholarship Funds	\$ 175,580	\$ 2,371	\$ 173,208
Roland Endowment Funds	\$ 20,462	\$ 20,411	\$ 51
Maintenance Proceeds	\$ 158,049	\$ 105,154	\$ 52,895
<b>Total Funds</b>	<b>\$ 4,589,631</b>	<b>\$ 4,010,058</b>	<b>\$ 579,573</b>
<b>Interest Rate</b>	<b>1.00%</b>	<b>1.01%</b>	

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

---

BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

# LOCKHART I.S.D. BOARD

## Tax Collection Report

JUNE 2021

	June	Prior Months	TOTAL	PRIOR YEAR
2020 Tax Collection	\$112,763.46	\$20,019,906.73	\$20,132,670.19	\$19,391,556.45
2019 & Prior Collection	\$83,352.02	\$1,158,632.68	\$1,241,984.70	\$787,002.10
<b>Total Tax Collection =</b>	<b>\$196,115.48</b>	<b>\$21,178,539.41</b>	<b>\$21,374,654.89</b>	<b>\$20,178,558.55</b>

note: Above figures include penalties and interest collected

2020 Original Levy                      \$20,925,978.58

June 30, 2021 Percent of 2020 Tax Collected	95.84%
June 30, 2020 Percent of 2019 Tax Collected	94.75%
June 30, 2019 Percent of 2018 Tax Collected	95.59%
June 30, 2021 - Balance of Delinquent Tax	\$1,583,986.98
June 30, 2020 - Balance of Delinquent Tax	\$1,353,234.55
June 30, 2019 - Balance of Delinquent Tax	\$1,239,508.83

Corrections made to Current Tax Roll                      (\$299.38)

Corrections made to Delinquent Tax Roll                      \$9,808.01

**NOTE:**

Caldwell County Appraisal District has collected and disbursed Attorney Fees in the amount of \$8,848.92

Submitted by:

Shanna Ramzinski

Shanna Ramzinski  
 Chief Appraiser  
 Caldwell County Appraisal District

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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RECOMMENDATION:

RECOMMENDED MOTION:



## (LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's 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; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

---

**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 makes 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.

<b>Contact:</b>	<b>School Districts and Education Service Centers</b>	<b>Community Colleges</b>
	<a href="mailto:policy.service@tasb.org">policy.service@tasb.org</a>	<a href="mailto:colleges@tasb.org">colleges@tasb.org</a>
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

**Purchasing Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Exception for  
Emergency  
Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

Purchasing  
Procedures

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Purchasing Method

The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.

*Competitive  
Bidding*

If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders 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.

The District may reject any and all bids in accordance with state or federal law, as applicable.

*Competitive  
Sealed Proposals*

If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time

specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

*Procedures*

To ensure the security and confidentiality of electronic bids or proposals, the following procedures shall be followed by District staff:

1. Both District users and vendors shall be required to access the system through a unique user account and password.
2. Individual user passwords shall be stored in a manner that cannot be accessed by any other user, and the District system administrator shall only have the ability to reset the password through a system-generated program based on a user request to reset a password.
3. All data transmitted between the District and vendors shall be encrypted using standard security technology.
4. The system shall limit inactivity by expiring a session based on a preset period of time.
5. All actions within the system can be audited for actions taken by any user.
6. All formal solicitations shall be electronically sealed in an electronic lockbox and not accessible to any user other than the initiating vendor.
7. The solicitation document includes, at a minimum, the date and time the bid was received by the system.
8. The system shall not allow for any late bids after the closing date and time.
9. The system shall only allow for bids to be electronically unsealed by authorized District staff.
10. The system shall retain electronic copies of the vendors' responses for the minimum period of time required by the state

PURCHASING AND ACQUISITION

CH  
(LOCAL)

of Texas records retention schedule or for an extended period of time if required by the District.

**Responsibility for Debts**

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

**Purchase Commitments**

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

**Personal Purchases**

District employees shall not be permitted to make purchases for personal use through the District's business office.

**Compliance with Law**

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

**Construction Contracts**

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above ~~\$50,000~~ \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

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**Note:** For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

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**Change Orders**

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

**Project Administration**

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

**Final Payment**

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

**Leave Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

**Definitions**

The term “immediate family” is defined as:

**Immediate Family**

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

**Family Emergency**

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

**Leave Day**

A “leave day” for purposes of earning, ~~using~~**use**, or recording-~~of~~ leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

**School Year**

A “school year” for purposes of earning, using, or recording leave shall mean the term of the employee’s annual employment as set by the District for the employee’s usual assignment, whether full-time or part-time.

**Catastrophic Illness or Injury**

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

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**Note:** For District contribution to employee insurance during leave, see CRD(LOCAL).

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**Availability**

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Earning Local Leave**

~~An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.~~

**Deductions**

~~Leave Without Pay~~

~~The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.~~

~~Leave Proration~~

~~Employed for Less Than Full Year~~

If an employee separates from employment with the District before his or her last duty day of the school year, or begins employment after the first duty day of the school year, state personal leave ~~and local leave~~ shall be prorated based on the actual time ~~employed and earned~~.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for ~~state personal leave the employee used beyond his or her pro rata entitlement for the school year.~~

~~1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and~~

~~2. Local leave the employee used but had not earned as of the date of separation.~~

~~Employed for Full Year~~

~~If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.~~

**Recording**

~~Leave shall be recorded as follows:~~

~~1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.~~

~~2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.~~

~~3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.~~

**Order of Use**

~~Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]~~

~~Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:~~

- ~~1. Local leave.~~
- ~~2. State sick leave accumulated before the 1995-96 school year.~~
- ~~3. State personal leave.~~

~~Use of catastrophic leave bank days shall be permitted only after all available state and local leave has been exhausted.~~

**Concurrent Use of Leave**

~~When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.~~

~~The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.~~

~~An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.~~

**Medical Certification**

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; **or**
- ~~3.~~ **3.**—The employee requests FMLA leave for the employee's serious health condition; **a serious health condition** ~~or that~~ of the **employee's** spouse, parent, or child; **or**
- ~~4.3.~~ **4.3.** **The employee requests FMLA leave** for military caregiver **leave purposes.**

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

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**Note:** ~~For District contribution to employee insurance during leave, see CRD(LOCAL).~~

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COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

<b>State Personal Leave</b>	The Board requires employees to differentiate the manner in which state personal leave is used. -
Nondiscretionary Use	Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]  Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.
Discretionary Use	Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.
<i>Limitations</i>	<i>In deciding whether to approve or deny a</i> <del>The employee shall submit a written</del> request for discretionary use of state personal leave, <i>to the immediate-supervisor or designee in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee</i> shall not seek or consider the reasons for which an employee requests to use leave. The supervisor <del>or designee</del> shall, however, consider the <i>duration of the requested absence in conjunction with the</i> effect of the employee's absence on the educational program <del>and/or</del> District operations, as well as the availability of substitutes.
Request for Leave	
<i>Duration of Leave</i>	Discretionary use of state personal leave shall not exceed three consecutive workdays, <del>except as allowed below at Bereavement Leave.</del>
Schedule Limitations	Discretionary <i>use of</i> leave shall not be allowed on days scheduled for state-mandated assessments, or professional or staff development days.
<b>Local Sick Leave</b>	<i>Each employee</i> <del>All employees</del> shall earn five paid local <del>sick</del> leave days per school year in accordance with administrative regulations.  Local leave shall accumulate to a maximum of 30 leave days.  Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year, except that an employee may contribute local leave to a <del>sick</del> <i>the catastrophic</i> leave bank. [See DEC(LEGAL)]  <del>Sick</del> <i>An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.</i>
Bereavement (Funeral) Leave	<del>Use of state personal leave and/or local sick leave for any funeral shall not exceed five leave days per occurrence.</del>

**Catastrophic Leave Bank**

The District shall establish a ~~sick~~**catastrophic** leave bank that employees ~~eligible for benefits under the Teacher Retirement System of Texas (TRS)~~ may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees **who are eligible for benefits under the Teacher Retirement System of Texas (TRS)**. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave **and any applicable compensatory time**.

~~If the employee is unable to request leave from the catastrophic leave bank, a member of the employee's family or the employee's supervisor may submit the request.~~

The Superintendent ~~or designee~~ shall develop regulations for the operation of the ~~sick~~**catastrophic** leave bank that address the following::

1. Membership in the ~~sick~~**catastrophic** leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the ~~sick~~**catastrophic** leave bank;
3. The maximum number of days per school year a member employee may receive from the ~~sick~~**catastrophic** leave bank;
4. The committee or administrator authorized to consider requests for leave from the ~~sick~~**catastrophic** leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the ~~sick~~**catastrophic** leave bank.

Appeal

**An employee may appeal a decision**~~All decisions~~ regarding the ~~sick~~**catastrophic** leave bank ~~may be appealed~~ in accordance with DGBA(LOCAL), beginning with the Superintendent or **appropriate administrator**~~designee~~.

**Family and Medical Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

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**Note:** See DECA(LEGAL) for provisions addressing FMLA.

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Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 **through** ~~June~~ 30.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

Combined Leave for Spouses	<p><del>When</del> If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. <del>{See DECA(LEGAL)}</del></p>
Intermittent or Reduced Schedule Leave	<p>The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. <del>{See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.}</del></p>
Certification of Leave	<p><del>When</del> If an employee requests leave, the employee shall provide certification, <del>in accordance with</del> as required by FMLA regulations, of the need for leave. <del>{See DECA(LEGAL)}</del></p>
Fitness-for-Duty Certification	<p>In accordance with administrative regulations, <del>when</del> If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. <del>If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.</del></p>
Leave at the End of Semester	<p><del>When</del> If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. <del>{See DECA(LEGAL), Leave at the End of a Semester}</del></p>
Failure to Return	<p><del>If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. {See DECA(LEGAL), Recovery of Benefit Cost}</del></p>
Temporary Disability Leave	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent <del>or designee</del> as a request for temporary disability leave.</p>

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

**Workers' Compensation**

**Note:** Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. ~~[See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]~~

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

No Paid Leave Offset

The District shall not permit the option ~~An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.~~

~~An employee eligible for paid leave offset in conjunction with workers' compensation income benefits. [See CRE], and not on assault leave, may elect in writing to use paid leave.~~

**Court Appearances**

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Absences for court appearances related to an employee's personal business, and not in compliance with a valid subpoena, shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

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BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

# Texas Education Agency



## APPLICATION

Updated May 2021

## Optional Flexible School Day Program (OFSDP)

\_\_\_\_\_ School Year

**ELIGIBLE APPLICANTS:** The Texas Education Agency (TEA) will make available to eligible school districts and open-enrollment charter schools an application form that must be completed and submitted annually to the TEA for approval.

## **Definition of Program Provisions**

### **Eligible Students**

A student is eligible to participate in an optional flexible school day program (OFSDP) authorized under the Texas Education Code [\(TEC\) §29.0822](#), if:

1. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by the [TEC, §29.081](#); or
  - the student is attending a campus implementing an approved innovative campus plan; or
  - the student is attending a community-based dropout recovery education program, as defined by the [TEC, §29.081\(e-1\) or \(e-2\)](#); or
  - the student is attending a campus with an approved early college high school program designation as defined by the [TEC, §29.908](#); or
  - the student, as a result of attendance requirements under the [TEC, §25.092](#), will be denied credit for one or more classes in which the student has been enrolled.

**and**

2. there is an agreement in writing to the student's participation
  - by the student, if the student is over 18 years of age; or
  - by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

### **Assessment**

The student must take the required state assessments specified under the [TEC, §39.023](#), during the regularly scheduled assessment calendar.

### **Participation in University Interscholastic League (UIL)**

A student enrolled in an OFSDP under the [TEC, §29.0822](#), may participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) only if he or she meets all UIL eligibility criteria.

### **Attendance Credit**

A student attending an OFSDP under the TEC, §29.0822, may be counted in average daily attendance (ADA) for purposes of funding under the TEC, Chapters 46, 48, and 49, only for the actual number of contact hours the student receives, not to exceed 720 hours or 43,200 minutes per 12-month period. **Students enrolled in the traditional program for part of the year and the OFSDP program for part of the year may not earn more than one ADA.**

### **Board Approval**

The board of trustees of a school district must include the OFSDP as an item on a regular agenda for a board meeting. Board of trustees of a school district must discuss the progress of the program before approving the program and applying to operate an OFSDP (see Appendix Two).

## **Continuation or Revocation of Program Authorization**

Applications are approved for a period of one (1) school year. Continuation of the approval for the OFSDP will be contingent on the demonstrated success of the program. Determination of success will include a review and analysis of data provided in the mandatory final progress report(s). The commissioner of education may revoke authorization for participation in the OFSDP after consideration of relevant factors, including performance of students participating in the program on assessment instruments required under the TEC, Chapter 39; the percentage of students participating in the program who graduate from high school; and other criteria agreed to in the application and adopted by the commissioner of education. A decision to revoke approval of the program by the commissioner of education is final and may not be appealed.

## **Reporting Requirements**

Following approval of the application, the applicant may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. When requested, reports will require applicants to disclose the overall progress of the students in the program, the number of students enrolled in the program (disaggregated by ethnicity, age, gender, and socioeconomic status), the number of students graduating from high school (disaggregated by ethnicity, age, gender, and socioeconomic status), and additional criteria selected by the applicant and agreed to by the commissioner. The TEA will provide notice to applicants and additional instructions for completion of reports at least 45 days before the date a report is due, or as soon as possible, in order to give school districts and charter schools adequate time to prepare and submit the reports to the TEA. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

## Provisions of Agreement

### Article I – Parties to Agreement

This agreement is entered into by and between the Texas Education Agency, an agency of the State of Texas, hereinafter referred to as the “TEA,” and

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(Legal Name of School District or Open-Enrollment Charter School)

located at

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(Physical Address)

hereinafter referred to as “district.”

### Article II – Period of Agreement

The period of the agreement, as detailed by participating campus in **Appendix 5**, is for a maximum of one (1) school year plus an additional thirty (30) school days if the district is applying for credit recovery. **Note that the agreement term is subject to annual renewal.**

### Article III – Purpose of Agreement

The district must perform all the functions and duties set out in the agreement, the authorizing program statute, and applicable regulations.

### Article IV – Reporting Requirements

The district may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. The TEA may request additional reports as necessary to monitor and assess progress of students participating in the program.

### Article V – General and Special Provisions to the Agreement

Attached hereto and made a part hereof by reference is each of the provisions indicated below with an “X” beside it:

- Appendix One, Assurances
- Appendix Two, Board Approval
- Appendix Three, Attendance and Compliance Procedures of Proposed Program (Attach PDF File)
- Appendix Four, Contact Sheet
- Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach Excel File)

## Article VI – Application Process

- For questions or assistance regarding this application, email [opfex@tea.texas.gov](mailto:opfex@tea.texas.gov) or call 512-463-9294.
- Applications should be submitted 30 days prior to the start of the program. Start date(s) on Appendix 5 should be at least thirty (30) days after the application is submitted.
- Applications submitted by July 15th should be approved by August 15th.
- Email the complete application and attachments to: [opfex@tea.texas.gov](mailto:opfex@tea.texas.gov).
- Email subject line should indicate: OFSDP Application - District Name, County District Number

## Article VII – Agreement

AGREED and accepted on behalf of the school district or open-enrollment charter school to be effective on the earliest date written above by a person authorized to bind the district.

Typed Name \_\_\_\_\_ *Ethan Peters* \_\_\_\_\_  
Authorized Signature  
Typed Title \_\_\_\_\_

## Appendix One Assurances

The definition of terms of the application applies to this Appendix One, Assurances. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX ONE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

The district agrees to enroll only eligible students to participate in an OFSDP authorized under this application. A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if:

1. the student meets one of the following conditions:
  - the student is at risk of dropping out of school, as defined by the [TEC, §29.081](#); or
  - the student is attending a campus implementing an approved innovative campus plan; or
  - the student is attending a community-based dropout recovery education program, as defined by the [TEC, §29.081\(e-1\) or \(e-2\)](#); or
  - the student is attending a campus with an approved early college high school program designation as defined by the [TEC, §29.908](#); or
  - the student, as a result of attendance requirements under the [TEC, §25.092](#), will be denied credit for one or more classes in which the student has been enrolled.

and

2. there is an agreement in writing to the student’s participation
  - by the student, if the student is over 18 years of age; or
  - by the student and the student’s parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

The district agrees:

1. to administer mandatory assessment instruments during the regular assessment cycle to students enrolled in OFSDPs;
2. to ensure all instructional materials and facilities are comparable or exceed the required standards for students in similar programs;
3. that the students participating in an OFSDP will not be isolated from other academic and vocational programs of the school district and that all students will have access to school counselors for pre- and post-entry counseling, academic or personal counseling, and career counseling;
4. to provide faculty and administrators with baccalaureate or advanced degrees, highly qualified staff, and certified teachers as required by 19 Texas Administrative Code §129.1027 for the program;
5. to adopt a policy that does not penalize students participating in an OFSDP in accordance with the 90% rule (TEC, §25.092[a]) or the 75% to 90% rule for class credit (TEC, §25.092[a-1]);
6. to adopt a policy to require students to attend regularly scheduled instruction for the OFSDP with penalties for nonattendance including filing truancy charges, if appropriate;
7. to track the number of minutes the student receives instruction each day and to comply with applicable sections of the [Student Attendance Accounting Handbook](#).

- 8. to comply with all reporting requirements established by the TEA;
- 9. not to discriminate based on disability, race, color, national origin, religion, or sex; and
- 10. to prohibit a student participating in an OFSDP from participating in a competition or other activity sanctioned or conducted under the authority of the UIL unless the student meets all UIL eligibility requirements.

**AGREED** and accepted terms and conditions of Appendix One on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Steve Johnson, Board President, 512-787-3777

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Name, Title, and Telephone Number of School Board President

---

Signature of SchoolBoard President

Date

Mark Estrada, Superintendent of School, 512-398-0040

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Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

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Signature of Person Authorized to Bind the District or Charter School

Date

**Appendix Two**  
**Board Approval**

The definition of terms of the application applies to this Appendix Two, Board Approval. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX ONE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

1. The board of trustees of the school district or the governing board of the open-enrollment charter school **agrees to include the OFSDP as an item on the agenda** concerning the proposed application.
2. The board of trustees of the school district or the governing board of the open-enrollment charter school must discuss the progress of the program before applying to operate an OFSDP.

The proposed OFSDP application was on the agenda and discussed at the board meeting conducted on:

Month: July  
Day: 26  
Year: 2021  
Time: 6:30pm  
Location: Lockhart ISD M.L. Cisneros Education Support Center Boardroom

**AGREED** and accepted on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Steve Johnson, Board President, 512-787-3777

\_\_\_\_\_  
Name, Title, and Telephone Number of School Board President

\_\_\_\_\_  
Signature of School Board President Date

Mark Estrada, Superintendent of Schools, 512-398-0040

\_\_\_\_\_  
Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

\_\_\_\_\_  
Signature of Person Authorized to Bind the District or Charter School Date

## Appendix Three Attendance and Compliance Procedures of Proposed Program

The definition of terms of the application applies to this Appendix Three, Attendance Procedures of Proposed Program. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement.

**PAGE LIMIT: SUBMIT A SEPARATE PDF TO CONCISELY PROVIDE THE INFORMATION BELOW, LABELED WITH THE CORRESPONDING NUMBER, FOR APPENDIX THREE. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

1. Indicate the expected start date of the district’s OFSDP.
2. Indicate the estimated number of OFSDP students that will be served per teacher.
3. **If** the OFSDP program will offer special education, career and technology education, pregnancy related services or bilingual education, indicate how services will be provided, the teacher certification standards in each program area, and how services will comply with the [Student Attendance Accounting Handbook](#).
4. OFSDP requires a teacher of record to record the actual number of students’ instructional minutes on any given day. Explain the following:
  - a. How the classroom teacher will verify the number of instructional minutes a student receives each day.
  - b. How the district will make sure that minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding.
  - c. How the district will ensure that students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Codes 7-8) will not generate more than one ADA in total for the school year and that students will not receive more than 10,800 minutes per course. It is recommended that the district apply the following formula to determine the maximum OFSDP minutes a student is eligible = (Calendar School Days - Traditional Days Present x 240).
  - d. How the district will ensure that attendance practices and records comply with Sections 2.2.3 and 11.6 of the [Student Attendance Accounting Handbook](#).
  - e. How Student Detail Audit reports for the OFSDP track will be reviewed and certified each six-week attendance reporting period.

**NOTE: absences and days present do not exist in the OFSDP**

5. **If** students are attending a community-based dropout recovery education program offered online as defined by TEC, §29.081 (e-2), must include the following:
  - a. Describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.
  - b. Describe the individual learning plan or process used to monitor each student’s progress.
  - c. Indicate how students will be served by an academic coach and local advocate.
  - d. Indicate the date of the month that monthly student progress reports will be provided to the student’s school district.
  - e. Describe the educational software utilized and explain how the software will track and certify the number of instructional minutes each student receives each day.

## Appendix Four Contact(s) Sheet

The definition of terms of the application applies to this Appendix Four, Contact Sheet. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement:

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX FOUR, CONTACT SHEET. ALL INFORMATION REQUESTED MUST BE INCLUDED WITH THIS FORM.**

### District Contact(s) for the Application

<b>Contact Name:</b>	
<b>District Superintendent or Charter School Chief Operations Officer:</b>	
<b>Mailing Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Telephone Number:</b>	
<b>Alternate Telephone Number:</b>	
<b>Fax Number:</b>	
<b>Email Address:</b>	

<b>Contact Name:</b>	
<b>Email Address:</b>	

<b>Contact Name:</b>	
<b>Email Address:</b>	

<b>Contact Name:</b>	
<b>Email Address:</b>	

***NOTE: Most of the contact for the approved OFSDP is done via email. A valid email address(es) must be submitted on this form. Provide the full name(s) of the person(s) who is (are) the email contact(s) to ensure that the TEA has accurate information.***

**Appendix Five**  
**Participating Campuses, Student Eligibility, and Period of Agreement**

The definition of terms of the application applies to this Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement. The school district or open-enrollment charter school hereinafter called “district” does hereby certify and agree to the following conditions of the agreement:

**PAGE LIMIT: SUBMIT NO ADDITIONAL PAGES FOR APPENDIX FIVE, PARTICIPATING CAMPUSES, STUDENT ELEGIBILITY, AND PERIOD OF AGREEMENT. ALL INFORMATION REQUESTED MUST BE INCLUDED ON THIS TEMPLATE AND SUBMITTED IN A SEPARATE EXCEL FILE.**

Download and complete Appendix 5, which can be found on the [OFSDP webpage](#) under the *Applications and Templates* section.

Once completed, email the following to [OPFLEX@tea.texas.gov](mailto:OPFLEX@tea.texas.gov):

1. The application (in PDF file format)
2. Appendix Three (in PDF file format)
3. Appendix Five (in MS Excel file format)

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

---

AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

---

BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

# Lockhart Independent School District Student Code of Conduct 2021-2022 School Year

If you have difficulty accessing the information in this document because of disability, please contact [access@lockhart.txed.net](mailto:access@lockhart.txed.net) or call 512-398-0000.



# Lockhart ISD Board of Trustees

Steve Johnson, **President**  
Michael Wright, **Vice President**  
Warren Burnett, **Secretary**  
Sam Lockhart, Trustee  
Tom Guyton, Trustee  
Rene Rayos, Trustee  
Dr. Barbara Sanchez, Trustee

## Superintendent of Schools

**Mark Estrada**

Meets the 4th Monday of each month  
at the MLC Education Support  
Center  
Board Room

Administration Office..... 512-398-0000

Bad Weather Hotline..... 512-398-0005

## **BUILDING A LEGACY OF EXCELLENCE**

### *2021-2022 LISD Board of Trustees' Goals*

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

# **ACKNOWLEDGMENT**

## **Student Code of Conduct Electronic Distribution**

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

As you partner with us in your child's education, we urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

Thank you for allowing us the privilege of serving your child.

**Mark Estrada**

Superintendent of Schools  
LOCKHART ISD

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## **Student Code of Conduct**

### **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact [access@lockhart.txed.net](mailto:access@lockhart.txed.net) or call 512-398-0000.

### **Purpose**

The Student Code of Conduct (“Code”), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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 ***Lockhart Independent School District*** board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version 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 campus principal’s office. Additionally, the Code shall be available at the campus behavior coordinator’s office 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. In the event of a 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 district's authority 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;
2. While the student is traveling on district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
7. When a student engages in cyberbullying, as defined by Education Code 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
12. 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 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.lockhartisd.org](http://www.lockhartisd.org) and at [elementary](#) or [secondary](#) student handbook.

### **Threat Assessment and Safe and Supportive School Team**

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code.

### **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 campus behavior coordinator 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 the security and protection of students, staff, and property, the board employs school resource officers (SROs). 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 are: to maintain safe schools; to serve as a positive role-model for students; and to provide direct link with the Lockhart Police Department.

### **“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.

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 that resulted 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 to 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 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 calendar 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.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## **General Conduct Violations**

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page 16, **DAEP Placement** on page 17, **Placement and/or Expulsion for Certain Offenses** on page 25, and **Expulsion** on page 28, those 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 on page 15.

### **Disregard for Authority**

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### **Mistreatment of Others**

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 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 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**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- 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.)
- Enter, without authorization, district facilities that are not open for operations.

## **Possession of Prohibited Items**

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for 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:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.

### **Illegal, Prescription, and Over-the-Counter Drugs**

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 17 and **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 to body or mind. (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.

## *General Conduct Violations*

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### **Safety Transgressions**

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

### **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

## **Discipline Management Techniques**

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

### **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. In the event of any conflict, 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, another 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 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 17.
- Expulsion and/or placement 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 using 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 to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. 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: [LISD Policy Online](#)

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

## **Removal from the School Bus**

A bus driver may refer a student to the campus behavior coordinator's office to maintain effective discipline on the bus. The campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, 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 behavior that violates this Code to maintain effective discipline in the classroom.

### **Formal Removal**

A teacher may initiate a formal removal from class if:

1. A student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the class or with other students' 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**

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's consent.

A student who has been formally removed by a teacher for any other conduct 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 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 sections 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 inform the student of the alleged misconduct and give the student an 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 before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. 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 5 and secondary classification shall be grades 6–12.

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 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, or gang 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.

## *Disciplinary Alternative Education Program (DAEP) Placement*

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 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** 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, 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" "controlled substance," and "dangerous drug.")
  - 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:

## *Disciplinary Alternative Education Program (DAEP) Placement*

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**

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- 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.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### **Process**

Removals to a DAEP shall be made by the campus behavior coordinator.

### **Conference**

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the campus behavior coordinator or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- 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,
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.

## *Disciplinary Alternative Education Program (DAEP) Placement*

### **Placement Order**

After the conference, if the student is placed in a 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 a 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, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation. 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 are in a DAEP placement 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

## *Disciplinary Alternative Education Program (DAEP) Placement*

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: [LISD Policy Online](#)

*Appeals shall begin at Level One with the lowest level administrator who has the authority to remedy the alleged problem.*

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

### **Restrictions During Placement**

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Additional Misconduct**

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

## *Disciplinary Alternative Education Program (DAEP) Placement*

### **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 including a district in another state.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

## *Disciplinary Alternative Education Program (DAEP) Placement*

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year 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 student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed 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 Students**

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:

## *Placement and/or Expulsion for Certain Offenses*

- 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 this section 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.

## *Placement and/or Expulsion for Certain Offenses*

### **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 17.)

#### **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**.)

### **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:

- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

### **Within 300 Feet of School**

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

### **Property of Another District**

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in a 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 Penal Code 1.07; 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 disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol, or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses

### **Under Age Ten**

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### **Process**

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's 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.

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 *campus behavior coordinator* 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 consider and 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 *campus behavior coordinator* 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's conduct 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 place a newly enrolled student expelled from another district or an open-enrollment charter school directly into a DAEP 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 a crime that involves:

1. 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. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or
3. Intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damaging or destroying a building belonging to another, or
  - b. Recklessly causing another person to suffer bodily injury or death.

**Assault** is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or 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 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 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 by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

**Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**Discretionary** means that something is left to or regulated by a local decision maker.

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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 silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

**Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Handgun** is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** includes:

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 Education Code 37.001(b)(2); 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;
  - d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
  - e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

**Hazing** is defined by Education Code 37.151 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; or
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 Education Code 37.001(b)(3) 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:

1. Clothing, purse, or backpack;
2. 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;

3. Telecommunications or electronic devices; or
4. 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: An explosive weapon;
  - a. A machine gun;
  - b. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

**Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person 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 Education Code 37.121(d) 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 Code of Criminal Procedure Article 15.27.

**Self-defense** is the use of force against another to the degree a person reasonably believes 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 schoolwork 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 disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

**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 in-fluence" 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 that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

# Lockhart Independent School District Board of Trustees

Date of Board Meeting:

Agenda Item

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AGENDA SECTION:

READING:

PREVIOUS BOARD REVIEW DATE:

TYPE OF ACTION

DEPARTMENT:

DISTRICT GOAL(S) ALIGNMENT:

1. Create a collaborative culture of contagious ambition.
2. Expect all staff to embrace growth opportunities.
3. Empower students to seize opportunities to achieve at high levels.

AGENDA TITLE:

---

BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

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Agenda Item

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# Lockhart Independent School District Board of Trustees

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Agenda Item

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BACKGROUND INFORMATION:

ATTACHMENT(S):

RECOMMENDATION:

RECOMMENDED MOTION:

Region, Open Position	Candidate/District	Total Endorsements Received
<b>Region 12</b> Currently held by Mildred Watkins (La Vega ISD) Total active members in Region=77 Endorsements required for 25 percent=19 Endorsements required for Majority=39	<b>Mildred Watkins (La Vega ISD) (I)</b> <a href="#">Brief Bio</a>	1

<b>Region 13, Position A*</b> Yasmin Wagner (Austin ISD) <i>According to the TASB Bylaws, this District is designated as a Large District. For TASB Director nominations, Large Districts are treated as Association Regions and, therefore, do not participate in the endorsement process. A Large District's local board nomination constitutes a majority.</i>	<b>Yasmin Wagner (Austin ISD) (I)</b> <a href="#">Brief Bio</a>	
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<b>Region 13, Position C</b> Currently held by Vernagene Mott (Pflugerville ISD) Total active members in Region=55 Endorsements required for 25 percent=14 Endorsements required for Majority=28	<b>Bryan Holubec (Thrall ISD)</b> <a href="#">Brief Bio</a>	1
	<b>Kathy Major (Liberty Hill ISD)</b> <a href="#">Brief Bio</a>	1
	<b>Rena Mitchell (Pflugerville ISD)</b> <a href="#">Brief Bio</a>	1
	<b>Terrence Owens (Hutto ISD)</b> <a href="#">Brief Bio</a>	1



# TASB ENDORSEMENT FORM

DATE: July 26, 2021

Our school board endorses the candidacy of the following individual nominated to fill a position on the TASB Board of Directors.

### CANDIDATE INFORMATION

NAME: \_\_\_\_\_

SCHOOL DISTRICT: \_\_\_\_\_

This endorsement was approved by our school district's board of trustees at a duly called meeting on July 26, 2021.  
(Date)

Best regards,

\_\_\_\_\_  
(Signature of board president or officer)

PRINTED NAME: Steve Johnson

SCHOOL DISTRICT: Lockhart ISD

MAILING ADDRESS: P.O. Box 120

CITY: Lockhart ZIP: 78644

This form is to be used to endorse a nominated individual from a board of trustees within your TASB Region who is a timely candidate for a position on the TASB Board of Directors.

**Must be received by TASB on or before AUGUST 30, 2021.**

**RETURN TO: E-mail: [boardcommunications@tasb.org](mailto:boardcommunications@tasb.org)  
FAX: 512.467.3554**