Notice of Regular
The Board of Trustees
Granbury ISD
Monday, March 6, 2006
6:00 PM

A Regular of the Board of Trustees of Granbury ISD will be held Monday, March 6, 2006, beginning at 6:00 PM in the Granbury ISD Board Room, 600 West Pearl St., Granbury, TX 76048, W Pearl St, Granbury, TX 76048.

3rd day of March 2006
The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

1. Call to order
2. Invocation
3. Pledges - U.S. Flag & Texas Flag
4. Public comments/audience participation
5. Personnel
    a. Level III Grievance - Jan Van Dorn, Assistant Superintendent
    b. Level III Grievance - Troy Green, Executive Director of Human Resources
    c. Consider contract recommendations for Teachers, Diagnosticians, Counselors, Speech Therapists, Librarians, Nurses and other employees
    d. Consider staff appointments
    e. Consider appointment of principal for the Crossland Ninth Grade Center
6. Property
7. Superintendent's Report - Goals 1, 2, 3, 6, 7
    a. Financial statements as of 12/31/05 — 3
    b. Update 76 — 4
8. Board members special reports
9. Consider Consent Agenda Items - Goals 2, 3, 5
    a. Minutes of the February 13, 2006 regular board meeting — 277
    b. Office and Administrative furniture 2005-14 (first renewal) — 280
    c. Budget amendments — 282
    d. Annual contract for snack cakes CSP 2006-01 — 284
    e. Policy DC (LOCAL) - Employment Practices; DCB (LOCAL) - Employment Practices: Educator Term Contracts; DCD (LOCAL), - Employment Practices: At-Will Employment; DCE (LOCAL), - Employment Practices: other types of Contracts; and FFG (EXHIBIT) - Student Welfare: Child Abuse and Neglect — 286
    f. Contract with Hood County Clerk for May 13, 2006 election and joint election — 294
    g. GISD Emergency Operation Plan — 298
    h. NCS Pearson, Inc. software renewal fee of CIMS products — 300
10. Consider request for reimbursement of out-of-district tuition
11. Consider presentation by Lake Granbury Area Chamber of Commerce — 301
12. Consider moving administration into and using the First United Methodist Church property
13. Consider request to audio record closed session discussions of the Board of Trustees
14. Adjourn

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

On this notice was faxed or mailed to the news media who have previously requested such notice, posted on the GISD web page at www.granburyisd.org, and an original was posted on an outside door at 3:00 p.m. at the School District Administration Building at 217 N. Jones St., Granbury, Texas.

Superintendent or Designee (For the Board of Trustees)

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: March 6, 2006
For: Information

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: February 24, 2006
RE: 12/31/05 Financial Statements

SUMMARY:

Attached are the financial statements for the period ended December 31, 2005 for the general operating fund.

The statements for the period ended December 31, 2005 include only those transactions that occurred between the period of September 1, 2005 and December 31, 2005. Revenue collected to date equal 21.02% of the budgeted amount compared to 27.49% last year. Expenditures to date represent 31.76% of the budget compared to 32.16% last year.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Emmett Whitefield

Date Submitted: February 24, 2006

Vantage Points

A Board Member's Guide to Update 76

TASB Policy Service

Your Viewpoint?

Vantage Points is an executive summary, prepared for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions survey the update landscape, focusing attention on key issues to assist local officials in studying specific changes found in the policies. The description of policy changes in ***Vantage Points*** is a highly summarized overview and should not substitute for careful attention to the significantly more detailed Explanatory Notes and the policies within the localized packet.

PLEASE NOTE: This Update 76 ***Vantage Points*** and the Localized Update 76 packet may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

We welcome your comments or suggestions for improving ***Vantage Points***. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, or call us at 800-580-7529 or 512-467-0222.

For further information about Policy Service, check out our Web site at **http://www.tasb.org/services/policy.**

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The Big Picture

Update 76 is drawn almost exclusively from actions of the **regular session** of the **79th Legislature**. The issues reflected in this update include, among others, election dates and deadlines for board members, bonds, and tax rate ratification; board meeting notice requirements and options; health insurance supplements; and TRS contributions.

Elections

Numerous revisions were made to the election statutes, including those governing board members, bonds, and tax rates. The changes are reflected in **BBB(LEGAL)**, **CCA(LEGAL)**, and **CCG(LEGAL)** and become effective September 1, 2005, unless otherwise noted below:

- HB 2339: The May uniform election day has been moved again, this time to the second Saturday of the month.

  The deadline for ordering an election was changed only for elections held on the general election day in November of even years—no later than the 70th day before the election. The deadline for May elections is still 62 days.

  Notice of an election must be delivered to the county clerk of each county in which a district is located no later than the 60th day preceding the election.

  The deadlines for filing for a place on the ballot and for declaring a write-in candidacy for a board member position were changed, but only for elections held on the general election day in November of even years.

  Districts are prohibited from using their funds—state, local, or other resources—to campaign for or against a candidate, measure, or political party. This provision has also been added at **CE(LEGAL)**.

  For elections after January 1, 2006, the officer presiding over the canvass must prepare and deliver to the secretary of state a report of the precinct results.

- HB 57: With the elimination of the February and September uniform election dates, the options are now limited to the May or November general election dates. Since school district trustee elections were already limited to these two dates, the effect is to restrict when special elections and bond elections may be called.

  For May elections held after October 1, 2005, canvassing of the returns must be completed by the 11th day following the election. If a district chooses to begin earlier, it may begin on the latest of the following days:

  - The third day after the election day.
  - The date on which all early voting ballots have been counted.
  - The date when all timely received ballots cast outside the country have been counted.

  November canvassing deadlines remain unaffected.

- HB 1580: Districts are now required to retain a copy of the newspaper notice of an election for at least 22 months, rather than 60 days as before.

- HB 1209: Regular county polling places must now be used for elections held on the November uniform election date of any year in districts other than those in Harris County or the seven adjacent counties.
- SB 427: The county voter registrar must be notified within 30 days of a board's action to change its district boundaries or the boundaries of its single-member districts. This provision has also been added to **AC(LEGAL)**.
- HB 719: The secretary of state is now specifically authorized to determined the information, as well as the form, for the notice of voter's rights.
- HB 1863: Previously, only the ethics board could terminate a campaign treasurer appointment for an inactive candidate or political committee, but as noted at **BBBA(LEGAL)**, that authority has been moved to the school board.

Other Board Issues

Meetings

New provisions have been added at **BE(LEGAL)** regarding posting requirements and convening of meetings:

- HB 2381 credits an Internet posting with meeting the "readily accessible to the general public" requirement if:
  - The board makes a "good faith effort to continuously post the notice" for the 72-hour period preceding a meeting, and
  - A hard copy is accessible during normal business hours.
- If a district maintains an Internet Web site, SB 1133 requires that meeting notices be posted on the site. Districts in municipalities with a population of 48,000 or more must also post the agenda if it differs from the meeting notice. The validity of such postings will not be affected by technical problems that are beyond the control of a district.
- In concert with a 1998 attorney general's opinion, SB 690 has granted boards the authority to recess a meeting and reconvene the following business day if done in good faith and not merely to circumvent the requirements of the Texas Open Meetings Act. The meeting convened on the second day, however, may not be recessed and reconvened the following day without additional notice.

  The bill also appears to provide relief from posting requirements for a meeting that cannot be convened due to a "catastrophe," as defined by the bill. Although a 72-hour window for convening the meeting is provided, the language, including a reference to the Government Code subsection regarding emergency meetings, is not clear as to whether the district must meet the two-hour posting requirement for an emergency meeting. In the event of a catastrophe that prevents the convening of a meeting, a district should consult local counsel for guidance.

District Improvement Plan

The list of provisions at **BQ(LEGAL)** to be included in the District Improvement Plan has a new requirement from HB 283—a discipline management program providing for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in schools, on school grounds, and in school vehicles.

District and Campus Reports

Adding to previously established publishing and hearing requirements for the AEIS report and the School Report Cards, HB 3297 newly requires districts with Web sites to publish those reports on the Web within the first ten days of classes each school year. Campus rating information must also be included on the first report card of the school year. See **BR(LEGAL)**, **EIA(LEGAL)**, and **GND(LEGAL)**.

Other Business Issues

In addition to the bills noted at **Elections**, above, there were other bills that impacted the tax provisions found at **CCG(LEGAL)**:

Taxes

- SB 1652: This bill clarifies that for school districts Education Code Section 44.004(c)(2)(A)(ii)(b) governs the debt service portion of the tax rate.
- SB 18: Effective June 18, 2005, language is stipulated for each of the stages of tax rate adoption when the proposed tax rate exceeds the effective tax rate. If maintenance and operations exceed the previous year's rate, the actual dollar amount of increase on a $100,000 home must be indicated in the resolution. In written documents, including Web site postings, the type used for the required statements must be larger than any other type used in the statement.
- HB 2120: Counties are also now authorized to form reinvestment zones.

Financial Ethics

(LOCAL) POLICY CONSIDERATIONS:
CAA

Language defining fraud and financial impropriety has been clarified to acknowledge exceptions permitted by law and district policy, as well as additional requirements of law and policy.

Investments

The number of banks available to districts for their investments has been broadened by SB 256, which clarified that only a branch office of the depository institution must be located in Texas. The bill also augmented the types of CDs that may be used as investment instruments. Both provisions have been added to **CDA(LEGAL)**.

Budget

As noted above at **Elections**, the prohibition against using district funds for electioneering has been added to **CE(LEGAL)**. In addition, the prohibition from HB 1826 against using district employees, property, or resources for

the design, construction, or renovation of improvements to real property not owned or leased by the district has been included.

Purchasing

Provided that a district's central administration building is located in a municipality with a population of less than 250,000, HB 664 permits the district to consider the location of the bidder's principal place of business, effective for bids advertised after September 1, 2005. As also noted in **CH(LEGAL)**, however, this provision does not apply to the purchase of telecommunications or information services.

Emergency Plans

A new policy at **CKC(LEGAL)** recites the March 1, 2006, requirements of SB 11 for a security audit of facilities at least every three years and a "multi-hazard emergency operation plan." The plan must include:

- Employee emergency response training—a model plan to serve as the basis for the training is currently being developed by the Texas School Safety Center and will be delivered to districts through the education service centers.
- Drills for students and staff.
- Measures to coordinate efforts with local emergency management agencies, law enforcement, and fire departments.

District Peace Officers

In the event of a complaint against a district peace officer, HB 639 prevents the officer from being indefinitely suspended or terminated based on the complaint unless an investigation reveals evidence to support an allegation of misconduct. See **CKE(LEGAL)**.

Facility Standards

When the Texas School Safety Center releases its criteria this fall, districts using Instructional Facilities Allotment funds must consider the criteria in the design of their facilities. See **CS(LOCAL)**.

Employment Issues

CRD(LEGAL) and **DEA(LEGAL)** have been updated to include the following legislative changes regarding employee membership in TRS:

TRS Contributions

- SB 1691: Effective September 1, 2005, employees become members of TRS upon employment; the state, however, will not begin funding TRS contributions on their behalf for the first 90 days of employment. In the interim, districts are responsible for paying to TRS an amount equal to the state contribution rate for those employees.

  If employment begins prior to September 1, the 90-day clock still begins on the first day of employment, but the TRS contributions made by a district do not begin until September 1. Prior to September 1, districts must make

contributions to an alternate retirement program, such as social security or a 401K account.

For retirees who have been rehired and are enrolled in TRS Care, the district must pay the amount that would be due if the employees were not retirees. The district is not required to fund the state portion for a retiree who is enrolled in TRS Active Care or who was reported to TRS by a district as a retiree by January 2005.

The provisions of the following bills are also found at **CRD(LEGAL)**:

- HB 765: Districts that do not participate in TRS Active Care must provide employees and prospective employees with a copy of any plan disclosure statement prepared by the issuer and must retain a copy of the statement signed by each recipient. The disclosure statement requirements will apply to policies issued or renewed after January 1, 2006. ***NOTE: Subsequent to issuance of Update 77, TASB attorneys determined that this provision does not apply to school districts.***
- SB 1448: Effective with the 2005–06 school year, districts that do not participate in TRS Care are subject to the limitations on preexisting conditions found in the Insurance Code.
- HB 407: An employee who is married to another employee in the same district may choose to participate in the district's health care plan as a dependent of the spouse.

Compensation Supplement

The confusion surrounding "health reimbursement accounts" was resolved by SB 1691. The administration of the program has moved to TEA, with the amount of the 12 monthly distributions to be determined by the General Appropriations Act. Employees may apply the supplement to the cost of any employment benefit or take it as a compensation supplement. Retirees eligible for TRS Care or a similar state retirement plan will not receive the supplement. See **CRD(LEGAL)** and **DEA(LEGAL)**.

Retirement Incentives

In addition to the provisions noted above, the SB 1691 prohibition against offering incentives to employees to retire from TRS has been added to **DEA(LEGAL)**.

Vacancy Posting

DC(LEGAL) has been reorganized and amended to include SB 387 requirements regarding posting of vacancies for employment positions. Effective with the 2005–06 school year, a vacancy for a position that requires certification or licensing, except for a position that affects the safety and security of students as determined by the board, must be posted in specified locations for at least ten school days prior to filling the position. Current employees must be given a "reasonable opportunity" to apply for the position.

An exception to the full ten-day requirement is permissible for a vacancy that occurs during the school year for a "teacher" (as defined by Education

Code 21.201—“a superintendent, principal, supervisor, classroom teacher, counselor, or other full-time professional employee who is required to hold a certificate”).

Driver Drug Testing

DHE(LEGAL) has been reorganized and now includes reporting requirements from SB 217 regarding driver drug testing. Districts must report test results when:

- The alcohol concentration is 0.04 or more (or above the amount set by DOT regulations);
- The employee refuses to provide a specimen; or
- The specimen is found to be adulterated, diluted, or switched.

Transfer Requests

The SB 387 provision permitting districts to adopt a policy for employment transfer requests has been added to **DK(LEGAL)**.

Paperwork Complaints

SB 493 authorizes the commissioner of education to impose special accreditation investigations in response to repeated complaints of excessive paperwork requirements on classroom teachers. See **DLB(LEGAL)** and **GND(LEGAL)**.

Instruction Issues

Coordinated Health Program

The TEA-driven program to address obesity, cardiovascular disease, and Type II diabetes of elementary students, in policy **EHAC(LEGAL)**, is now extended to middle and junior high school students by SB 42. The deadline for districts to receive training to implement the program in middle and junior high schools—beginning in the 2006–07 school year—is earlier than that already established for elementary schools—by September 1, 2007.

Personal Financial Literacy

Also at this code is the requirement of HB 492 that personal financial literacy be included in any course meeting a requirement for an economics credit. Districts must comply beginning with the 2006–07 school year, and the State Board of Education must adopt TEKS by the 2008–09 school year.

Prekindergarten

EHBG(LEGAL) is a new code specific to prekindergarten. The applicable provisions of **FD(LEGAL)** have been moved to this code, including Education Code provisions on the Prekindergarten Expansion Grant and the Ready to Read Grant. A new requirement from HB 2048 is participation in the Texas Information and Referral Network, an initiative of the Health and Human Services Commission. Districts’ responsibilities will be twofold—a data collection role and a facilitating role for matching eligible recipients with child-care and education services available in the community.

Observation Days

Districts that receive federal funds from any source are required by the federal appropriations act for 2004 to observe U.S. Constitution Day each September 17. In honor of the ratification of the 19th Amendment (women’s suffrage), HB 67 requires districts to observe Women’s Independence Day. Both provisions have been added to **EHBK(LEGAL)**.

Student Issues

Admissions

HB 283 requires districts to admit nonresident students whose grandparents reside in the district if the grandparents provide a "substantial amount of after-school care." The definition of "substantial" is left to the local school board.

When a student transfers from one district to another, the sending district has previously been required to provide the student's records to the new district within 30 days. HB 25 shortened that time frame to ten working days from the date requested and requires that the sending district notify the parent that he or she may request an unofficial copy to deliver to the new district.

Both requirements can be found at **FD(LEGAL)**. Please note also that we have deleted from this policy the U.S. Immigration's Student and Exchange Visitor Information System (SEVIS) provisions because they do not apply to the public school districts in Texas.

(LOCAL) POLICY CONSIDERATIONS: FD

The recommended addition to this policy requires that a nonresident parent and the resident grandparent apply to the superintendent if they wish to request admission of a nonresident child based on the amount of after-school care provided by the grandparent. The request and the affirmation of the grandparent's residency must be made in writing by completing the form provided by the district. The superintendent is to base his or her decision on criteria approved by the board. Those criteria do not need to be in policy, but should be clearly expressed to the superintendent so that he or she may fulfill this delegated responsibility.

TASB has created templates for an administrative regulation and an application form, FD(REGULATION) and FD(EXHIBIT), respectively. Both documents can be found in the ***TASB Regulations Resource Manual***, available to policy administrators through MyTASB.

Transfers

Intradistrict

FDB(LEGAL) is reorganized with new provisions from HB 283 addressing transfer requests from victims of bullying. For a transfer request to be approved, an investigation by the board or its designee must determine that bullying actually occurred. If the transfer is approved, the district is not required to provide transportation.

(LOCAL) POLICY CONSIDERATIONS: FDB

For districts that do not have intradistrict transfer provisions, the new, recommended text authorizes:

- The principal to investigate and approve transfers from one classroom to another on the same campus.
- The superintendent—for districts that have more than one campus at a grade level—to investigate and approve transfers from one campus to another.

School Safety

At **FDD(LEGAL)** and **FOC(LEGAL)**, the transfer requirements of HB 308 have been added. A student who is the victim of a sexual assault by another student who attends the same campus must be offered the opportunity to transfer to another campus; however, the victim may request instead that the assailant be transferred to another campus.

If there is only one campus at that grade level, the victim's parents may request a transfer to another district. If the victim does not want to transfer, however, the assailant must be transferred to the district's disciplinary alternative education program (DAEP) or the juvenile justice alternative education program. Within the limits of federal privacy laws, the victim's parent must be notified of the location of the assailant's new campus. The district is not responsible for providing transportation for either student.

Although similar to transfers under the No Child Left Behind Act, which includes as a basis for transfer assaults that occur at the school the victim attends, the new state law addresses assaults without regard to where they occur, but only if both students were assigned to the same campus at the time of the assault.

(LOCAL) POLICY CONSIDERATIONS: FDD

The No Child Left Behind Act requires districts receiving ESEA funds to notify students of the right to transfer from a campus identified as "persistently dangerous" or from a campus at which they have been the victims of violent crime. Districts that have only one campus at a grade level have been urged by TEA to work with other districts to arrange interdistrict transfers to comply with the School Safety Choice Option. To that end, we have issued to all districts a policy that has been reorganized to avoid redundancy, deleting the provision to provide transportation and adding language to:

- Authorize the superintendent or designee to receive and expedite school safety transfer requests.
- Echo TEA's time lines for:
  - Notification of transfer rights.
  - Approval of transfer requests.
  - Retention of relevant records for five years.
- Require the district to explore transfer options, including an agreement with another school district if appropriate.

Attendance

HB 1575 prompted two additions to **FEA(LEGAL)**:

- The new language clarifies how excused absences factor into the defense of compulsory attendance prosecution.
- The affirmative defense of prosecution of a student for nonattendance now includes involuntary absences, as well as those excused by a district or a court. Such a defense would only apply if excusing the absences would reduce the number below that required for prosecution.
- Following ten or more absences, a district must take action within seven school days of the student's last absence, or the court may dismiss the complaint or referral on that basis.

Health

The reauthorization of the Individuals with Disabilities Education Act now prohibits a district employee from requiring a student to obtain a prescription for a controlled substance as a condition of attending school or being evaluated for or receiving special education services. See **FFAC(LEGAL)**.

A new policy code, FFAF, has been created to accommodate the increasing attention, laws, and statutes regarding chronic health conditions. From HB 984, the responsibilities of schools and of parents of students with diabetes are spelled out at **FFAF(LEGAL)** as follows:

- A diabetes management and treatment plan (DMTP) must be developed by the parent and the physician treating the student. The plan must, in

part, assess the services that a district may provide and the student's ability to self manage treatment.

- An individualized health plan (IHP) must be developed by the school in collaboration with the parent, the physician if possible, and at least one of the student's teachers.
- Appropriate campus procedures and resources, including a school nurse or unlicensed diabetes care assistant (UDCA), must be developed to provide care to diabetic students.

Reports of Abuse and Neglect

HB 1970 prompted clarifications to the reporting requirements in **FFG(LEGAL)** in regard to alleged or suspected abuse or neglect of a child. Reports must always be made to the Texas Department of Family and Protective Services (DFPS):

- If the abuse or neglect involves a person responsible for the care, custody, or welfare of the child, and
- Unless the report
  - Is made to the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.
  - involves a juvenile justice program or facility.

The DFPS must now give the superintendent a written report of an investigation involving a student and a district employee.

Student Records

FL(LEGAL) reflects the clarifications in SB 256 reconciling "public information" under state statute to "directory information" under federal statute. New requirements for the form and content of parental notices include specific language—boldface, in at least 14 point type—and specific content in a check-off form.

(LOCAL) POLICY CONSIDERATIONS: FL

In order to comply with the SB 256 requirements, new recommended text lists categories of information that the district designates as "directory information" to be provided to third parties without parental consent. The new text also allows the parent to object to the release of one or more of the categories.

Discipline

At **FNC(LEGAL)** the new discipline management program requirements of HB 283 include prevention of, and education concerning, unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in school, on school grounds, and in school vehicles.

Student Code of Conduct

HB 603 made additions to the factors that a district might take into consideration for determining the consequences for offenses that would ordinarily result in suspension, removal to a DAEP, or expulsion. Those

factors—intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct—have been added to **FO(LEGAL)**. Of these factors, the ones that the district will consider must be indicated in the student code of conduct.

Also in FO(LEGAL), from HB 603, is clarification that districts are not required to specify minimum terms of DAEP placement or expulsion unless specifically provided by statute. HB 283 adds two new requirements for the student code of conduct:

- A prohibition of bullying, harassment, and making "hit lists" and ensuring that district employees enforce the prohibitions.
- Providing methods appropriate for each grade level for managing and disciplining students and preventing and intervening in student discipline problems, including bullying, harassment, and making "hit lists."

Removal from Classroom

FOA(LEGAL) includes the HB 603 exception to the authority of a placement review committee to return a student to the classroom: when the student has committed assault, sexual assault, or attempted murder against the teacher.

Personnel Notification

At **FOC(LEGAL)** are the new personnel notification requirements of HB 603 that are triggered by an offense for which DAEP placement is mandatory or for which the district has chosen DAEP placement. Parallel language at **FOD(LEGAL)** addresses students who have been expelled. The principal or designee must notify each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has been placed in a DAEP. An educator who intentionally fails to maintain confidentiality with persons not entitled to the information risks having his or her certificate suspended or revoked.

If the student enrolls at another district before the expiration of the placement, the original district must supply the new district with a copy of the placement order. The new district is then subject to the same notification requirements.

Note: The personnel notification requirements at GRA(LEGAL), related to arrest, conviction, or deferred adjudication of a student, are directed to the superintendent and are unaffected by the new reporting requirements at FOC(LEGAL).

Legislation enacted in the 78th regular session has also been added to FOC(LEGAL) to address conduct that occurs during a DAEP placement. If the conduct would ordinarily prompt placement in a DAEP or expulsion, the district is authorized to enter an additional order.

Title 5 Felony

At **FOC(EXHIBIT)** the felony offense listed in Title 5 of the Penal Code, Offenses Against the Person, at Section 22.11 has been expanded to include intentional harassment of a public servant and to specify intent to expose the public servant to bodily fluid while he or she is performing an official duty.

Community Issues

Public Information

Access

At **GBA(LEGAL)** two generalized provisions of SB 121 have been added to indicate that some investments are public information that must be disclosed, and some are not public information and therefore not subject to disclosure. The specific list of disclosable information is expected to be codified in the near future.

From SB 1485, Social Security numbers have been added to the policy as information that may be redacted from disclosures to the public.

Requests

SB 727 revised some of the provisions for requesting public information. They can be found at **GBAA(LEGAL)** and include the following:

- The Texas Building and Procurement Division's responsibility regarding public records has been transferred to the attorney general's office.
- If a requestor does not complete the examination of the materials within ten days and does not request an extension of time, the request is now to be considered withdrawn.
- When a request requires programming or manipulation of data, the requestor now has 30 days after receiving a cost and time estimate to respond. If the requestor does not respond during that time period, the request is to be considered withdrawn.
- When a district submits a request to the attorney general and provides a statement of the reasons why the statutory exceptions apply, it must now send a copy to the requestor. Any comments that disclose the substance of the information in question, however, must be redacted from the copy.

When the district requires a deposit or bond to pay for copies or to request an attorney general's opinion, the request is considered to be received by the district on the day that payment is made or the bond is posted. SB 623 gives the requestor ten days after receiving notice of the requirement to make payment or post bond. After that time, the request is to be considered withdrawn.

Texas Association
of School Boards

Localized Policy Manual

Update 76

Granbury ISD

Your Localized Update 76 represents the first of two post-legislative updates and encompasses changes in law from the 79th regular legislative session that have an immediate effect on the governance and management of the district. Update 77 will be issued in early November and will address the remaining legislative changes from that session and, to the extent possible, any changes that may arise from a special session.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

To better focus board attention and expedite its review, your Localized Update 76 packet contains:

- ***Vantage Points—A Board Member's Guide to Update 76***, copies of which may be found in the separately wrapped package accompanying this packet. ***Vantage Points*** offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.
- Your Localized Update, which includes:

  INSTRUCTIONS . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manuals.

  EXPLANATORY NOTES . . . summarizing changes in the policies in each code and how those changes affect your policy manual. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy continues to reflect your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's actual practice.

Update 76 materials can be identified by the DATE ISSUED—08/16/2005—located in the lower left corner of each page. If you have any questions concerning this Update, please call your Policy Consultant/Analyst, Kaye Teaff, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 76 . . .

- Board action on Localized Update 76 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as "Policy Update 76, affecting (LOCAL) policies (see attached list)." Using the Instruction Sheet as a guide, create and attach to the posting a list of the (LOCAL) policy codes **and the titles/subtitles of those policies**. BoardBook compilers should use "Policy Update 76, affecting (LOCAL) policies" as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.

- An appropriate motion for board action on Localized Update 76 is as follows:

  "I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 76 [with the following changes:]"

- The board's action on Localized Update 76 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the board minutes where they comprise the authoritative historical record of your district's manual. Also include in the historical record a copy of the replaced or rescinded (LOCAL) policies.

- **Notify your Policy Consultant/Analyst of any changes made by the board so that Policy Service records—forming the basis for these and subsequent updating recommendations—exactly mirror your manual.**

Regarding manual maintenance and administrative regulations . . .

- The update should be incorporated into each of the district's Localized Policy Manuals as soon as practicable. If the district uses *Policy On Line*, please notify us of the board's action on Update 76 so this action may be reflected in your district's Localized Policy Manual as it appears on TASB's Web server. *Policy On Line* staff may be reached by phone (800–580–7529 or 512–467–0222), fax (512–467–3618; see the pink form enclosed), e-mail (pol-support@tasb.org), or Internet feedback form (http://www.tasb.org/policy/pol/private/polfdbk.html).

- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 76 policy changes should be inspected and revised as needed. If the district routinely submits (REGULATIONS) to Policy Service for processing or desires that the updated (REGULATION) be included in the district's *Policy On Line* manual, please submit these changes to your Policy Consultant/Analyst at your earliest convenience.

PLEASE NOTE: This Localized Update 76 packet and the Update 76 ***Vantage Points*** may not be considered as legal advice and are not intended as a substitute for the advice of the board's own legal counsel.

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Instruction Sheet

TASB Localized Policy Manual Update 76

District Granbury ISD

Code		Action To Be Taken	Note
AC	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
BR	(LEGAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CKC	(LEGAL)	ADD policy	See explanatory note
CKE	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
CRE	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DC	(LOCAL)	No policy enclosed	See explanatory note
DEA	(LEGAL)	Replace policy	Revised policy
DHE	(LEGAL)	Replace policy	Revised policy
DK	(LEGAL)	Replace policy	Revised policy
DLB	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EHAC	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	ADD policy	See explanatory note
EHBK	(LEGAL)	Replace policy	Revised policy
EIA	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FD	(LEGAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy

TASB Localized Policy Manual Update 76

Code		Action To Be Taken	Note
FDB	(LEGAL)	Replace policy	Revised policy
FDB	(LOCAL)	Replace policy	Revised policy
FDD	(LEGAL)	Replace policy	Revised policy
FDD	(LOCAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FFAF	(LEGAL)	ADD policy	See explanatory note
FFG	(LEGAL)	Replace policy	Revised policy
FFG	(EXHIBIT)	Replace exhibit	Revised exhibit
FL	(LEGAL)	Replace policy	Revised policy
FL	(LOCAL)	Replace policy	Revised policy
FL	(EXHIBIT)	DELETE exhibit	See explanatory note
FMF	(EXHIBIT)	DELETE exhibit	See explanatory note
FNAA	(LOCAL)	No policy enclosed	See explanatory note
FNC	(LEGAL)	Replace policy	Revised policy
FNCF	(EXHIBIT)	ADD exhibit	See explanatory note
FO	(LEGAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOC	(EXHIBIT)	Replace exhibit	Revised exhibit
FOD	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GBAA	(LEGAL)	Replace policy	Revised policy
GND	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 76

District: Granbury ISD

AC (LEGAL) GEOGRAPHIC BOUNDARIES

SB 427, enacted during the 79th regular session, requires districts that alter their boundaries—or the boundaries of single-member districts—to promptly notify the county voter registrar of the change. Notification must occur within 30 days of the board's action and must be accompanied by a map (in a format compatible with that used by the registrar's office) marking the change. This requirement becomes effective for elections ordered after September 1, 2005.

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

While the November uniform election date remains unchanged, the May uniform election date—long pegged to the first Saturday in May and moved last year to the third Saturday to accommodate redistricting time lines—has moved again, to the second Saturday in May, as a result of HB 2339 from the 79th regular session.

Other legislative changes affecting this policy are as follows:

- SB 427 requires that changes in district boundaries—and single-member district boundaries—be promptly communicated to the county voter registrar. (See NOTICE TO VOTER REGISTRAR on page 1.)
- HB 2339 adjusts the filing and write-in deadlines for elections held on the general election day (November of even years). Filing for a place on the ballot must occur no later than the 70th day prior to election day and declaration of a write-in candidacy must occur no later than the 67th day prior to election day. For other elections, the usual time lines—62nd day and 57th day, respectively—apply. (See FILING INFORMATION.)
- HB 2339 also adjusts the deadline for ordering an election on the general election day: the call must occur no later than the 70th day beforehand. For other elections, the usual deadline—the 62nd day—remains. (See NOTICE on page 2.)

  In this same section appears the HB 1580 requirement that the district retain—for at least 22 months—a copy of the newspaper notice of the election. Previously state law required that the copy be retained for 60 days.

  Also added is the HB 2309 requirement that the board deliver—no later than the 60th day preceding the election—notice of the election to the county clerk of each county in which the district is located.
- HB 1209 requires districts holding elections on the November uniform election date of any year to use regular county polling places. Excluded from this requirement are Harris County and the seven contiguous counties: Galveston, Chambers, Liberty, Montgomery, Waller, Fort Bend, and Brazoria. (See BALLOT, ELECTION OFFICIALS, AND POLLING PLACES.)
- HB 719 provides the Texas secretary of state more detailed direction regarding his authority to promulgate rules pertaining to form and posting of the long-required NOTICE OF VOTING RIGHTS HOTLINE. (See page 3.)
- HB 57 (effective for elections ordered after October 1, 2005) clarifies the timeframe for canvassing May election returns. While November-electing districts still must canvass returns between the 8th day and 11th day after elections, May-electing districts may start canvassing sooner. May-electing districts may begin on whichever of the following dates is latest:
  - the third day after election day,

- the date on which all early voting ballots and provisional ballots have been counted, or
- the date when all timely received ballots cast outside the country have been counted.

(See CANVASS RETURNS on page 5.)

- HB 2309 requires—for all elections called after January 1, 2006—the person presiding over the canvassing to prepare a report of the precinct results and to deliver that report to the secretary of state—in an electronic form to be specified by the secretary. (See CERTIFICATE OF ELECTION.)

Unless otherwise indicated above, these provisions apply to elections ordered after September 1, 2005.

Please note: This (LEGAL) version is for districts whose boards are composed of seven trustees, elected by position/place. If there has been a change in your district's method of election and this description no longer reflects your practice, please contact your Policy Consultant/Analyst so we can update our files and issue the correct (LEGAL) version for your manual.

BBBA (LEGAL) BOARD MEMBERS
REPORTING CAMPAIGN FUNDS

TERMINATION OF CAMPAIGN TREASURER APPOINTMENT is new material drawn from HB 1863 and effective June 17, 2005. The legislation empowers a board to adopt a process by which its secretary may terminate the appointment of a campaign treasurer for an inactive candidate or political committee.

BE (LEGAL) BOARD MEETINGS

Legislation resulting from the 79th regular session affects board meeting notices as follows:

- At CONTINUED MEETING, on page 2, is new text—from SB 690, effective June 17, 2005—allowing the board to recess a meeting and resume the meeting the following business day without posting further notice. The board cannot continue that meeting, however, to yet another day without the required notice. The legislation effectively embraces as law a 1998 attorney general's opinion (DM–482) to that effect and specifies that any such continuation must be in good faith and not for the purpose of circumventing the notice requirements of the Texas Open Meetings Act.
- HB 2381 requires a district to post meeting notices on its Internet Web site, if the district maintains a Web site. Previously districts have posted a hard copy of the meeting notice in a continuously accessible place at the central administration office or another continuously accessible location. After September 1, 2005, districts may satisfy the posting requirement by (1) making "a good-faith attempt to continuously post the notice on the Internet" during the 72 hours preceding a meeting AND (2) posting a hard copy notice in the central administration office, where it must be readily accessible to the public during normal business hours. (See TIME OF NOTICE AND ACCESSIBILITY on page 3.) Posting on the Internet, though, is no longer discretionary for a district that maintains an Internet Web site: provisions of SB 1133, reflected at INTERNET POSTING on page 3, require such districts to post meeting notices on the site and—for districts containing a municipality with a population of 48,000 or more—to post also the meeting agenda, if it differs from the posted notice. HB 2381 is effective September 1, 2005; SB 1133, on January 1, 2006.
- At CATASTROPHE, on page 4, is reflected—also from SB 690—language that allows a board prevented by a catastrophe from convening a properly posted meeting to convene the meeting at a convenient location within 72 hours. Whether further notice is needed within the 72-hour period is not clearly stated. TASB attorneys note that the embedded cross-reference to Government Code Section 551.045 (the section providing for emergency meetings or emergency-driven additions to the agenda) might suggest that the district would still be bound to provide a two-hour notice but that the catastrophic delay might in itself constitute a "reasonably unforeseen situation" creating an "urgent public necessity." Because of this

ambiguity, districts are urged to confer with local counsel should a catastrophe prevent the board from meeting as initially scheduled.

BQ (LEGAL) PLANNING AND DECISION–MAKING PROCESS

HB 283 (from the 79th regular session and effective June 18, 2005) requires that—within the framework of the District Improvement Plan—each district implement a discipline management program that provides "for the prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in schools, on school grounds, and in school vehicles." The new requirement may be found at item 9 on page 2.

BR (LEGAL) REPORTS

Beginning this fall and **within the first ten days of classes**, districts with Internet Web sites must publish on the Web their most recently received AEIS report and School Report Cards (SRCs). Such publication is mandated by HB 3297, from the 79th regular session and effective June 18, 2005, and does not affect existing publishing requirements, keyed to TEA's release of the reports:

- The AEIS report still must also be published **within two weeks** after the local hearing (convened **within 90 days** after receipt from TEA) and posted in various public places (e.g., school offices, local businesses, and public libraries). (See page 2 for requirements regarding AEIS INTERNET DISSEMINATION.)
- SRCs still must also be distributed to parents **within six weeks** after receipt from TEA, by mail, parent/teacher conferences, or other means identified by the campus. (See page 3 for requirements regarding SRC INTERNET DISSEMINATION.)

CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

Three items within the definition of FRAUD AND FINANCIAL IMPROPRIETY have been refined for clarity:

- At item 8—a reference to policy DBD has been added. A reference to "law or District policy" has also been added to clarify when items of material value may be accepted.
- At item 9—"inappropriately" has been moved to the beginning of the phrase so that it modifies all actions described.
- At item 11—"law or District policy" has been added to embrace both legally defined conflicts of interest as well as those established by policy, such as at DBD(LOCAL).

CCA (LEGAL) LOCAL REVENUE SOURCES
BOND ISSUES

Various bills from the 79th regular session affect this policy:

- At EXISTING DEBT ALLOTMENT (page 1): SB 1863, effective July 1, 2005, updated the year-eligibility for state funding for servicing of existing bonded indebtedness.
- At ELECTIONEERING (page 1): HB 2339, effective September 1, 2005, clarifies that the board cannot use "state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party."

- At ELECTIONS (page 1): HB 57, effective for elections called after October 1, 2005, now prohibits school districts from holding bond elections (or any other election, for that matter) other than on the May or November general election dates.
- At CALL FOR ELECTION (page 2): HB 2339 also adjusts the deadline for ordering a bond election on the general election day: the call must occur no later than the 70th day beforehand. For other elections, the usual 62-day requirement remains in place.
- At NOTICE OF ELECTION (page 2): a HB 2309 provision requires that the board deliver—no later than the 60th day preceding the election—notice of the election to the county clerk of each county in which the district is located.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

Changes arising from the 79th regular session are as follows:

- TAX RATE (page 2) reflects both SB 1652, effective September 1, 2005, and SB 18, effective June 18, 2005. The former clarifies that the tax rate has separate maintenance/operations and debt service components and requires the actual debt service rate to match the rate posted under Education Code 44.004(c)(2)(A)(ii)(b).

  The latter legislation represents a substantial addition to the requirements for adopting a tax rate. Beginning with the current tax rate adoption, the motion to adopt a tax rate that exceeds the effective tax rate must be phrased as an increase in property taxes. Furthermore, the ordinance setting a tax rate that will cause maintenance and operations taxes overall to exceed those levied the previous year must include, in type larger than in any other portion of the document, tax increase language and the amount of the tax increase for a home valued at $100,000. The legislation also provides specific language that the district must post on its Internet Web site to announce the increase.
- As found at REINVESTMENT ZONES/TAX INCREMENT FINANCING (page 8), counties have been newly authorized by HB 2120 to form reinvestment zones, after September 1, 2005.
- In addition and as with trustee elections at BBB(LEGAL) and bond elections at CCA(LEGAL):
  - At CALL FOR ELECTION (page 3), HB 2339 also adjusts the deadline for ordering an election to ratify school taxes on the general election day: the call must occur no later than the 70th day beforehand. For other elections, the usual 62-day requirement remains in place. (Effective September 1, 2005.)
  - At NOTICE TO COUNTY CLERK (page 4): a HB 2309 provision requires that the board deliver—no later than the 60th day preceding the election—notice of the election to the county clerk of each county in which the district is located. (Effective June 18, 2005.)

CDA (LEGAL) OTHER REVENUES
INVESTMENTS

SB 256—from the 79th regular session and effective September 1, 2005—amends the Public Funds Investment Act to clearly allow local governments to invest in certificates of deposit or share certificates issued by a depository institution's branch office. Previously such investments could occur only with a state or national bank, savings bank, or state or federal credit union domiciled in Texas.

The new language may be found in the first paragraph at item 2 on page 6. A new second paragraph under that item lists five additional circumstances allowing investment in certificates of deposit.

CE (LEGAL) ANNUAL OPERATING BUDGET

A new section titled USE OF DISTRICT RESOURCES has been added (on page 1) to reflect the HB 1826 prohibition against the use of district employees, property, or resources in the design, construction, or renova-

tion of improvements to real property that is not owned or leased by the district. This legislation, from the 79th regular session, was effective June 18, 2005.

Also added within this section is the HB 2339 ban on using state or local funds or other resources for electioneering of any sort. [See also CCA(LEGAL).]

CH (LEGAL) PURCHASING AND ACQUISITION

HB 664 from the 79th regular session allows many districts to favor local bidders in awarding purchasing contracts. The legislation, effective September 1 and reflected under FACTORS on page 2 and LOCATION OF BIDDER on page 3, allows the district to award the purchase contract to a local bidder if that bid is within five percent of the lowest bid and under the following conditions:

- The district's administrative office is located in a municipality with a population under 250,000,
- The bidder's principal place of business is within the district, and
- The purchase is not for telecommunications or information services.

CKC (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
EMERGENCY PLANS

SB 11 from the 79th regular session newly requires districts to put in place "a multihazard emergency operations plan" no later than March 1, 2006, and to conduct a security audit of district facilities at least once every three years.

The plan requirement is specific to security and must address:

- employee emergency response training,
- student and staff emergency drills, and
- coordination with local emergency management agencies, law enforcement, and fire departments.

The Texas School Safety Center, created in 2001 by the Legislature, is charged with the responsibility of providing districts a safety training program that now includes assistance in developing a multihazard emergency operations plan. The center is currently creating a model plan that will form the basis for this training; the training will be delivered through education service centers. Additionally, districts may request on-site technical assistance on school safety issues.

Further information as it becomes available will be posted on the Safety Center Web site at http://www.txssc.txstate.edu/txssc.htm.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL/PEACE OFFICERS

COMPLAINTS AGAINST PEACE OFFICER, on page 2, has been revised to reflect HB 639 from the 79th regular session. Effective for all complaints filed after September 1, 2005, a peace officer cannot be suspended indefinitely or terminated without an investigation and evidence supporting the action.

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

Legislation from the 79th regular session prompts the following additions:

- At PLAN DISCLOSURE STATEMENT on page 1 is a HB 765 requirement that districts not participating in TRS Active Care provide both employees and prospective employees a copy of any plan disclosure statement prepared by the provider. The district must also retain a copy of the notice that has been signed by the recipient. This requirement applies to all policies issued or renewed after January 1, 2006.
- At COMPENSATION SUPPLEMENT on page 3 is found the SB 1691 "clean-up" of the supplemental compensation–Healthcare Reimbursement Account tangle that arose from actions of the 78th Legislature (2003). The amount of the supplement is now clearly pegged to an amount specified in the General Appropriations Act. The legislation does not extend the supplement to retirees eligible for TRS Care (or other coverage through the state, the University of Texas, or Texas A&M University). The supplement will be distributed monthly, rather than annually as before, and administration of the fund transfers will now be handled by TEA rather than TRS.

  SB 1691 also includes a provision that effectively eliminates the 90-day waiting period, imposed during the 78th regular session, for new employees to become TRS members. Because this provision is not effective until September 1, 2005, the old law will apply for those who have not completed the 90-day waiting period by that date. As a consequence—and only until September—those employees are not eligible for TRS and must be covered by whatever stop-gap measure the district has in place. As of September 1, coverage by TRS begins, but the district must pay the state's share for the remainder of the employee's 90-day period. (See TRS CONTRIBUTIONS FOR NEW HIRES on page 4.)

  SB 1691's scope also includes a requirement that—beginning September 1, 2005—a district that hires a retiree must fund:

  - both the state's and employee's shares (currently 12.4 percent of the employee's salary) that would be payable if the employee were not a retiree; and
  - the state contribution rate for the retiree's health insurance coverage, if the retiree is enrolled in TRS Care. The district does not have to make the TRS Care contribution, however, if the retiree is enrolled in TRS Active Care or if the retiree was reported to TRS by a school district as a retiree in January 2005. (See TRS CONTRIBUTIONS FOR REHIRED RETIREES on page 5.)
- At TERMINATION OF COVERAGE, on page 8, is reflected a SB 1448 provision that makes any district that does not participate in TRS Care subject to the limits on exclusions for preexisting conditions found in the Insurance Code. This requirement becomes effective with the 2005–06 school year.
- At EMPLOYEE ELECTION on page 11 appears HB 407 language that allows an employee married to another employee to declare himself or herself as dependent so that both are covered by the same policy, conceivably at a lower combined premium rate. This provision is effective with the start of the 2005–06 school year and applies to coverage provided under either a large or small employer health benefit plan.

CRE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

As a result of HB 7 from the 79th regular session, the Texas Workers' Compensation Commission has been merged into the Texas Department of Insurance. The many references to "TWCC" in this policy have been replaced by "TDI" and citations have been updated.

CS (LEGAL) FACILITY STANDARDS

At SECURITY CRITERIA, on page 3, a provision of SB 11 from the 79th regular session has been added and is effective with the development of Texas School Safety Center criteria this fall: a district using Instructional Facilities Allotment funds must consider in the design of the facility TSSC security criteria.

DC (LEGAL) EMPLOYMENT PRACTICES

This policy has been redeveloped to present topics and subtopics in a more logical manner and to more closely track statutory language. Substantive changes attributable to the 79th regular session are as follows:

- Under EMPLOYMENT POLICIES on page 1, SB 387 newly defines posting of vacancies as an "employment policy" essential. Further requirements in this regard are found at POSTING OF VACANCIES. These provisions become effective with the 2005–06 school year and require the district to post vacancies for positions requiring certification or licenses in specified locations for at least ten school days and to allow current employees "a reasonable opportunity" to apply. The notice requirement is waived for filling vacancies in positions affecting "the safety and security of students as determined by the board." The ten-day requirement, waived for filling a vacancy that occurs during the school year, embraces the broad definition of "teacher" found at Education Code 21.201 that includes such positions as classroom teachers, counselors, and administrative personnel required to have SBEC certification.
- At EMPLOYMENT OF RETIREES on page 2, SB 1691 provisions, effective September 1, 2005, have been added. These reporting requirements replace previous TRS rules regarding the monthly reporting statement.

DC (LOCAL) EMPLOYMENT PRACTICES

Policy Service records indicate that your district has not yet completed and returned the worksheet found in the ***Contractual/Noncontractual Employment Starting Points*** policy development tool kit. As a consequence your current policies may not adequately reflect district practice in light of changes in law and in the certification structure enacted by the State Board for Educator Certification.

For further information, refer to this ***Starting Points***, found at http://www.tasb.org/services/policy/starting/contract.aspx, or contact your district's Policy Consultant/Analyst.

DEA (LEGAL) COMPENSATION AND BENEFITS
SALARIES, WAGES, AND STIPENDS

In addition to being reorganized for clarity and to more closely track statutory language, the policy has been revised to include SB 1691 provisions pertaining to COMPENSATION SUPPLEMENT (on page 2), TRS CONTRIBUTIONS FOR NEW HIRES (on page 3), and TRS CONTRIBUTIONS FOR REHIRED RETIREES. Further information on each of these additions may be found in the explanatory note at CRD(LEGAL) in this update packet.

At RETIREMENT INCENTIVES, found on page 4, is an additional SB 1691 provision that prohibits districts from offering incentives for employees to retire from TRS.

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

Beginning September 1, 2005, districts will be required to report to the Department of Public Safety anomalous results of driver drug tests required by the U.S. Department of Transportation. The provisions of SB 217 from the 79th regular session require these reports when:

- a test indicates an alcohol concentration of 0.04 or greater or a result above the level set by DOT regulations for drug concentration;
- the employee refuses to provide a specimen for testing; or

- the specimen is found to be adulterated, diluted, or switched.

In addition to these revisions, found at REPORTS on pages 2 and 3, the policy has been reorganized and lightly edited to more closely track statutory language. A lengthy listing, drawn from DOT regulations, of materials that must be made available to those subject to DOT-required testing has been deleted as excessively detailed for policy.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

While the addition to the policy—the TRANSFERS provision on page 2—is modest, the policy itself has been refined to more closely track the language of statute. The new TRANSFERS provision is language drawn from SB 387—effective with the 2005–06 school year—that permits a district to include in its employment policies provisions for employee transfers within the district.

DLB (LEGAL) WORK LOAD
REQUIRED PLANS AND REPORTS

SB 493 from the 79th regular session permits the commissioner of education to authorize an accreditation investigation of a district in response to "repeated complaints of excessive paperwork requirements on classroom teachers." This provision becomes effective with the 2005–06 school year.

While not added to this policy, the legislation also requires the commissioner to limit written reports and other paperwork TEA requires of principals or classroom teachers and, at least once every even-numbered year, to review and reduce paperwork requirements imposed by TEA on districts.

E (LEGAL) INSTRUCTION

We have revised the E–Section Table of Contents to accommodate policy EHBG: Prekindergarten.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

At COORDINATED HEALTH PROGRAM on page 1 has been added new law extending to middle and junior high students a health initiative that has previously been focused only on elementary students. From the program mandate in the 77th regular session, amended during the 78th regular session, to SB 42 in the 79th regular session, differing effective dates emerge: districts must receive training in the implementation of the elementary program by September 1, 2007, while training for the middle and junior high program must begin in the 2006–07 school year.

At item 5, on page 2, of the list of required course offerings in grades 9–12, language from HB 492 from the 79th regular session has been added. Beginning with the 2006–07 school year, districts must include instruction in personal financial literacy in any course meeting the economics course credit requirement. The State Board of Education must adopt—by March 1, 2006—rules that include a transition period for 2006–07 juniors and seniors and must adopt TEKS on personal financial literacy by the 2008–2009 school year.

EHBG (LEGAL) SPECIAL PROGRAMS
PREKINDERGARTEN

We have created this new code to specifically focus on prekindergarten programs and moved provisions, previously found at FD(LEGAL) and elsewhere, to this new policy. This material has been supplemented with

Education Code provisions on grants, specifically the PREKINDERGARTEN EXPANSION GRANT and the READY TO READ GRANT, found on page 2.

Also new is a requirement—from HB 2048 from the 79th regular session and effective June 18, 2005—that the district participate in the Texas Information and Referral Network (TIRN), an initiative of the Health and Human Services Commission. Participation will take two forms:

- Information collection: Each district, each local workforce development board, and the Texas Head Start State Collaboration Office will provide TIRN information regarding available child-care and education services and eligibility information. This information will be published on the Internet (in a manner prescribed by the legislation) and will provide—in the language of the bill—"a point of access through which a person may be directed on how or where to apply for all child-care and education services available in the person's community."
- Contact management: TIRN staff will provide the person's contact information to the local Head Start or Early Head Start center, local workforce development center, and school district. Each entity is then required to contact the person regarding eligibility and to match the person's need with child-care and education services it provides or that are available through other providers in the community.

EHBK (LEGAL) SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

Revisions are as follows:

- At CONSTITUTION DAY, on page 1, a requirement embedded in the Federal Appropriations Act of 2004 has been added: districts that receive federal funds from any source must observe U.S. Constitution Day each September 17. That observance marks the date in 1787 that delegates to the Constitutional Convention convened to sign the document. [Further information is available on the National Archives Web site at http://www.archives.gov/education/lessons/constitution–day/.]
- At WOMEN'S INDEPENDENCE DAY, on page 3, provisions of HB 67 from the 79th regular session and effective May 9, 2005, have been added. The day commemorates the ratification of the 19th Amendment (women's suffrage) of the U.S. Constitution on August 26, 1920.

EIA (LEGAL) ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

NOTICE OF PERFORMANCE RATINGS has been added to reflect HB 3297 from the 79th regular session and effective June 18, 2005: districts are now required to provide campus rating information with the first report card of the year.

F (LEGAL) STUDENTS

To better accommodate increasingly detailed law and regulations pertaining to chronic health conditions, we have created—at FFAF—a new code for INDIVIDUALIZED HEALTH PLANS.

FD (LEGAL) ADMISSIONS

Legislation from the 79th regular session is incorporated as follows:

- At RESIDENT GRANDPARENT, on page 3, appears the HB 25 language (effective May 27, 2005, and replicated in HB 283 with a June 18, 2005, effective date) that requires a district to admit any nonresident

student for whom a grandparent, residing in the district, provides a "substantial amount of after-school care." The determination of what constitutes a "substantial amount" is left to the board.

- AT REQUIRED DOCUMENTATION, on page 5, is found language, also from HB 25, that significantly shortens the time lines within which records of transfers must occur. Previously law required the sending district to provide records to the receiving district within 30 days of the request; new law requires that this occur within ten working days of the request. Moreover, the law now requires the sending district to notify the parent that he or she may request an unofficial copy to take to the new district.

Please note also that the prekindergarten provisions previously in this policy have been moved to EHBG(LEGAL) and provisions regarding the U.S. Immigration's Student and Exchange Visitor Information System (SEVIS) have been deleted since they do not apply to public school districts in Texas.

FD (LOCAL) ADMISSIONS

The Legislature has left up to local boards to determine what constitutes a "substantial amount of after-school care" provided by a grandparent that would prompt the admission of a nonresident grandchild.

The enclosed (LOCAL) policy contains new language—at NONRESIDENT STUDENT IN GRANDPARENT'S AFTER–SCHOOL CARE—that:

- obligates the parent and grandparent to provide residency information and **to complete a form** to document the extent of after-school care provided, and
- delegates to the superintendent authority to approve these admission requests.

Because of differing needs and circumstances of children at different ages and stages of development, formulating objective criteria to be used to measure "substantial amount" will likely yield a range of decisions governed by exception rather than rule. We suggest that the superintendent develop administrative regulations setting forth guidelines. Such guidelines might establish a threshold for approval—e.g., a minimum number of hours per day, of days per school week, of months per school year—and provide for consideration of age and special needs or circumstances.

To assist districts in making this determination, Policy Service has prepared a "boilerplate" administrative procedure and a sample form that the parent and grandparent would be required to complete. These documents may be found at FD(REGULATION) and FD(EXHIBIT), respectively, in the ***TASB Regulations Resource Manual***, available via MyTASB to policy administrators.

Please note that we have deleted from RESIDENCY REVIEW a statement specifically addressing the appeal of a superintendent's decision. Since all decisions may be appealed under the appropriate complaint policy, the statement was unnecessary and potentially confusing.

We have retained unaltered the district's locally developed text at FOREIGN EXCHANGE STUDENTS.

FDB (LEGAL) ADMISSIONS
INTRADISTRICT TRANSFERS

This policy has been revised to more closely track statutory language and reorganized for clarity. In addition, HB 283 provisions relating to transfers prompted by bullying are reflected on page 2. That legislation from the 79th regular session and effective June 18, 2005, defines bullying and allows victims of bullying to be assigned to another classroom or transferred to another campus. The transfer is not automatic—the board or its designee must determine that the bullying occurred—nor is the district required to provide transportation to another campus.

FDB (LOCAL) ADMISSIONS
INTRADISTRICT TRANSFERS

New text at CLASS CHANGES and TRANSFERS BETWEEN SCHOOLS addresses the need for the board to formally delegate authority to investigate and approve requests for class changes or transfers pursuant

to an allegation of bullying. [See FDB(LEGAL)] The language of delegation is generalized to all intradistrict transfers whether from classroom to classroom or campus to campus. If this language is not consistent with district practice, please contact your Policy Consultant/Analyst for appropriate text.

We have retained unaltered the district's locally developed text at TRANSPORTATION.

FDD (LEGAL) ADMISSIONS
SCHOOL SAFETY TRANSFERS

A new section titled SEXUAL ASSAULT TRANSFER reflects HB 308 from the 79th regular session. Effective June 18, 2005, the new law requires a district to permit a student who is the victim of a sexual assault by another student to transfer to another campus in the district. If no other campus exists, the victim's parent may request a transfer to another district. If, however, the victim does not want a transfer, the district must transfer the assailant to another campus or—if only a single campus exists at that grade level—to the district's alternative education program or juvenile justice alternative education program. The law requires the district to notify, to the extent permitted by federal privacy laws, the victim's parent of where the assailant has been transferred or placed. The district is not required to provide transportation to either student.

This new law echoes to some extent the No Child Left Behind Act's Unsafe School Choice Option (renamed School Safety Choice Option in Texas), found on page 1 of this policy. This NCLBA transfer provision is triggered when the sexual assault occurred on the grounds of the school the victim attends; the HB 308 transfer provision applies regardless of where the sexual assault occurred but only if both students were attending the same school at the time of the assault.

In addition to the significant change described above, the policy has been revised throughout to more closely track statutory language.

FDD (LOCAL) ADMISSIONS
SCHOOL SAFETY TRANSFERS

The No Child Left Behind Act requires districts receiving ESEA funds to notify students of their right to transfer within the district from a school identified as "persistently dangerous" or when the student becomes a victim of violent crime at school. Recent guidance from TEA strongly encourages districts in which an intradistrict transfer is not possible to work with another district to arrange an interdistrict transfer. In this light, we have reorganized your current (LOCAL) policy to avoid redundancy and have added a provision that the district "explore transfer options with another school district." With the generalization of the transfer statement, we have deleted a provision—not required by law or TEA guidance—that the district would transport these students to their new school. New to the policy is language:

- delegating to the superintendent (or the superintendent's designee) authority to receive and expedite school safety transfer requests.
- establishing time lines—as specified by TEA—for notification of transfer rights and for approval of transfer requests.
- requiring retention of relevant records for five years, as specified by TEA.

ADDITIONAL TRANSFER OPTIONS, on page 2, has been added to acknowledge the right of a parent whose student has been the victim of a sexual assault—within circumstances added to the Education Code by HB 308—to transfer to another classroom or school OR to request that the assailant, if on the same campus as the student, be transferred to another school. [See FDD(LEGAL) explanatory note and text for additional information.]

TEA's July 22, 2005, "To the Administrator Addressed" communique on NCLBA transfer requirements may be found at http://www.tea.state.tx.us/nclb/PDF/SSCONotice0705.pdf.

FEA (LEGAL) ATTENDANCE
COMPULSORY ATTENDANCE

HB 1575 from the 79th regular session prompts two changes to this policy. Both changes became effective on June 18, 2005:

- At AFFIRMATIVE DEFENSE—STUDENT, on page 5: the affirmative defense to prosecution of a student for nonattendance may now be used only if—after deducting involuntary absences and excused absences—the number of remaining unexcused or voluntary absences is insufficient to constitute an offense.
- At DISTRICT COMPLAINT OR REFERRAL, the district now has only seven school days—from the student's last absence—to file a complaint for nonattendance or refer the student to a juvenile court for conduct indicating a need for supervision.

In addition to these changes, the policy has been refined throughout to more closely track statutory language and, with new margin notes, to improve the mapping of the material.

For more information, see TEA's August 2, 2005, "To the Administrator Addressed" correspondence regarding attendance, admission, enrollment records, and tuition at http://www.tea.state.tx.us/taa/legal080205.html.

FFAC (LEGAL) HEALTH REQUIREMENTS AND SERVICES
MEDICAL TREATMENT

At PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS, on page 4, appears a new section drawn from the December 2004 reauthorization of the Individuals with Disabilities Education Act. The Act now prohibits an employee of the district from requiring a student to obtain—as a condition of attending school or being evaluated for or receiving special education services—a prescription for a controlled substance.

FFAF (LEGAL) HEALTH REQUIREMENTS AND SERVICES
INDIVIDUALIZED HEALTH PLAN

FFAF is a new policy code established to house provisions applicable to INDIVIDUALIZED HEALTH PLANS, such as those called for by HB 984 (from the 79th regular session) for students with diabetes.

The legislation, effective June 18, 2005, requires a three-pronged approach by parents and schools:

- Development of a diabetes management and treatment plan (DMTP) by the parent and the physician responsible for treating the student's diabetes.

  This plan, signed by the parent and physician, must identify the health-care services the student may receive at school and assess the student's ability to manage his or her diabetes. The plan must be submitted to the school by the beginning of the school year or upon the later enrollment of the student, or as soon as practicable after diagnosis.

- Development of an individualized health plan (IHP) for the student by the principal or designee and the school nurse (if one is assigned to the school).

  This plan must be developed in collaboration with the parent, the physician (to the extent practicable) and at least one of the student's teachers.

- Development of campus procedures and resources to provide the required care to diabetic students.

  The campus will attempt to ensure the availability of a school nurse or unlicensed diabetes care assistant (UDCA), under the supervision of the principal. A UDCA may be a school employee who volunteers to

perform this duty or an employee of the local health department or other entity with which the district has contracted for this service. Each UDCA must be appropriately trained by the school nurse or a health-care professional having expertise in the care of diabetics. Training must be in accordance with guidelines promulgated by the Texas Diabetes Council of the Texas Department of State Health Services.

Additionally, the principal must make efforts to have at least one UDCA if a school nurse is assigned full-time to the campus and at least three UDCAs if there is no full-time nurse. School employees who transport or supervise students during off-campus activities must be given specific information regarding diabetic students in their charge: the identification of the diabetic student, potential emergencies and appropriate responses to emergencies that may arise as a consequence of the diabetes, and an emergency contact number.

The law provides UDCAs liability protection under the general immunity applicable to school district professional employees. They are also sheltered from claims regarding unlicensed practice of medicine, while school nurses are held harmless for the actions of a UDCA.

The Texas Diabetes Council released its "Guidelines for Training Unlicensed Diabetes Care Assistants" in July. This and many other resources relating to diabetes in a school setting may be found at http://www.tdh.state.tx.us/diabetes/default.htm.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

HB 1970, from the 79th regular session and effective September 1, 2005, prompts the following changes:

- At TO WHOM REPORTED on page 2: new language in the introductory paragraph clarifies that a report of alleged or suspected abuse or neglect must always be made to the Texas Department of Family and Protective Services:
  - **if** the abuse or neglect involves a person who is responsible for the care, custody, or welfare of the child, and
  - **unless** the report is made to the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred OR the report involves a juvenile justice program or facilities (e.g., a juvenile justice alternative education program).

  Otherwise the report should be made to any of the four agencies that continue to be specified by law.
- At REPORTS TO DISTRICT on page 3: DFPS is newly required to provide the superintendent a written report if its investigation of abuse or neglect involves a student and a district employee. Previously DFPS was obligated only to orally notify the superintendent that an investigation had been initiated.

FFG (EXHIBIT) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

This exhibit has been revised to reflect HB 1970 changes described at FFG(LEGAL): reports of alleged or suspected abuse or neglect must always be made to the Texas Department of Family and Protective Services (Child Protective Services) in the circumstances described in the explanatory note at FFG(LEGAL).

Please note: Blanks are provided in the first paragraph and at "To whom do I make a report?" for contact information related to reporting child abuse and neglect of a student. Please supply your Policy Consultant/Analyst with the appropriate information so that a completed exhibit can be returned to you for inclusion in your Localized Policy Manual.

FL (LEGAL) STUDENT RECORDS

At DESIGNATION OF DIRECTORY INFORMATION, beginning on page 7, are key provisions of SB 256 from the 79th regular session that became effective on June 17, 2005. The text attempts to reconcile "public infor-

mation" under the Texas Public Information Act with "directory information" under the federal Family Educational Rights and Privacy Act (FERPA). In short, FERPA now controls what is subject to public disclosure for purposes of student records.

The legislation also addresses the content and form of the ANNUAL NOTICE that FERPA requires to be given to parents regarding their right to withhold some or all directory information on their children:

- specific language that the district must use to fulfil the FERPA requirement;
- a requirement that this language appear in 14 point (or larger) boldface type; and
- the inclusion of a form—on that page or the next—that allows the parent to check off or list directory information he or she does not wish disclosed, to object to the required release of directory information to a military recruiter or institution of higher education, and to consent to release certain directory information for limited school-sponsored purposes.

On page 4, a federal provision regarding release of visa information—previously found in FD(LEGAL)—has been moved to this policy. That provision, from the Enhanced Border Security and Visa Entry Reform Act of 2002, requires the release—to any of the federal and state agencies listed at item 3 on page 3—of personally identifiable information otherwise protected from disclosure when the student is holding an F, J, or M visa.

FL (LOCAL) STUDENT RECORDS

DIRECTORY INFORMATION, on page 4, includes the full list of categories so defined by the Family Educational Rights and Privacy Act (FERPA). To fulfill SB 256 requirements, each district must designate, in policy, the categories of information it will treat as "directory information" and make accessible to third parties without parental consent. FERPA also requires districts to allow parents to object to the release of one or more categories of this information.

If you wish to delete any of the items listed on page 4 as directory information, please contact your Policy Consultant/Analyst.

We have retained the district's addition of correctional institutions with which it has an MOU at ACCESS BY SCHOOL OFFICIALS.

Please note: This (LOCAL) policy version is for districts in which the principal is custodian of all records for currently enrolled students at the assigned school and the superintendent is custodian of records for students who have withdrawn or graduated. If this information does not reflect your current practice, please contact your Policy Consultant/Analyst so we can update our records and issue you the correct policy text.

FL (EXHIBIT) STUDENT RECORDS

The information contained in this exhibit—addressing the confidentiality of personally identifiable information for students, the limitations on directory information, and the rights of parents under the Family Educational Rights and Privacy Act—is more appropriately published in student handbooks or, if the district prefers, distributed separately at the beginning of each year or when a student later enrolls. In that light and because of the specific requirements of SB 256 governing the directory information notice and parental consent form, we recommend deletion of this exhibit from the district's policy manual.

This exhibit has long been incorporated in the TASB Model Student Handbook issued each spring. The 2005–06 version was rereleased on July 7 to address SB 256 requirements—as well as other legislative changes—and to provide districts with a directory information consent form compatible with SB 256.

Both this exhibit and the new parental consent form may also be found in the FL(EXHIBIT) in the ***TASB Regulations Resource Manual***, available via MyTASB to policy administrators.

FMF (EXHIBIT) STUDENT ACTIVITIES
CONTESTS AND COMPETITION

This notice regarding anabolic steroids has been more appropriately moved to FNCF (Student Conduct: Alcohol and Drug Use). Please delete FMF(EXHIBIT) in favor of FNCF(EXHIBIT), included in this update packet.

FNAA (LOCAL) STUDENT EXPRESSION
DISTRIBUTION OF NONSCHOOL LITERATURE

In June 2005, Policy Service issued the second of a two-part response to two issues—distribution of nonschool literature on school premises and use of district facilities for nonschool purposes—that have given rise to First Amendment challenges against district policies and practices in Texas and around the nation. Four policy codes are implicated:

- regarding students: FNAA and FNAB.
- regarding the community: GKD and GKDA

The ***Starting Points*** policy development tool kits on these issues guide the district in reviewing and refining these policies in light of these challenges and to ensure that local policy provisions for these four policies are coordinated. The tool kits are available to policy administrators via MyTASB at https://www.tasb.org/docs–mytasb/gov_svcs/policy_svc/amendment_sp/index.shtml.cfm.

FNC (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

HB 283 from the 79th regular session further specified the scope of each district's discipline management program. The legislation, effective June 18, 2005, requires the program to address education regarding and prevention of unwanted physical or verbal aggression, sexual harassment, and other forms of bullying on school grounds and in school vehicles.

FNCF (EXHIBIT) STUDENT CONDUCT
ALCOHOL AND DRUG USE

This exhibit, recoded from FMF, addresses the long-standing requirement that districts post cautionary notices regarding use of anabolic steroids in school gyms and other places where physical education classes are conducted.

Please note: The 79th Legislature—in the form of HB 3563—ordered the University Interscholastic League to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the League unless the student agrees not to use steroids and the parent acknowledges in writing the statements that are found in this exhibit.

UIL is also required to:

- develop an education program—before September 1, 2005—for students participating in UIL athletic activities and for their parents and coaches regarding the health effects of steroid use.
- make the program available to districts.
- work with public or private entities to study the effectiveness of the program.

During the 2005–06 school year, UIL must measure the extent of illegal steroid use by high school students and the number of districts that test high school students for illegal steroids. UIL is further charged with the responsibility of developing a plan for testing students engaged in UIL athletic activities for illegal steroids.

Finally, UIL must file a written report with the Legislature—not later than December 1, 2006—regarding the use survey, the effectiveness study of educational programs, and the testing plan. The bill directly states that, if the Legislature is not satisfied that the educational program has significantly reduced student use of illegal steroids, it may require UIL to implement the testing plan (and authorizes UIL to raise membership fees to pay for the testing).

Concurrently, TEA, working with the Department of State Health Services, must develop information about the use of anabolic steroids and associated health risks and distribute the information to school districts. (This was apparently accomplished more than a month before passage of the legislation by a joint communication from the commissioner of education and the commissioner of health: http://www.tea.state.tx.us/taa/comm042605.pdf.) The State Board of Education has not yet determined at which grade levels this information is to be distributed.

FO (LEGAL) STUDENT DISCIPLINE

Legislation enacted in the 2003 regular session required a district to specify in its student code of conduct whether self-defense might be considered a mitigating factor for offenses that would ordinarily prompt suspension, placement in a disciplinary alternative education program, or expulsion. In the 2005 regular session, by means of HB 603 (effective June 17, 2005), the Legislature added three further considerations:

- Intent or lack of intent at the time the student engaged in the conduct,
- A student's disciplinary history, or
- A disability that "substantially impairs the student's capacity to appreciate the wrongfulness of [his or her] conduct."

A district is not required to take these factors into consideration but, if it does, the decision to do so must be expressed in the student code of conduct. (See STUDENT CODE OF CONDUCT, item 4, on page 1)

At item 5, on page 1, text—also from HB 603—has been added to clarify that districts are not required to specify minimum terms of DAEP placement or expulsion (except as otherwise provided by statute).

HB 283, also from the 79th regular session, expands the scope of the student code of conduct to include two new items:

- A prohibition of bullying, harassment, and making hit lists and ensuring that district employees enforce these prohibitions. (See item 7 on pages 1 and 2 for the specific language and the definitions of "bullying," "harassment," and "hit list.")
- Providing grade level–appropriate methods for managing and disciplining students and preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists. (See item 8 on page 2 for the specific language.)

These new student code of conduct requirements are addressed in the ***TASB Model Student Code of Conduct***, released on June 21, 2005.

Please note: HB 383 from the 79th regular session amends Family Code 151.001 to include the following language (effective September 1, 2005):

> "Only the following persons may use corporal punishment for the reasonable discipline of a child:
>
> - the parent or grandparent of the child;
> - a stepparent of the child who has the duty of control and reasonable discipline of the child; and
> - an individual who is a guardian of the child and who has the duty of control and reasonable discipline of the child."

Close review by TASB attorneys has found that the intent of the language was to clearly empower grandparents, stepparents, and guardians to use corporal punishment without fear of a *de facto* claim of child abuse. Moreover, the legislature left intact existing authority permitting districts to administer corporal punishment (see page 4 for cites to federal cases in that regard and DH(LEGAL) regarding professional immunity relating to student discipline). Believing that sufficient legal authority exists for school personnel to administer corporal punishment, TASB Legal Services has not included those provisions of HB 383 in this (LEGAL) policy but urges districts to confer with local legal counsel regarding that reading.

Be aware also that, on July 27, 2005, the commissioner requested an attorney general's opinion on the applicability of Family Code 151.001 to corporal punishment administered within a school setting. The request went on to pose related questions: whether corporal punishment may be administered with the consent of or over the objection of the parent (or other person named in the new provision). Full text of the request may be found at http://www.oag.state.tx.us/opinions/requests_ga/RQ0369GA.pdf.

Please also note: This (LEGAL) version, which includes provisions on corporal punishment, is for districts that allow that method as one of their discipline management techniques. If your district does not allow the use of corporal punishment, please contact your Policy Consultant/Analyst so we can update our files and issue the correct (LEGAL) version for your manual.

FOA (LEGAL) STUDENT DISCIPLINE
REMOVAL BY TEACHER

HB 603 from the 79th regular session newly requires that a student removed from class by a teacher for assault or sexual assault on the teacher or attempted murder against the teacher cannot be returned to the class without the teacher's consent. Effective on June 17, 2005, this addition to Chapter 37 prevents a placement review committee from returning the student to the teacher's class—over the teacher's objection—as it might for other removals by the teacher and further provides that consent cannot be coerced. (See RETURN TO CLASS on page 1.)

FOC (LEGAL) STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

Changes from the 79th regular session are as follows:

- At SEXUAL ASSAULT OF ANOTHER STUDENT, on page 2, are provisions of HB 308 that provide for the transfer of a student convicted or otherwise adjudicated for sexually assaulting another student assigned to the campus. If the district does not have another campus serving the grade level of the assailant and upon request of the parent of the victim, the assailant must be placed in a disciplinary alternative education program or a juvenile justice alternative education program. Time limits ordinarily associated with DAEP or JJAEP placements do not apply. This provision is reflected in the ***TASB Model Student Code of Conduct*** released June 21, 2005.
- At ACTIVITIES, on pages 5 and 6, is new language from HB 603 from the 79th regular session that adds to the tangle of notification requirements. Previously, the superintendent was required to notify all instructional and support personnel:
  - responsible for supervising a student arrested or taken into custody by a law enforcement agent, or
  - who have regular contact with a student convicted (or otherwise adjudicated) of a reportable offense.

  The law in the first circumstance above includes a specific confidentiality requirement; in the second circumstance, it does not.

  Effective June 17, 2005, the law also now requires:
  - the principal or designee to notify "each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of [the] student."

  - notification for ANY offense for which the student must or may be placed in a DAEP or expelled—independent of any action taken by the criminal justice system. [FOC(LEGAL) addresses the DAEP component of this requirement; FOD(LEGAL), the expulsion component.]
  - the information be kept confidential from any person not entitled to the information. Intentional failure to keep the information confidential may prompt suspension or revocation of an educator's certificate.
- At ENROLLMENT IN ANOTHER DISTRICT, on page 6 and also from SB 603, is new language requiring notification of staff when a student in a DAEP in one district attempts to enroll in another district before the expiration of the term of placement. The provision mirrors that at ACTIVITIES regarding who must be notified and confidentiality.

ADDITIONAL PROCEEDINGS, on page 9, has been added to reflect legislation enacted in the 78th regular session: a student in a DAEP who engages in further misconduct (for which DAEP placement is appropriate) may be assessed an additional term of placement.

FOC (EXHIBIT) STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

HB 1095 from the 79th regular session expands Section 22.11, found on page 2, to include intentional harassment of a public servant (a term encompassing district employees). The language expands the existing bodily fluids statute to protect any public servant performing an official duty. The effective date of this language is September 1, 2005.

FOD (LEGAL) STUDENT DISCIPLINE
EXPULSION

The SB 603 notice requirement added to FOC(LEGAL) applies to expulsions as well. This revised requirement appears at NOTICE OF EXPULSION ORDER: TO STAFF, on page 6. [See the explanatory note at FOC(LEGAL) for further information.]

GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

Changes arising from the 79th regular session are as follows:

- A new INVESTMENT INFORMATION section has been added to page 2 to reflect SB 121 (effective immediately). This section is essentially a highly summarized reference pointing to a lengthy list of disclosable information that will soon be codified in Government Code 552.0225. In the interim, this information is accessible at the Texas Legislature Online: http://www.capitol.state.tx.us. [79th regular session, SB 121 text, enrolled version]
- A companion piece—regarding investment information that is not disclosable—is found at item 28, on page 8.
- At item 27 appears a new SOCIAL SECURITY NUMBERS section. In accordance with SB 1485, effective immediately, districts are now authorized to withhold Social Security numbers of living persons.

GBAA (LEGAL) INFORMATION ACCESS
REQUESTS FOR INFORMATION

Changes arising from the 79th regular session and effective September 1, 2005, are as follows:

- SB 727 transfers the Texas Building and Procurement Division's responsibility regarding public records to the attorney general's office. This shift is reflected at SIGN, on page 1, and throughout this policy. In addition:

- The law newly considers as withdrawn any public information request for which the requestor does not complete examination of the records within ten business days after the records are made available, if a request for additional time is not filed. (See EXAMINATION, on page 2).
- Previous law specified that, for requests that require programming or manipulation of data, the officer for public information has 20 days (plus an additional ten if an extension is needed) in which to provide the requestor a statement of estimated cost and time required to fulfill the request. The legislation newly requires that the requestor has 30 days to respond after this information is received. If the requestor does not respond within this time frame, the request is to be considered withdrawn. (See FURTHER ACTION on page 4).
- Finally, the legislation requires that when a district sends to the attorney general written comments stating why an exception to the Opens Records Law applies the district also send a copy to the person who requested the information. The district must redact from the copy any comments disclosing the substance of the information in question. (See ADDITIONAL INFORMATION, on pages 6 and 7.)

- SB 623 specifies that the district has ten days—from the day that the requestor pays the deposit or posts bond for payment of the anticipated cost of preparing a copy of public information—to provide the information or request an attorney general's opinion. Also, if the requestor fails to make the deposit or post bond in a timely manner, the request must be considered withdrawn. (See DEPOSIT OR BOND, on page 10.)

GND (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES
STATE EDUCATION AGENCY

Changes arising from the 79th regular session are as follows:

- At INTERNET DISSEMINATION, on page 4, is added the SB 3297 requirement—also found at BR (LEGAL) in this update—regarding Internet posting of the most recent performance ratings of the district.
- At PAPERWORK REQUIREMENTS, on page 5, is found the SB 493 provision—also appearing at DLB(LEGAL) in this update—authorizing the commissioner to undertake a special accreditation investigation of a district for repeated complaints regarding excessive paperwork imposed on teachers.

See the explanatory notes for these referenced codes for further information.

BOUNDARY DESCRIPTIONS AND MAPS

The District shall file with TEA:

1. A complete and legally sufficient description of the boundaries of the District.

2. A map of the District that is:

   a. Drawn to the county general highway maps produced by the Texas Department of Transportation or a similar map of sufficient detail to display the names of visible features that the boundaries follow or to which the boundaries are in close proximity; and

   b. An accurate and legible representation of the boundaries in relationship to other features on the map.

3. A list of voting precincts within the District, separately listing those precincts wholly within the District and those precincts only partly within the District.

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

Education Code 13.010

CHANGES AND ADJUSTMENTS IN BOUNDARIES

Any change in District boundaries because of detachment or annexation shall be approved by a majority of the Board and other affected boards in order for the change to become effective. *Education Code 13.008, 13.051, 13.052, 13.231*

NOTICE TO VOTER REGISTRAR

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

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

CONSOLIDATION

Two or more districts may consolidate into a single school district using the procedures found in Education Code Chapter 13, Subchapter D. *Education Code 13.151(a)*

NUMBER AND TERM

The Board consists of seven Trustees serving terms of three years, with elections held annually. The terms of one–third of the Trustees, or as near to one–third as possible, expire each year. *Education Code 11.051(b), 11.059*

TERMS

Board policy shall state the schedule on which specific terms expire. *Education Code 11.059*

METHOD OF ELECTION

POSITION OR PLACE

Election of Trustees is by position or place in accordance with Texas law. The decision to elect Trustees by this method shall not be rescinded. *Education Code 11.058*

NOTICE TO VOTER REGISTRAR

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

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

FILING INFORMATION

A declaration of write-in candidacy must be filed no later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 67th day before election day. An application of a candidate for a place on the ballot must be filed not later than 5:00 p.m. of the 62nd day before the day of the election, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 70th day before election day. An application may not be filed earlier than the 30th day before the date of the filing deadline. The application shall include all statutorily required information, including a statement that the candidate is aware of the nepotism law. *Education Code 11.055(a), (c), 11.056(b), (e); Election Code 31.0021, 141.031, 144.005*

LOYALTY OATH

Before a candidate can have his or her name placed on the ballot, the candidate must execute and have notarized the loyalty oath. *Election Code 141.031; The Socialist Workers Party v. Martin, 345 F.Supp. 1132 (S.D. Tex. 1972), aff'd 483 F.2d 554 (5th Cir. 1973)*

NEPOTISM

A candidate shall not take affirmative action to influence a District employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a person related to the candidate

within a prohibited degree of relationship under the nepotism law. [See DBE(EXHIBIT)] However, this prohibition does not apply to a candidate's actions taken with respect to a bona fide class or category of employees or prospective employees. *Gov't Code 573.042*

GENERAL ELECTION DATE

Election of Trustees of the District shall be on the May uniform election date. *Election Code 41.001*

CHANGING ELECTION DATES

The Board may, not later than December 31, 2005, change the date on which it holds its general election for officers to another authorized uniform election date. An election on the new date may not be held before the uniform election date in May 2004. *Election Code 41.0052(a)*

NOTICE

A call for an election shall be made not later than the 62nd day before election day, except that for an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day. Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within a district's boundaries or in a newspaper of general circulation in a district if none is published within the district's boundaries. *Election Code 3.005, 4.003(a)(1)*

The notice shall state the nature and date of the election, the location of each polling place, and the hours the polls will be open. A board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy for at least 22 months after election day. *Election Code 4.004, 4.005, 66.058(a)*

The Board shall also deliver notice of the election to the county clerk of each county in which the district is located not later than the 60th day before election day. *Election Code 4.008*

POSTING

In addition to the notice described above, the District shall, not later than the 21st day before election day, post a copy of the notice on the bulletin board used for posting notices of the meetings of the Board. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made. *Election Code 4.003(b), 4.005*

BALLOT, ELECTION OFFICIALS, AND POLLING PLACES

The ballot shall be printed in the form required by law. The Board shall appoint election judges, set the maximum number of election clerks, and designate polling places. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 32.005(a), 32.033(a), 43.004, 43.034, 52.061–.064, 52.069, 52.093–.094; Education Code 11.058(g)*

If a district not located in a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million holds an election on the November uniform election date, the district shall follow procedures from the secretary of state and designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), 42.0621, 43.004(b)*

POSTING SIGNS AT POLLING PLACES PROHIBITED

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located. *Election Code 62.013(b)*

NOTICE OF VOTING RIGHTS HOTLINE

A notice of voter's rights, in the form prescribed by the secretary of state and including information required by the secretary of state, shall be publicized as provided by the secretary of state. The notice shall, in part, inform voters of the telephone number and purpose of the secretary of state's toll-free hotline for reporting existing or potential abuse of voting rights. *Election Code 31.0055, 62.0115*

BILINGUAL MATERIALS

The District shall provide bilingual election materials, as specified by law, when the director of the federal census determines that:

1. More than five percent of the citizens of voting age of the District are members of a single language minority and are limited-English proficient, or more than 10,000 of the citizens of voting age of the District are members of a single-language minority and are limited-English proficient; and

2. The illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate, illiteracy defined as the failure to complete the fifth primary grade.

The term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

The term "language minorities" or "language minority group" means people who are American Indian, Asian American, Alaskan natives, or of Spanish heritage.

42 U.S.C. 1973aa–1a

Except as provided by Election Code 272.003, bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most

recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempt from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants.

Election Code 272.002, 272.003

VOTING MACHINES AND PUNCH–CARD BALLOTS

Effective January 1, 2006, a voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. *Election Code 122.001(d)*

VOTERS WITH DISABILITIES

Not later than January 1, 2006, each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

This requirement applies only to a polling place that uses an electronic voting system unless the secretary of state certifies that federal law requires application to all forms of voting at a polling place.

Election Code 61.012

NEW VOTING SYSTEMS

A voting system that is acquired on or after September 1, 1999, must comply with Section 504 and Title II of the ADA and must also provide a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 122.0011*; *1 TAC 81.55–.57* [See GA]

This requirement is triggered only by the acquisition of a new voting system (or substantial modification of an existing system) that will change voters' interaction with the ballot at the polling sites. *1 TAC 81.55(2)*

WRITE–IN VOTING

A write-in vote may not be counted for a person who has not filed a declaration of write-in candidacy with the Secretary of the Board in the manner provided for write-in candidates in a general election for state and county officers. To the extent practicable and in accordance with rules adopted by the secretary of state, Election Code Chapter 146, Subchapter B, shall govern write-in voting in Trustee elections. *Education Code 11.056*

ELECTION OF UNOPPOSED CANDIDATE

A board may declare each unopposed candidate elected to the office if:

1. Each candidate for an office that is to appear on the ballot is unopposed, and

2. No proposition is to appear on the ballot.

In the case of an election in which any members of a board are elected from single-member districts, the unopposed candidate procedures can apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that district is unopposed and the other requirements described above are met.

Election Code 2.051

The Board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that if the election were held, only the votes cast for that candidate in the election for that office may be counted. If the Board makes such a declaration, the election is not held. A copy of the order or ordinance must be posted on election day at each polling place that would have been used in the election. *Election Code 2.052, 2.053(a), (b)*

EARLY VOTING

The Board shall provide for early voting in Board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

CANVASS RETURNS

Except as provided below, the Board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day.

For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;

2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the Board constitute a quorum for purposes of canvassing an election.

Election Code 67.003, 67.004

CERTIFICATE OF ELECTION

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

Election Code 67.016, 67.017, 212.0331

CERTIFICATE OF ELECTION FOR UNOPPOSED CANDIDATE

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(c)*

PLURALITY

To be elected to a public office, a candidate must receive a plurality of votes, more votes than any other candidate, except as otherwise provided by law. *Election Code 2.001*

DETERMINATION OF RESULTS

The candidate receiving the highest number of votes for each respective position voted on is entitled to serve as Trustee. *Education Code 11.057(a)*

MAJORITY VOTE OPTION

The board of an independent school district in which the positions of Trustees are designated by number may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position to be elected.

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

Education Code 11.057(c)

RUNOFF ELECTION

If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required. *Election Code 2.021 et seq.*

TIE VOTES

If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. Not later than the fifth day after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable, the Board shall order the second election. This election shall be held not less than 20 nor more than 30 days after the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable. Notice of the second election shall be given in the same manner as for the first election. Only the names of the tying candidates shall be printed on the ballot; write-in votes shall not be permitted. *Election Code 2.002(a)–(e)*

SECOND ELECTION

CASTING LOTS

The tying candidates may agree to cast lots to resolve the tie. The agreement shall be filed with the Board, and the Board President shall supervise the casting of lots. *Election Code 2.002(f)*

WITHDRAWAL OF CANDIDATE

A tying candidate may resolve the tie by filing with the Board a written statement of withdrawal signed and acknowledged by the candidate. On receipt of the statement of withdrawal, the remaining candidate is the winner, and a second election or casting of lots is not held. *Election Code 2.002(g)*

RECOUNT

If a tie vote is not resolved by casting lots or by a candidate withdrawing, an automatic recount shall be conducted in accordance with Election Code Chapter 216. *Election Code 2.002(i)*

The cost of the recount shall be paid by the District. *Election Code 216.005(b)*

VOTING SYSTEM MALFUNCTION

If no private vendor supports the District's voting system, the District must give notice to the Secretary of State within 24 hours of a malfunction of the District's voting system software or equipment in an election. The notice may be verbal or in writing. *1 TAC 81.64*

OFFICER'S STATEMENT

Newly elected and appointed Trustees, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b)* [See BBB(EXHIBIT)]

OATH OF OFFICE

After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the Trustee shall take the oath or affirmation of office and shall file it with the President of the Board. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061* [See BBB(EXHIBIT)]

The oath may be administered and a certificate of the fact given by:

1. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
2. A notary public.
3. A justice of the peace or clerk of a justice court.
4. The secretary of state of Texas.
5. The speaker of the house of representatives.
6. The lieutenant governor of Texas.
7. The governor of Texas.
8. A legislator or retired legislator.
9. The attorney general.

Gov't Code 602.002, 602.006

VOTING RIGHTS ACT

The Board, being subject to the Voting Rights Act of 1965, shall submit any changes that affect elections to the U.S. Justice Department for preclearance and shall implement such changes unless the justice department interposes an objection within 60 days after the date of submission. *42 U.S.C. 1973c; 28 CFR 51.6; Garza v. Gates, 482 F.Supp. 1211 (D.C. Tex. 1980)*

Candidates for the Board shall file the designation of a campaign treasurer and all required financial statements with the Board Secretary in accordance with applicable law and directives from the Texas Ethics Commission. *Election Code 251.001-254.001 et seq*.

TERMINATION OF CAMPAIGN TREASURER APPOINTMENT

In accordance with statute, the Board by ordinance or order may adopt a process by which the Secretary may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the Secretary. *Election Code 252.0131*

DEFINITIONS

'MEETING' "Meeting" means a deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes formal action. "Meeting" also means a gathering:

1. That is conducted by the Board or for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which the Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the District, about the public business or public policy over which the Board has supervision or control.

Gov't Code 551.001(4)

'DELIBERATION' "Deliberation" means a verbal exchange during a meeting among a quorum of the Board, or between a quorum of the Board and another person, concerning any issue within the jurisdiction of the Board or any public business. *Gov't Code 551.001(2)*

SOCIAL FUNCTION OR CONVENTION The term "meeting" does not include the gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the Board, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, if formal action is not taken and any discussion of public business is incidental to the social function, convention, or workshop. *Gov't Code 551.001(4)*

LEGISLATIVE COMMITTEE OR AGENCY MEETING The attendance by a quorum of the Board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the Board if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035*

OPEN TO PUBLIC Every meeting of the Board shall be open to the public. The Board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, 551.084, Ch. 551, Subch. D, Subch. E* [See BDB and BEC]

PARENTAL ACCESS A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of the Board, other than a closed

meeting held in compliance with the Open Meetings Act. *Education Code 26.007(a)*

RECORDING

All or any part of an open meeting may be recorded by any person in attendance by means of a tape recorder, video camera, or any other means of aural or visual reproduction. The Board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023*

MINUTES

The Board shall prepare and keep minutes or make a tape recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. The minutes and tapes are public records and shall be available for public inspection and copying on request to the Superintendent or designee. *Gov't Code 551.021, 551.022*

NOTICE REQUIRED

The Board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. *Gov't Code 551.041*

CONTINUED MEETING

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

INQUIRY DURING MEETING

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

LOCATION

The Board must hold each public meeting within the boundaries of the District, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the District.

Education Code 26.007(b)

TIME OF NOTICE AND ACCESSIBILITY

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another Board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting. *Gov't Code 551.043(a), 551.051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If the District is required to post notice of a meeting on the Internet, the District satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

The District must still comply with the duty to physically post the notice in the central administration office and if the District makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

INTERNET POSTING

If the District maintains an Internet Web site, in addition to the other place at which notice is required to be posted, the Board must also concurrently post notice of a meeting on the Internet Web site.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the District's Internet Web site the agenda for a Board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the District.

SPECIFICITY OF AGENDA / NOTICE

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin ISD, 706 S.W.2d 956 (Tex. 1986); Point Isabel ISD v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi, 1990, writ denied); Atty. Gen. Ops. M–494 (1969), H–419 (1974), H–662 (1975), H–1045 (1977)*

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to the Board by employees or staff members. *Atty. Gen. Op. JC–0169 (2000)*

EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. The Board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

Gov't Code 551.045

CATASTROPHE

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

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

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

2. Power failure, transportation failure, or interruption of communication facilities;

3. Epidemic; or

4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 5541.0411(b), (c)

SPECIAL NOTICE TO NEWS MEDIA

The District shall provide special notice of each meeting by telephone or telegraph to any news media that has requested it and agreed to reimburse the District for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, the Board President shall notify by tele-

phone or telegraph any news media who have previously requested special notice of all meetings. *Gov't Code 551.047, 551.052*

QUORUM

A majority of the Board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the Board. *Gov't Code 551.001(6), 311.013(b)*

SECRET BALLOT

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

MEETING BY CONFERENCE CALL

The Board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the Board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

NOTICE

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

RECORDING

The conference call meeting shall be tape-recorded and made available to the public.

Gov't Code 551.125

MEETING BY VIDEOCONFERENCE CALL

Unless the District extends into three or more counties, a meeting may be held by videoconference call only if a quorum of the Board is physically present at one location of the meeting. If the District extends into three or more counties, a meeting may be held by videoconference call only if a majority of the quorum is physically present at one location of the meeting. A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

NOTICE OF LOCATIONS

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the Board will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting

to be held by videoconference call by the Board in a district that extends into three or more counties must specify as a location of the meeting each location where a majority of the quorum of the Board will be physically present and specify the intent to have a majority of the quorum of the Board present at that location.

In addition, the notice of the meeting must specify as a location of the meeting each other location where a Board member who will participate in the meeting will be physically present during the meeting. Each of the locations shall be open to the public during the open portions of the meeting.

RECORDING

The Board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

QUALITY OF AUDIO AND VIDEO SIGNALS

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at each location specified in the notice.

Each location specified in the notice shall have two-way communication with each other location during the entire meeting. Each participant in the videoconference call, while speaking, shall be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at a location of the meeting.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The quality of the audio and video signals perceptible by members of the public at each location of the meeting must:

1. Meet or exceed the quality of the audio and video signals perceptible by the Board members participating in the meeting; and

2. Be of sufficient quality so that members of the public at each location of the meeting can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

REMOTE PARTICIPATION

The Board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if the Board member is not participating in a meeting from a remote location.

Gov't Code 551.127; 1 TAC 209.10–12

INTERNET BROADCAST

The Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site.

The Board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the Board is required to post under the Open Meetings Act. *Gov't Code 551.128*

ATTORNEY CONSULTATION

The Board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board or a private consultation with its attorney in a closed meeting of the Board. [See BEC]

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

EXCEPTION

This does not apply to a consultation with an attorney who is an employee of the District. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the District, is an employee of the District.

Gov't Code 551.129

HEARING–IMPAIRED PERSONS

In a proceeding before the Board in which the legal rights, duties, or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, "deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

Gov't Code 558.001, 558.003

REQUIRED PLANS

The Board shall ensure that a District improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. The Board shall annually approve District and campus performance objectives and shall ensure that the District and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and

2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

DISTRICT IMPROVEMENT PLAN

The District shall have a District improvement plan that is developed, evaluated, and revised annually, in accordance with District policy, by the Superintendent with the assistance of the District-level committee. The purpose of the District improvement plan is to guide District and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators. [See GND]

The District improvement plan must include provisions for:

1. A comprehensive needs assessment addressing District student performance on the academic excellence indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the District, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.

2. Measurable District performance objectives for all appropriate academic excellence indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.

3. Strategies for improvement of student performance that include:

   a. Instructional methods for addressing the needs of student groups not achieving their full potential.

   b. Methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs.

c. Dropout reduction.

d. Integration of technology in instructional and administrative programs.

e. Discipline management.

f. Staff development for professional staff of the District.

g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

h. Accelerated education.

4. Strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:

   a. Higher education admissions and financial aid opportunities.

   b. The TEXAS grant program and the Teach for Texas grant program.

   c. The need for students to make informed curriculum choices to be prepared for success beyond high school.

   d. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Time lines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

Education Code 11.252(a)

9. A discipline management program providing for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in schools, on school grounds, and in school vehicles. *Education Code 37.083(a)* [See FNC]

The District's plan for the improvement of student performance is not filed with TEA, but the District must make the plan available to TEA on request.

Education Code 11.252(b)

CAMPUS–LEVEL PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the academic excellence indicators and any other appropriate performance measures for special needs populations.

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the academic excellence indicator system.
2. Set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set time lines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Provide for a program to encourage parental involvement at the campus.
9. Include goals and methods for violence prevention and intervention on campus.

Education Code 11.253(c), (d)

EVALUATION

At least every two years, the District shall evaluate the effectiveness of the District's decision-making and planning policies, procedures, and staff development activities related to District- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

PLANNING AND DECISION–MAKING PROCESS

The Board shall adopt a policy to establish a District- and campus-level planning and decision-making process that will involve the professional staff of the District, parents of students enrolled in the District, business representatives, and community members in establishing and reviewing the District's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

ADMINISTRATIVE PROCEDURE

The Board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the Superintendent, central office staff, principals, teachers, District-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The Board shall also ensure that the District-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the District and campus levels. *Education Code 11.251(d)*

REQUIREMENTS

The District policy must provide that all pertinent federal planning requirements are addressed through the District- and campus-level planning process. *Education Code 11.251(f)*

The planning and decision-making requirements do not:

1. Prohibit the Board from conducting meetings with teachers or groups of teachers other than the District-level committee meetings.

2. Prohibit the Board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in District- or campus-level planning and decision making.

3. Limit or affect the power of the Board to govern the public schools.

4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g)

PERFORMANCE / AEIS REPORT

The Board shall publish an annual report describing the educational performance of the District and of each campus in the District. This report is provided by TEA and is termed the Academic Excellence Indicator System (AEIS) report. It is intended to inform the public about the educational performance of the District and of each campus in relation to the District, the state, and a comparable group of schools. The report shall include:

1. Uniform student performance and descriptive information as required by rules of the Commissioner.

2. Campus performance objectives and the progress of each campus toward those objectives.

3. The District's performance rating and the performance rating for each campus.

4. A comparison provided by TEA of:

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

   b. The performance of the District to its previous performance and to state-established standards; and

   c. The performance of each campus or district to comparable improvement.

5. The District's current special education compliance status with TEA.

6. A statement of the number, rate, and type of violent or criminal incidents that occurred on each District campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). [See FL]

7. Information concerning school violence prevention and violence intervention policies and procedures that the District is using to protect students.

8. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.).

9. A statement of the amount, if any, of the District's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

10. Information received from postsecondary institutions reporting student performance during the first year enrolled after gradu-

ating from high school for each high school campus in the District, presented in a form determined by the Commissioner.

ADDITIONAL INFORMATION

The District may not alter the report provided by TEA; however, it may concurrently provide additional information to the public that explains information in the report, such as:

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

PUBLIC HEARING

Within 90 days after the report is received from TEA, the Board shall hold a hearing for public discussion of the report and shall notify property owners and parents in the District of the hearing. The notification must include notice to a newspaper of general circulation in the District and notice to electronic media serving the District.

PUBLICATION

The report must be published within two weeks after the hearing, in the same format as it was received from TEA.

AEIS DISSEMINATION

After the hearing, the Board shall disseminate the report by posting it in public places, such as school offices, local businesses, and public libraries.

Education Code 39.053; 19 TAC 61.1022

AEIS INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent AEIS report available to the public on the Web site. *Education Code 39.252*

PRIMARY CONSIDERATION

The information required to be reported in Education Code 39.053 shall be a primary consideration in District and campus planning. *Education Code 39.054(2)*

SCHOOL REPORT CARD (SRC)

TEA is required to prepare a campus report card for every campus in the state. This report is called the school report card (SRC) and

is intended to inform each student's parents or guardians about the school's performance.

SRC DISSEMINATION

Each school campus must disseminate the school report card within six weeks after it is received from TEA. The campus may disseminate the school report card in the same manner it normally transmits official communications to parents and guardians. These methods may include, but are not limited to:

1. Including the SRC in a weekly folder sent home with each student;
2. Mailing it to each student's residence;
3. Providing it at a parent-teacher conference; or
4. Enclosing it with the student report card.

ADDITIONAL INFORMATION

A school may not alter the SRC, but it may include additional information with the report that explains or supplements information contained within the report.

Education Code 39.052; 19 TAC 61.1021

SRC INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent SRC for each campus available to the public on the Web site. *Education Code 39.252*

ANNUAL FINANCIAL MANAGEMENT REPORT

The Commissioner shall develop a reporting procedure under which the District is required to prepare and distribute an annual financial management report. The annual financial management report prepared by the District must include a description of the District's financial management performance based on a comparison, provided by TEA, of the District's performance on the indicators in Texas Administrative Code Title 19, Chapter 109.1002.

The public shall be given an opportunity to comment on the report at a hearing.

REPORT REQUIREMENTS

The report shall contain information on state-established standards and the District's previous performance, along with any descriptive information required by the Commissioner of Education.

The report may contain other information the Board determines necessary or useful, including information concerning the District's financial allocations, tax collections, financial strength, operating cost management, personnel management, debt management, facility acquisition and construction management, cash management, budgetary planning, overall business management, compliance with rules, and data quality.

PUBLIC HEARING

The Board shall hold a public hearing on the report. The Board shall give notice of the hearing to property owners and to parents of District students.

The public hearing on the annual financial management report shall be held in the District's facilities within two months of receipt of a final financial accountability rating.

In addition to other notice required by law, notice of the hearing must be provided to a newspaper of general circulation in the District once a week for two weeks prior to holding the public meeting, providing the time and place where the hearing is to be held. The first notice in the newspaper may not be more than 30 days prior to or less than 14 days prior to the public meeting.

If there is not a newspaper published in the county in which the District's central administration office is located, then the notice is to be published in the county nearest the county seat of the county in which the District's central administration office is located; and through electronic mail to media serving the District.

At the hearing, the annual financial management report shall be disseminated to parents and taxpayers in attendance. The annual financial management report shall be retained in the District for at least a three-year period after the public hearing and shall be made available to parents and taxpayers upon request.

CORRECTIVE ACTION PLAN

A corrective action plan shall be filed with TEA by each school district that received a rating of Substandard Achievement or Suspended—Data Quality. The corrective action plan is to be filed within one month after the District's public hearing.

DISSEMINATION

After the hearing, the report shall be disseminated in the District in the manner prescribed by the Commissioner.

Education Code 39.203, 19 TAC 109.1005

All Trustees, employees, vendors, contractors, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  for Board members—BBF
  for employees—DH
- Financial conflicts of interest:
  for public officials—BBFA
  for all employees—DBD
- Financial conflicts involving federal funds: CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

FRAUD AND FINANCIAL IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

DEFINITION

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.

5. Profiteering as a result of insider knowledge of District information or activities.

6. Unauthorized disclosure of confidential or proprietary information to outside parties.

7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.

8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See DBD]

9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.

10. Failure to provide financial records required by state or local entities.

11. Failure to disclose conflicts of interest as required by law or District policy.

12. Any other dishonest act regarding the finances of the District.

FINANCIAL CONTROLS AND OVERSIGHT

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

FRAUD PREVENTION

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

REPORTS

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

PROTECTION FROM RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

FRAUD INVESTIGATIONS

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent,

Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

RESPONSE

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

ANALYSIS OF FRAUD

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

BONDS AND BOND TAXES

The Board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites, to purchase new school buses, or to acquire or refinance property financed under a contract entered under the Public Property Finance Act by issuing bonds and assessing annual ad valorem taxes sufficient to pay the principal and interest on the bonds as they come due. *Education Code 45.001(a)*

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

INSTRUCTIONAL FACILITY ALLOTMENT

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

EXISTING DEBT ALLOTMENT

Each district is guaranteed certain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if the District made payments on the bonds during the 2004–05 school year or taxes levied to pay the principal and interest on the bonds were included in the District's audited debt service collections for that school year, and the District does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032, 46.033; 19 TAC 61.1035*

POLITICAL ADVERTISING

No officer or employee of the District shall expend or authorize the expenditure of District funds for the purpose of political advertising. Funds may be expended, however, for advertising that describes the factual reasons for a measure and does not advocate the passage or defeat of such measure. *Election Code 255.003*

ELECTIONEERING

The Board may not use state or local funds or other resources of the District to electioneer for or against any candidate, measure, or political party. *Education Code 11.168*

ELECTIONS

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

The election shall be held on a uniform election date.

Except for elections held on a uniform election date or in an emergency situation approved by the governor, elections may not be held within 30 days before or after the date of the general election

for state and county officers, general primary election, or runoff primary election.

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

CALL FOR ELECTION

A call for an election shall be made not later than the 62nd day before election day except that for an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day. *Election Code 3.005*

NOTICE OF ELECTION

Notice of each election shall be published not earlier than the 30th day or later than the tenth day before election day in a newspaper of general circulation in the District or a newspaper of general circulation in the territory if none is published in the District. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication.

The Board shall also deliver notice of the election to the county clerk of each county in which the District is located not later than the 60th day before election day. *Election Code 4.008*

POSTING

In addition, notice of the election, which must include the location of each polling place, must be posted not later than the 21st day before election day on the bulletin board used for posting notices of Board meetings. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made.

Election Code 4.003(a)(1), (b), (c), 4.004, 4.005

PRECLEARANCE REQUIRED

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

NEW DEBT

Before issuing bonds, the District must demonstrate to the attorney general that, with respect to the proposed issuance, the District has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed $0.50 per $100 of valuation.

CURRENT TAXABLE VALUE

The District may demonstrate the ability to comply by using the most recent taxable value of property in the District, combined with

state assistance to which the District is entitled under Chapter 42 or 46 that may be lawfully used for the payment of bonds.

FUTURE TAXABLE VALUE

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

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

The certification of the District's projected taxable value must be signed by the Superintendent. The attorney general must base a determination of whether the District has complied on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

PROPOSITIONS

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

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

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

Education Code 45.003(b)

REFUNDING BONDS AUTHORITY

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

INSTRUCTIONAL FACILITIES REFUNDING BONDS

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

1. Are issued to refund bonds eligible under Section 46.003;

2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;

3. May not be called for redemption earlier than the earliest call date of all bonds being refunded;

4. Result in a present value savings as defined in Education Code 46.007.

Education Code 46.007

AUTHORIZED UNISSUED BONDS

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

GUARANTEED BONDS

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

1. The name of the District and the principal amount of the bonds to be issued;

2. The name and address of the financial institution designated by the District as its agent for payment of principal and interest for guaranteed bonds; and

3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051, 45.052, 45.054, 45.055

An application must be accompanied by a fee set by rule of the State Board in an amount designed to cover the costs of administering the guarantee program. *Education Code 45.055(c)*

USE OF BOND PROCEEDS FOR UTILITIES

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

MAINTENANCE TAX

The Board may levy, assess, and collect annual ad valorem taxes for the maintenance of the District's schools. *Education Code 45.002*

TAX RATE CAP

If authorized by a majority of qualified voters of the District voting at an election held for that purpose, the District may impose a maintenance tax rate on the $100 valuation of taxable property not to exceed $1.50. *Education Code 45.003(a), (d)*

APPRAISAL ROLL

By August 1 or as soon thereafter as practicable, the District's tax assessor shall submit to the Board the District's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

Note: The Texas comptroller of public accounts annually publishes *Truth in Taxation: A Guide for Setting Tax Rates.* School districts should consult the *Truth in Taxation* guide, available in print form or through the comptroller's Web site, for detailed guidance on setting local property tax rates.

By August 1 or as soon thereafter as practicable, the District's tax collector shall certify to the Board the estimates and amounts required by law.

Tax Code 26.04(b)

CERTIFIED ESTIMATE

By June 7, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. *Tax Code 26.01(e)*

MEETING ON BUDGET AND PROPOSED TAX RATE

The Board shall call a public meeting to discuss and adopt its budget and proposed tax rate. The Board must provide notice of the budget and proposed tax rate meeting, as described below. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. [See CE]

PUBLISHED NOTICE

The Board President shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

FORM OF NOTICE

The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.

The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

TAXPAYER INJUNCTION

If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.

DISTRICTS WITH JULY 1 FISCAL YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, the District must publish a revised published notice and hold another public meeting before the District may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The District's rollback rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004

TAX RATE

Before the later of September 30 or the 60th day after the date the certified appraisal roll is received, the Board shall adopt a tax rate for the current tax year that reflects the two components, maintenance and operations expenditures and the debt service rate published under Education Code Section 44.004(c)(2)(A)(ii)(b), and shall notify the assessor of the tax rate adopted. The two components shall be approved separately. *Tax Code 26.05(a)*

The Board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The budget shall be adopted before the adoption of the tax rate. *Tax Code 26.05(b); Education Code 44.004(g)*

EFFECTIVE TAX RATE

The vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordi-

nance setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that property taxes be increased by the adoption of a tax rate of (specify tax rate)." *Tax Code 26.05(b)*

MAINTENANCE AND OPERATIONS TAX RATE

If the ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the Board must include in the ordinance in type larger than the type used in any other portion of the document the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount)." The District shall also include on the home page of any Internet Web site operated by the District the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount)."

Tax Code 26.05(b)

ELECTION TO RATIFY SCHOOL TAXES

If the Board adopts a tax rate that exceeds the District's rollback tax rate as defined in Tax Code 26.08, the registered voters of the District at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has requested federal disaster assistance, an election is not required. *Tax Code 26.08(a)*

The Board shall order that the election be held in the District on a date not less than 30 or more than 90 days after the date on which it adopted the tax rate. The election need not be held on a uniform election date unless a uniform election date falls within the 30–90 day time period. *Tax Code 26.08(b)*

If a majority of votes cast in the District favor the proposition, the tax rate for the current year is the rate that was adopted by the Board. If the proposition is not approved, the Board may not adopt a tax rate for the current year that exceeds the District's rollback tax rate. *Tax Code 26.08(c), (d)*

CALL FOR ELECTION

A call for an election shall be made not later than the 62nd day before election day except that for an election to be held on the

date of the general election for state and county officers, the election shall be called not later than the 70th day before the election day. *Election Code 3.005* [See BBB]

NOTICE TO COUNTY CLERK

The Board shall deliver notice of the election to the county clerk of each county in which the District is located not later than the 60th day before election day. *Election Code 4.008*

PRECLEARANCE REQUIRED

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

DISCOUNTS

If the District collects its own taxes, the Board may adopt one or both of the following discount options for early payment of taxes.

OPTION 1

If the Board adopts Option 1, the following apply regardless of the date on which the District mails its tax bills.

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

OPTION 2

If the Board adopts Option 2, the following discounts apply only when the District mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

BOTH OPTIONS

If the Board adopts both discount options, the discounts described at Option 1 apply unless the District mails its tax bills after September 30, in which case only the discounts described at Option 2 apply.

Tax Code 31.05

SPLIT PAYMENT

The Board may provide for split payment of taxes. If a person pays one-half of the taxes before December 1, he or she may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.03, 31.04(c)*

DISASTER AREA

Owners of certain property in a disaster area are permitted to pay taxes in installment payments. Installment payments are an option for an owner of real property that:

1. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units;

2. Is located in a disaster area and has been damaged as a direct result of the disaster; and

3. Has had taxes imposed upon it by a taxing unit before the first anniversary of the disaster.

If the owner of such property pays at least one-fourth of the taxes imposed on the property before the delinquency date, accompanied by notice that the person will pay the remaining taxes in installments, the owner may make the remainder of the payments in three equal installments. Such installment payments shall not incur penalty or interest if paid by the applicable dates provided for in the tax code.

Tax Code 31.032

PERFORMING SERVICES IN LIEU OF PAYING TAXES

The Board may permit certain individuals or business entities to provide certain services to the District in lieu of paying the District property taxes. While performing services for the District, the individual is not an employee of the District and is not entitled to any benefit, including workers' compensation coverage, that the District provides to its employees.

PERSONS 65 AND OVER

Subject to the requirements contained in Tax Code 31.035, the Board by order or resolution may permit an individual who is at least 65 years of age to perform services for the taxing unit in lieu of paying taxes imposed by the District on property owned by the individual and occupied as the individual's residence homestead.

Tax Code 31.035

TEACHING SERVICES BY INDIVIDUAL

Subject to the requirements contained in Tax Code 31.036, the Board by resolution may permit qualified individuals, who are not employed by the District, to perform teaching services for the District at a junior high school or high school of the District in lieu of

paying taxes imposed by the District on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

TEACHING SERVICES BY EMPLOYEE OF BUSINESS ENTITY

Subject to the requirements contained in Tax Code 31.037, the Board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the District in lieu of paying taxes imposed by the District on property owned by the business entity. *Tax Code 31.037*

INSTALLMENT PAYMENTS

CERTAIN HOMESTEADS

An individual who is disabled or at least 65 and qualifies for a homestead exemption may pay taxes on the residence homestead property in installments. To do so, the individual must pay at least one-fourth of the taxes due before the delinquency date. This payment must be accompanied by notice that the individual will pay the remaining taxes in installments. The person may pay the remaining taxes without penalty or interest. The first installment must be paid before April 1, the second before June 1, and the third before August 1. *Tax Code 31.031*

PARTIAL PAYMENTS

The tax collector may decide to accept partial payments of District property taxes. Acceptance of a partial payment does not affect the delinquency date, but penalties and interest are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. The discounts described above do not apply to any portion of a partial payment of District taxes. *Tax Code 31.07(c)*

DELINQUENCY DATE

Taxes are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:

1. The District has provided for split payments. *Tax Code 31.03*
2. The District's tax bills are mailed after January 10. *Tax Code 31.04(a)*
3. The District's tax bills are mailed after September 30 and the Board has adopted discounts provided by Tax Code 31.05(c). *Tax Code 31.04(d)*

Tax Code 31.02

DELINQUENT TAX COLLECTION

The Board may contract with any competent attorney to represent the District to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)*

ADDITIONAL PENALTIES

If the District or the tax collector for the District has contracted with a private attorney for the collection of delinquent taxes, the Board

may impose, by official action, an additional penalty on taxes that become delinquent on or after February 1 but not later than May 1 and remain delinquent on July 1 of the year in which they become delinquent. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall deliver notice to the property owner of the delinquency and the penalty 30 to 60 days before July 1. *Tax Code 33.07*

If the District or the tax collector for the District has imposed the penalty described above and has contracted with a private attorney for collection of delinquent taxes, the Board may impose, by official action, an additional penalty on all taxes that become delinquent on or after June 1 under Tax Code 26.15(e), 31.03, 31.031, 31.032, or 31.04. This penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes and shall be secured by a tax lien. The District's tax collector shall send notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent. *Tax Code 33.08*

HOMESTEAD EXEMPTIONS

An adult is entitled to exemption from taxation of $15,000 of the appraised value of his residence homestead except that $10,000 of the exemption does not apply to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995. An adult who is disabled or 65 or older is entitled to an additional $10,000 exemption of the appraised value of his residence homestead. *Tax Code 11.13(b), (c)*

APPLICATION FOR EXEMPTION

To receive the residence homestead exemptions, the person claiming the exemption must apply for the exemption. *Tax Code 11.43*

PERSONS 65 AND OVER OR DISABLED PERSONS

The District shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Section 11.13 of the Tax Code, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption.

The District may increase the taxes if improvements are made to the property, but that tax amount is then frozen.

Tax Code 11.26(a), (b)

PORTABILITY OF LIMITATION

If an individual who receives the 65-and-over limitation on tax increases subsequently qualifies for a different resident homestead,

the District may impose taxes on the subsequently acquired homestead only in accordance with Tax Code 11.26. *Tax Code 11.26(g), (h)*

ADDITIONAL EXEMPTIONS

The Board may grant additional tax exemptions for homestead historic sites and charitable organizations, as provided by law. *Tax Code 11.13, 11.184, 11.24; Tex. Const. Art. VIII, Sec. 1–b(e)*

NATURAL DISASTER

If the District is located partly or entirely inside an area declared by the governor to be a natural disaster area, the Board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. *Tax Code 23.02(a)*

REINVESTMENT ZONES / TAX INCREMENT FINANCING

When a portion of the real property taxable by the District is proposed for inclusion in a municipal or county reinvestment zone, the Board shall be notified of a description of the proposed boundaries of the zone, the tentative plans for the development or redevelopment of the zone, and an estimate of the general impact of the proposed zone on property values and tax revenues. The District may request additional information from the governing body of the municipality or county proposing to designate a reinvestment zone, and Board members may attend the formal presentation required of the governing body of the municipality or county. Within 15 days of receipt of the notice, the Board shall designate a representative to meet with the governing body of the municipality or county proposing to designate a reinvestment zone to discuss the project plan and the reinvestment zone financing plan and shall notify the municipality or county governing body of its designation. *Tax Code 311.003(e), (f), (g)*

BOARD OF DIRECTORS

The Board may appoint one member of the reinvestment zone's board of directors or may waive that right. *Tax Code 311.009(a)*

In certain reinvestment zones, the Board may be entitled to appoint more than one member of the reinvestment zone's board of directors. *Tax Code 311.0091(a), (b)*

When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(5), the Board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the District. *Tax Code 311.009(b)*, *311.0091(c)*

COLLECTION AND DEPOSIT OF TAX INCREMENTS

The District shall provide for the collection of its taxes in the zone as for any other property tax and shall pay into the zone's tax increment fund the amount specified by law. This payment shall be made no later than 90 days after the delinquency date for District property taxes, except that the District is not required to pay the

portion attributable to delinquent taxes until those taxes are collected. The District shall not be required to pay a tax increment into the zone's tax increment fund beyond three years from the date the zone was created, except as provided by law. *Tax Code 311.013*

The District is not required to pay into the tax increment fund any of its tax increment produced from a reinvestment zone created upon petition of property owners under Tax Code 311.005(a) unless it enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(f)*

The District is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to a reinvestment zone under Tax Code 311.007 unless the Board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

REINVESTMENT ZONES — TAX ABATEMENT

On or after September 1, 2001, the District may not enter into a tax abatement agreement under Chapter 312. *Tax Code 312.002(f)*

TEXAS ECONOMIC DEVELOPMENT ACT

In order to attract large-scale capital investments, create new jobs, strengthen the economy, and expand the property tax base, districts may offer certain ad valorem tax benefits and financial benefits in accordance with the Texas Economic Development Act. *Tax Code 313*

Districts should strictly interpret the criteria and selection guidelines and approve only those applications for an ad valorem tax benefit or financial benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas as identified by the Texas Strategic Economic Development Planning Commission.

Tax Code 313.004(3)

Note: *For complete information regarding the Texas Economic Development Act, refer to Tax Code Chapter 313.*

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

WRITTEN POLICIES

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

1. A list of the types of authorized investments in which the District's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the District;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;
4. Methods to monitor the market price of investments acquired with public funds; and
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis.

Gov't Code 2256.005(b)

ANNUAL REVIEW

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

ANNUAL AUDIT

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

INVESTMENT STRATEGIES

As part of the investment policy, the Board shall adopt a separate written investment strategy for each of the funds or group of funds under the Board's control. Each investment strategy must describe the investment objectives for the particular fund under the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the Board;

2. Preservation and safety of principal;

3. Liquidity;

4. Marketability of the investment if the investment needs to be liquidated before maturity;

5. Diversification of the investment portfolio; and

6. Yield.

Gov't Code 2256.005(d)

INVESTMENT OFFICER

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

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

INVESTMENT TRAINING

INITIAL

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

WITHIN A TWO–YEAR PERIOD

The treasurer or chief financial officer and the investment officer must also attend an investment training session not less than once in a two-year period and receive not less than ten hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the Board or a designated investment committee advising the investment offi-

cer. If the District has contracted with another investing entity to invest the District's funds, this training requirement may be satisfied by having a Board officer attend four hours of appropriate instruction in a two-year period. *Gov't Code 2256.008(a), (b)*

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

STANDARD OF CARE

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

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

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

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

Gov't Code 2256.006

PERSONAL INTEREST

A District investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the District shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573, to an individual seeking to sell an investment to the District shall file a statement disclosing that relationship with the Board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or

3. The investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

QUARTERLY REPORTS

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

1. Contain a detailed description of the investment position of the District on the date of the report;

2. Be prepared jointly and signed by all District investment officers.

3. Contain a summary statement for each pooled fund group (i.e., each internally created fund in which one or more accounts are combined for investing purposes). The report must be prepared in compliance with generally accepted accounting principles and must state:

   a. Beginning market value for the reporting period;

   b. Additions and changes to the market value during the period;

   c. Ending market value for the period; and

   d. Fully accrued interest for the reporting period.

4. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested.

5. State the maturity date of each separately invested asset that has a maturity date.

6. State the account or fund or pooled group fund in the District for which each individual investment was acquired.

7. State the compliance of the investment portfolio of the District as it relates to the District's investment strategy expressed in

the District's investment policy and relevant provisions of Government Code, Chapter 2256.

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

Gov't Code 2256.023

SELECTION OF BROKER

The Board or a designated investment committee, shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the District. *Gov't Code 2256.025*

AUTHORIZED INVESTMENTS

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

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

The following investments are authorized:

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities; direct obligations of the state of Texas or its agencies and instrumentalities; collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States; other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas, the United States, or their respective agencies and instrumentalities; obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment qual-

ity by a nationally recognized investment rating firm not less than A or its equivalent; and bonds issued, assumed, or guaranteed by the state of Israel. *Gov't Code 2256.009(a)*

The following investments are not authorized:

a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

c. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.

d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

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

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

a. The funds are invested by the District through a depository institution that has its main office or a branch office in this state and that is selected by the District;

b. The depository institution selected by the District arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the District;

c. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;

d. The depository institution selected by the District acts as custodian for the District with respect to the certificates of deposit issued for the account of the District entity; and

e. At the same time that the funds are deposited and the certificates of deposit are issued for the account of the District, the depository institution selected by the District receives an amount of deposits from customers of other federally insured depository institutions, wherever located, that is equal to or greater than the amount of the funds invested by the District through the depository institution.

Gov't Code 2256.010(b)

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

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

4. A securities lending program if:

   a. The value of securities loaned is not less than 100 percent collateralized, including accrued income, and the loan allows for termination at any time;

   b. The loan is secured by:

      (1) Pledged securities described by Government Code 2256.009;

(2) Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(3) Cash invested in accordance with Government Code 2256.009, 2256.013, 2256.014, or 2256.016;

c. The terms of the loan require that the securities being held as collateral be pledged to the investing entity, held in the investing entity's name, and deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity; and

d. The loan is placed through a primary government securities dealer or a financial institution doing business in this state.

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

Gov't Code 2256.0115

5. Banker's acceptance, with a stated maturity of 270 days or fewer from the date of issuance that will be liquidated in full at maturity, which is eligible for collateral for borrowing from a Federal Reserve Bank, and is accepted by a bank meeting the requirements of Government Code 2256.012(4*). Gov't Code 2256.012*

6. Commercial paper that has a stated maturity of 270 days or fewer from the date of issuance and is rated not less than A–1 or P–1 or an equivalent rating by at least two nationally recognized credit rating agencies or by one nationally recognized credit rating agency provided the commercial paper is fully secured by an irrevocable letter of credit issued by a bank organized and existing under U.S. law or the law of any state. *Gov't Code 2256.013*

7. No-load money market mutual funds that:

   a. Are registered with and regulated by the Securities and Exchange Commission;

   b. Provide the District with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.);

c. Have a dollar-weighted average stated maturity of 90 days or fewer; and

d. Include in their investment objectives the maintenance of a stable net asset value of $1 for each share.

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

8. No-load mutual funds that:

a. Are registered with the Securities and Exchange Commission;

b. Have an average weighted maturity of less than two years;

c. Are invested exclusively in obligations approved by Government Code Chapter 2256, Subchapter A, regarding authorized investments (Public Funds Investment Act);

d. Are continuously rated by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

e. Conform to the requirements in Government Code Section 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

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

Gov't Code 2256.014

9. A guaranteed investment contract, as an investment vehicle for bond proceeds, if the guaranteed investment contract:

a. Has a defined termination date.

b. Is secured by obligations described by Government Code Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract.

c. Is pledged to the District and deposited with the District or with a third party selected and approved by the District.

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

To be eligible as an authorized investment:

d. The Board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds.

e. The District must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received.

f. The District must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received.

g. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested.

h. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Gov't Code 2256.015

10. A public funds investment pool meeting the requirements of Government Code 2256.016 and 2256.019, if the Board authorizes the investment in the particular pool by resolution. *Gov't Code 2256.016, 2256.019*

CHANGE IN LAW

The District is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

SELLERS OF INVESTMENTS

A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this policy, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. The qualified representative of the business organization offering to engage in an investment transaction with the District shall execute a written instrument in a form acceptable to the District and the business organization substantially to the effect that the business organization has:

1. Received and thoroughly reviewed the District investment policy; and

2. Has acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the District and the organization that are not authorized by the District's policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

The investment officer may not acquire or otherwise obtain any authorized investment described in the District's investment policy from a person who has not delivered to the District the instrument described above.

Gov't Code 2256.005

DONATIONS

A gift, devise, or bequest made to provide college scholarships for District graduates may be invested by the Board as provided in Property Code 117.004, unless otherwise specifically provided by the terms of the gift, devise, or bequest. *Education Code 45.107*

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

ELECTRONIC FUNDS TRANSFER

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

AUTHORIZED EXPENDITURES

The District shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.–Houston [1st Dist.] 1976, no writ)*

The District shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall the District pay or authorize the payment of any claim against the District under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen ISD v. C.H. Page and Bro. 48 S.W.2d 983 (Comm. App. 1932)*

The state and county available funds disbursed to the District shall be used exclusively for salaries of professional certified staff and for interest on money borrowed on short time to pay such salaries, when salaries become due before school funds for the current year become available. Loans for paying professional certified staff salaries may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from District taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for salaries of any personnel and for purchasing appliances and supplies; for the payment of insurance premiums; for buying school sites; for buying, building, repairing, and renting school buildings, including acquisition of school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools to be determined by the Board. *Education Code 45.105(c)*

No public funds of the District may be spent in any manner other than as provided for in the budget adopted by the Board. *Education Code 44.006(a)*

USE OF DISTRICT RESOURCES

The Board shall not enter into an agreement authorizing the use of District employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the District.

The Board may not use state or local funds or other resources of the District to electioneer for or against any candidate, measure, or political party.

Education Code 11.168

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, pro-

vided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.

2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

FISCAL YEAR

The Board may determine if the District's fiscal year begins on July 1 or September 1 of each year. *Education Code 44.0011*

BUDGET PREPARATION

The Superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of the District for the following fiscal year. *Education Code 44.002*

DEADLINES

The proposed budget shall be prepared on or before a date set by the State Board of Education, currently August 20 (June 19 if the District uses a July 1 fiscal year start date). *Education Code 44.002(a); 19 TAC 109.1(a)*, *109.41*

The adopted budget must be filed with the Texas Education Agency on or before the date established in the *Financial Accountability System Resource Guide. Education Code 44.005; 19 TAC 109.1(a)*

PUBLIC MEETING ON BUDGET AND PROPOSED TAX RATE

After the proposed budget has been prepared, the Board President shall call a Board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of the District may be present and participate in the meeting. *Education Code 44.004* [See CCG for provisions governing tax rate adoption]

The meeting must comply with the notice requirements of the Open Meetings Act. *Gov't Code 551.041, 551.043*

PUBLISHED NOTICE

The Board President shall also provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the District. If no daily, weekly, or biweekly newspaper is published in the District, the President shall provide for publication of notice in at least one newspaper of general circulation in the county in which the District's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

FORM OF NOTICE

The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.

The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

TAXPAYER INJUNCTION

If the District has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the District is entitled to an injunction restraining the collection of taxes by the District. An action to enjoin the collection of taxes must be filed before the date the District delivers substantially all of its tax bills.

BUDGET ADOPTION

The Board shall adopt a budget to cover all expenditures for the succeeding fiscal year at the meeting called for that purpose and before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins.

DISTRICTS WITH JULY 1 FISCAL YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

Education Code 44.004

By June 7, the chief appraiser shall prepare and certify an estimate of the taxable value of District property. *Tax Code 26.01(d)*

AMENDMENT OF APPROVED BUDGET

The Board shall have the authority to amend the approved budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

Copies of any amendment or supplementary budget must be prepared and filed in accordance with State Board rules.

Education Code 44.006

FAILURE TO COMPLY WITH BUDGET REQUIREMENTS

A Board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. *Education Code 44.052(c)*

CERTAIN DONATIONS

The District may donate funds or other property or service to the adjutant general's department or to the Texas National Guard. *Gov't Code 431.035(b), 431.045(b)*

BOARD AUTHORITY

The Board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

DELEGATION OF AUTHORITY

The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B, to a designated person, representative, or committee.

The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.

Education Code 44.0312

INJUNCTION

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the District is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

PURCHASES VALUED AT OR ABOVE $25,000

All District contracts, except contracts for the purchase of produce or vehicle fuel, valued at $25,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District:

1. Competitive bidding.
2. Competitive sealed proposals.
3. A request for proposals for services other than construction services.
4. A catalog purchase as provided by Government Code Chapter 2157, Subchapter B.
5. An interlocal contract.
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001.

Note: Regarding construction of school facilities, see CV generally; CVA for competitive bidding; CVB for competitive sealed proposals; CVC for design/build contracts; CVD, CVE for contracts using a construction manager; and CVF for job order contracts for minor repairs/alterations.

Education Code 44.031(a)

FACTORS

In awarding a contract, the District may consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031(b), a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b–1)*

The factors listed above are the only criteria that may be considered by the District in its decision to award a contract. The District may apply one, some, or all of the criteria, but it may not completely ignore them. *R.G.V. Vending v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).*

CONTRACT WITH PERSON INDEBTED TO DISTRICT

The Board may, by resolution, establish regulations permitting the District to refuse to enter into a contract or other transaction with a person indebted to the District. The District may refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the District.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with the District requiring Board approval.

Education Code 44.044

NOTICE PUBLICATION

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in the county where the District's central administrative office is located, once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

PERSONAL PROPERTY PURCHASES VALUED $10,000 TO $25,000

When the District seeks to purchase personal property of a value of at least $10,000 but less than $25,000, in the aggregate, for a 12-month period, the District may either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described below. *Education Code 44.033(a)*

NOTICE

For each 12-month period, the District shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the school is located. If there is no newspaper in the county in which the school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the school is located, specifying the categories of personal property to be purchased and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the District. *Education Code 44.033(b)*

VENDOR LIST

For each category, the District shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the District elects to include. Before the District makes a purchase from a category of personal property, it must obtain written or telephone price quotations from at least three vendors from the list for that category. If fewer than three vendors are on the list, the District shall contact each vendor. Whenever possible, telephone quotes should be confirmed in writing by mail or facsimile. The bidding records shall be retained with the District's competitive bid records and are subject to audit. Purchases shall be made from the lowest responsible bidder, except as provided by Education Code 44.033(f). *Education Code 44.033(b), (c)*

LOCATION OF BIDDER

In awarding a contract by competitive sealed bid under Education Code 44.033(b) and (c), a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This sec-

tion does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.033(f)*

PRODUCE OR FUEL PURCHASES

When the District purchases produce or fuel valued at $10,000 or more in the aggregate, for a 12-month period, the District must either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described immediately above. *Education Code 44.033(a), (d)*

PROFESSIONAL SERVICES

The purchasing requirements of Education Code Section 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agent.

The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, 2254.003(a)* [See also CV]

EMERGENCY DAMAGE OR DESTRUCTION

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

COMPUTERS

The District may acquire computers and computer-related equipment, including computer software, through the Texas Building and Procurement Commission (BPC) under contracts with the BPC in accordance with Government Code Chapter 2157. *Education Code 44.031(i)*

SOLE SOURCE

Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.

2. A film, manuscript, or book.

3. A utility service, including electricity, gas, or water.

4. A captive replacement part or component for equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of $15,000.

Education Code 44.031(j), (k)

IMPERMISSIBLE PRACTICES

A Trustee, employee, or agent shall not, with criminal negligence, make or authorize separate, sequential, or component purchases to avoid the purchasing requirements set out in Education Code 44.031. An officer or employee shall not knowingly violate Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, over a period, of items that in normal purchasing practices would be made in one purchase.

Violation of this provision is a Class B misdemeanor and an offense involving moral turpitude, conviction of which shall result in removal from office or dismissal from employment. A Trustee who is convicted of a violation of this provision is considered to have committed official misconduct and for four years after the date of final conviction, the removed person is ineligible to be appointed or elected to public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision, and is ineligible to receive any compensation through a contract with the state or a political subdivision. [See BBC]

Education Code 44.032

INSURANCE

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031 or 44.033. *Education Code 44.031, 44.033; Atty. Gen. Op. DM–347 (1995)*

MULTIYEAR CONTRACTS

The District may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at COMMITMENT OF CURRENT REVENUE, below. If the District executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the District will be executing a new insurance contract. *Atty. Gen. Op. DM–418 (1996)*

COMPETITIVE BIDDING

If the District receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical bids.

If only one of the bidders submitting identical bids is a resident of the District, that bidder shall be selected. If two or more such bidders are residents of the District, one shall be selected by the casting of lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

The Board shall prescribe the manner of casting lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

Local Gov't Code 271.901

REVERSE AUCTION

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the District and fair to vendors. *Local Gov't Code 271.906(b)*

Reverse auction procedure means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

OUT–OF–STATE BIDDERS

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001, 2252.002*

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the BPC in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003, 2252.004*

INTERLOCAL AGREEMENTS

To increase efficiency and effectiveness, the District may contract or agree with other local governments and with state agencies, including the BPC, to perform some of its purchasing functions. *Gov't Code 791.001, 791.011*

The District may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the BPC, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. Such an agreement may not, however, apply to services provided by firefighters, police officers, or emergency medication personnel.

A district that purchases goods and services by agreement with another local government or with the state or state agency satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b), (c); Atty. Gen. Op. JC–37 (1999)

STATE PURCHASING PROGRAM

Purchasing services performed for the District by the BPC shall include:

1. The extension of state contract prices to the District when the BPC considers it feasible.
2. Solicitation of bids on items desired by the District if the solicitation is considered feasible by the BPC and is desired by the District.
3. Provision of information and technical assistance to the District about the purchasing program.

The BPC may charge the District its actual costs in providing purchasing services.

Local Gov't Code 271.082

DISTRICT REQUIREMENTS

The District may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the BPC a resolution adopted by the Board requesting that the District be allowed to participate on a voluntary basis, to the extent the BPC deems feasible, and stating that the Board shall:

1. Designate an official to act for the District in all matters relating to the program, including the purchase of items from the vendor under any contract.
2. Direct the decisions of its representative.

3. Be responsible for:

   a. Submitting requisitions to the commission under contract(s) and for payment directly to the vendor; and

   b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending the BPC reports on actual purchases.

4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A purchase made through participation in this program meets any state requirement to seek competitive bids for the purchase of the item.

ELECTRONIC MARKETPLACE

If the District has the ability to electronically send purchase orders and information, it may participate in the Department of Information Resources' electronic procurement system, as described in Government Code Chapter 2177.

Local Gov't Code 271.083

MULTIPLE AWARD CONTRACT SCHEDULE

The BPC shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state.

The District may purchase goods or services directly from a vendor under a contract listed on a schedule. An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals and satisfies any applicable requirements of Government Code 2157 (catalog purchase method).

The price listed for a good or service under a multiple award contract is a maximum price. The District may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155, Subchapter I

COOPERATIVE PURCHASING PROGRAM

The District may participate in a cooperative purchasing program with another local government or a local cooperative organization. If the District does so, it may sign an agreement with another participating local government or a local cooperative stating that the District will:

1. Designate a person to act on behalf of the District in all matters relating to the program.

2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.

3. Be responsible for the vendor's compliance.

If the District participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

Local Gov't Code 271.102; Atty. Gen. Op. JC–37 (1999)

STATE COUNCIL ON COMPETITIVE GOVERNMENT

As approved by the State Council on Competitive Government, the District may voluntarily participate in a contract awarded by the council or a state agency under Government Code 2162. A district that purchases goods or services under this type of contract is considered to have satisfied any state law requiring competitive purchasing. *Gov't Code 2162.102(d)*

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

ENERGY OR WATER CONSERVATION MEASURES

The District may contract for energy or water conservation measures. Such a contract shall be let according to the procedures established for professional services by Government Code 2254.004. *Education Code 44.901* [See policy CL for legal requirements pertaining to such contracts]

RECYCLED PRODUCTS

The District shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. The District shall regularly review and revise its purchasing procedures and specifications for purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials.
2. Encourage the use of products made of recycled materials.
3. Ensure to the maximum extent economically feasible that the District purchase products that may be recycled when they have served their intended use.

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

Health and Safety Code 361.426

AGRICULTURAL PRODUCTS

If the cost and quality are equal, the District shall give preference in purchasing to agricultural products, including textiles and other similar products, that are produced, processed, or grown in Texas. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If Texas agricultural products are not equal in cost and quality to other agricultural products, the District shall give preference in purchasing to agricultural products produced, processed, or grown in the United States, if the cost and quality of the U.S. and foreign products are equal.

The District may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

VEGETATION FOR LANDSCAPING

If cost is equal and the quality is not inferior, the District shall give preference to Texas vegetation when it purchases vegetation for landscaping purposes.

Education Code 44.042

BUS PURCHASE OR LEASE

Each contract proposed for the purchase or lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)* [See CNB]

CRIMINAL HISTORY

Before entering into a contract with the District, a person or business must give notice to the District if the person or an owner or operator of the business has been convicted of a felony. The District may terminate a contract with a person or business if the District determines that the person or business failed to give such notice or misrepresented the conduct resulting in the conviction. The District must compensate the person for services performed before the contract terminated. *Education Code 44.034*

The District may obtain criminal history record information that relates to an employee of or applicant for employment by a person that contracts with the District to provide services if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and

2. The duties are or will be performed on school property or at another location where students are regularly present.

Education Code 22.083(b)

RIGHT TO WORK

While engaged in procuring goods and services or awarding a contract, the District:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and

2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

LOBBYING RESTRICTION: TOBACCO EDUCATION GRANT FUNDS

The District may not spend grant funds it receives from the Permanent Fund for Tobacco Education and Enforcement to pay:

1. Lobbying expenses incurred by the District;

2. A person or entity that is required under Government Code Chapter 305 to register as a lobbyist with the Texas Ethics Commission.

3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity of a registered lobbyist (as described in item 2);

4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067

EMERGENCY OPERATIONS PLAN

Each district shall adopt and implement a multihazard emergency operations plan for use in District schools. The plan must address mitigation, preparedness, response, and recovery as defined by the Commissioner in conjunction with the governor's office of homeland security. The plan must provide for:

1. District employee training in responding to an emergency;
2. Mandatory school drills to prepare District students and employees for responding to an emergency;
3. Measures to ensure coordination with local emergency management agencies, law enforcement, and fire departments in the event of an emergency; and
4. The implementation of a required security audit.

SECURITY AUDIT

At least once every three years, the District shall conduct a security audit of the District's facilities. To the extent possible, the District shall follow security audit procedures developed by the Texas School Safety Center or a comparable public or private entity. The District shall report the results of the security audit to the Board.

Education Code 37.108.

PEACE OFFICERS

The Board may employ security personnel and commission peace officers to carry out the provisions of Chapter 37, Subchapter C, Education Code, relating to law and order. If the Board authorizes security personnel to carry weapons, they must be commissioned peace officers. Any peace officer commissioned under Education Code 37.081 must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

JURISDICTION

The Board shall determine the jurisdiction of its commissioned peace officers, which may include all territory in the boundaries of the District and all property outside the boundaries of the District that is owned, leased, or rented by or otherwise under the control of the District.

Education Code 37.081(a)

SCOPE OF POWERS AND DUTIES

In a commissioned peace officer's jurisdiction, a peace officer:

1. Has the powers, privileges, and immunities of peace officers.
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws.
3. May take a juvenile into custody in accordance with Chapter 52 of the Family Code.

Education Code 37.081(b); Family Code 52.01(a)

The Board shall determine the scope of the on-duty and off-duty law enforcement activities of its peace officers, and the District must authorize in writing any off-duty law enforcement activities performed by a District peace officer. A District peace officer shall perform administrative and law enforcement duties as determined by the Board, which shall include protecting the safety and welfare of any person in the officer's jurisdiction and protecting property of the District. *Education Code 37.081(d)(e)*

A peace officer may provide assistance to another law enforcement agency, and the District may contract with a political subdivision for the jurisdiction of District peace officers to include all territory in the jurisdiction of the political subdivision. *Education Code 37.081(c)*

MEMORANDUM OF UNDERSTANDING

A District police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. *Education Code 37.081(g)*

CHIEF OF POLICE

A District's chief of police is accountable to the Superintendent and shall report to the Superintendent or designee. District police offi-

cers shall be licensed by TCLEOSE and be supervised by the District chief of police or the chief's designee. *Education Code 37.081(f)*

BONDING

A commissioned and assigned peace officer shall take and file the oath required of peace officers and execute and file the required $1,000 bond, payable to the Board, conditioned on the officer's performance of his or her duties. *Education Code 37.081(h)*

CONTINUING EDUCATION

If the District employs peace officers, it shall provide each officer with a continuing education program as required by Occupations Code Title 10, Chapter 1701, Subchapter H. *Occupations Code 1701, Subch. H*

COMPLAINT AGAINST PEACE OFFICER

In order for a complaint against a District peace officer to be considered by the head of the District's police department, the complaint must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed and no disciplinary action shall be taken against the officer as a result of the complaint unless a copy is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code Ch. 614, Subch. B; Atty. Gen. Op. GA–251 (2004)*

NOTICE OF EXPOSURE TO COMMUNICABLE DISEASE

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice in the form specified by administrative rule, in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

GROUP HEALTH BENEFITS

The District shall participate in the uniform group coverage program established under Insurance Code 1579, as provided by Subchapter D of that chapter. The cost of the coverage shall be paid by the state, the District, and the employees as provided by Insurance Code 1579. *Education Code 22.004(a), (c)*

Districts that do not participate in the uniform group coverage program shall make available to their employees group health coverage that meets the substantive coverage requirements of Chapter 1251, Subchapter A, Chapter 1364, and Subchapter A, Chapter 1366, Insurance Code and any other law applicable to group health insurance policies issued in Texas and that is comparable to the basic health coverage provided under Insurance Code Chapter 1551. The cost of the coverage shall be shared by the employees and the District using the contributions by the state described by Insurance Code Subchapter F, Chapter 1579, or by Insurance Code Chapter 1580. *Education Code 22.004(b), (c)*

SELF–FUNDED HEALTH CARE PLAN

Except as otherwise provided above, the Board may establish a self-funded health care plan for District employees and their dependents. In implementing the plan, the Board shall establish a fund to pay all or part of plan-authorized costs for health care incurred by program participants. The fund consists of money contributed by the District and money deducted from the employee's salary for coverage, upon the employee's written authorization. *Education Code 22.005*

PLAN DISCLOSURE STATEMENT

Within specified time lines, districts that do not participate in the uniform group coverage program shall provide employees and prospective employees a copy of any plan disclosure statement prepared by the plan issuer. The District shall retain a copy of the notice signed by each employee or prospective employee. *Insurance Code 1251.202*

OPTIONAL COVERAGES

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

UNIFORM GROUP COVERAGE PROGRAM

The Teacher Retirement System of Texas (TRS) shall implement and administer the uniform group coverage program described by the Texas School Employees Uniform Group Health Coverage Act. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, 1579.101*

EMPLOYEE ELIGIBILITY

Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. Such an employee who applies for coverage during an open enrollment period prescribed

by TRS is automatically covered by the catastrophic care coverage plan unless the employee:

1. Specifically waives coverage;

2. Selects a higher tier coverage plan; or

3. Is expelled from the program.

A participating employee may select coverage in any coverage plan offered by TRS. The employee is not required to continue participation in the coverage plan initially selected and may select a higher or lower tier coverage plan as provided by TRS rule. If the combined state and District contributions exceed the cost of a coverage plan selected by the employee, the employee may use the excess contributions to obtain coverage under a higher tier coverage plan, or to pay all or part of the cost of coverage for the employee's dependents. A married couple, both of whom are eligible for coverage under the program, may pool the amount of contributions to which the couple are entitled under the program to obtain coverage for themselves and dependent coverage.

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

Insurance Code 1579, Subch. E

STATE CONTRIBUTION

The state shall provide for each covered employee the amount of $900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 41 and 42 and used by districts as provided by Education Code 42.2514 and 42.260. *Insurance Code 1579, Subch. F*

DISTRICT CONTRIBUTION

'MAINTENANCE OF EFFORT'

If the District, for the 2000–01 school year, paid amounts for employees' health coverage, the District shall, for each fiscal year, continue to use to provide health coverage an amount for each participating employee at least equal to the amount computed as follows: the District shall divide the amount the District paid during the 2000–01 school year for the prior group health coverage plan by the total number of full-time employees in the 2000–01 school year and multiply the result by the number of full-time employees in the fiscal year for which the computation is made. If, for the 2000–01 school year, the District provided group health coverage to its employees through a self-funded insurance plan, the amount the District paid during that school year for the plan includes only the amount of regular contributions made by the District.

'MINIMUM EFFORT'

In addition, the District shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees multiplied by $1,800. The District may be entitled to additional state assistance to meet this required minimum effort.

EXCESS FUNDS

If the amount the District is required to use to provide health coverage to maintain its 2000–01 contributions exceeds the amount necessary for the District to spend $1,800 per participating employee, the District may use the excess only to provide employee compensation at a rate greater than the rate of compensation that the District paid an employee in the 2000–01 school year, benefits, or both.

Insurance Code 1581, Subch. B

EMPLOYEE CONTRIBUTION

An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and the District's contribution. The employee may pay the employee's contribution from the employee supplement.

The District may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.

Insurance Code 1579.253

COMPENSATION SUPPLEMENT

Subject to the availability of funds, each month TEA shall deliver to each district an amount, as determined by TEA, equal to the product of the number of District employees, multiplied by the amount specified in the General Appropriations Act, divided by 12. *Education Code 22.103*

All such funds received by the District are held in trust for the benefit of the employees on whose behalf the District received the funds. *Education Code 22.104*

Each month, the District must distribute the funds to its employees. To receive the monthly distribution, an individual must meet the definition of "employee." *Education Code 22.107*

"Employee" means an active, contributing member of TRS who:

1. Is employed by the District;

2. Is not a retiree eligible for coverage under Insurance Code Chapter 1575 (retiree group health benefits);

3. Is not eligible for coverage by a group insurance plan under Insurance Code Chapter 1551 (state employee health insur-

ance) or Chapter 1601 (state university employee health insurance); and

4. Is not an individual performing personal services for the District as an independent contractor.

Education Code 22.101(2)

An employee may use the monthly distribution for any employee benefit, including depositing the amount of the distribution into a cafeteria plan, if the employee is enrolled in a cafeteria plan, or using the amount of the distribution for health-care premiums through a premium conversion plan. The employee may take the amount of the distribution as supplemental compensation. *Education Code 22.108*

An amount distributed to an employee under this provision must be in addition to the rate of compensation that:

1. The District paid the employee in the preceding school year; or

2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year.

Education Code 22.109

A determination by TEA regarding the compensation supplement is final and may not be appealed. *Education Code 22.106*

TRS CONTRIBUTIONS FOR NEW HIRES

During each fiscal year, the District shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.

"New member" means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, the District shall:

1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and

2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each

employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

A person who was hired before September 1, 2005, and was subject to a 90-day waiting period for membership in the retirement system becomes eligible to participate in the retirement system as a member starting September 1, 2005. For the purpose of this section, the member shall be treated as a new member for the remainder of the waiting period.

The District must remit the amount required under this section to TRS at the same time the District remits the member's contribution. In computing the amount required to be remitted, the District shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

Gov't Code 825.4041

TRS CONTRIBUTIONS FOR REHIRED RETIREES

During each payroll period for which a retiree is reported, the District shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

TRS FUND CONTRIBUTIONS

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and
2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

HEALTH INSURANCE CONTRIBUTIONS

Each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), the District shall contribute to the TRS Care trust fund any difference between the amount the retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program, as determined by TRS. If more than one employer reports the retiree to TRS during a month, the amount of the required payment shall be prorated among employers.

EXCEPTION

The District is not required to contribute these amounts for a retiree who was reported under retirement system rules in effect for the report month of January 2005 by:

1. The reporting employer; or
2. Another employer, if both employers are school districts that formed a consolidated school district on or before September 1, 2005.

Gov't Code 825.4092; Insurance Code 1575.204

EMPLOYEE ELECTION

CAFETERIA PLAN

If an active employee is covered by a cafeteria plan of the District, the employee supplement shall be deposited in the cafeteria plan, and the employee may elect among the options provided by the plan. A cafeteria plan receiving employee supplement funds may include a medical savings account option and must include, at a minimum, the following options:

1. A health care reimbursement account;

2. A benefit or coverage other than that provided under the uniform group coverage program, or any employee coverage or dependent coverage available under the uniform group coverage program but not otherwise fully funded by the state or the District contributions, any of which must be a "qualified benefit" under Section 125, Internal Revenue Code of 1986, and its subsequent amendments;

3. An option for the employee to receive the employee supplement as supplemental compensation [See DEA]; or

4. An option to divide the employee supplement among two or more of the other options provided under the cafeteria plan.

Each state fiscal year, the District shall prepare and distribute to each active employee a written explanation in English and Spanish, as appropriate, of the options the employee may elect under this policy and an election form. The explanation must be based on the model explanation prepared by TRS and must reflect all available health coverage options available to the employee. The explanation must be distributed to an employee before the later of July 1 of the preceding state fiscal year, or the fifth day after the date the employee is hired. An election must be made before the later of August 1 of the preceding state fiscal year, or the 31st day after the date the employee is hired.

NO CAFETERIA PLAN

If an active employee is not covered by a cafeteria plan of the District, the employee supplement shall be paid to the active employee as supplemental compensation as described at DEA.

Insurance Code 1580 Subch. B, C

COMPARABILITY COMPLIANCE REPORT

The District shall report its compliance with Education Code 22.004 to TRS not later than March 1 of each even-numbered year. For districts that do not participate in the uniform group coverage program, the report must be based on the District group health coverage plan in effect during the current plan year and must include:

1. Appropriate documentation of:

   a. The District's contract for group health coverage, or

b. A Board resolution authorizing a self-insurance plan.

2. The schedule of benefits.

3. The premium rate sheet, including the amount paid by the District and the employee.

4. The number of employees covered by each health coverage plan offered by the District.

5. Any other information considered appropriate by the executive director of TRS.

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

CONTINUATION DURING MILITARY LEAVE

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

1. The 18-month period beginning on the date on which the person's absence begins; or

2. The day after the date on which the person fails to apply for or return to a position of employment. [See DEC]

38 U.S.C. 4317

CONTINUATION DURING FMLA LEAVE

During any period of leave under the Family and Medical Leave Act (FMLA), the District shall allow the employee to maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The District may recover any premiums it paid for maintaining coverage during a period of unpaid FMLA leave if the employee fails to return from leave after the FMLA leave has expired and the failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to FMLA leave or other circumstances beyond the employee's control. *29 U.S.C. 2614(c); 29 CFR 825.209, 825.210, 825.213* [See also DEC]

CONTINUATION COVERAGE UNDER COBRA

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

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

Social Security Act before the end of the initial 18 months of coverage shall be offered up to 29 months of continuation coverage.

2. To dependents of the covered employee for 36 months after the employee becomes eligible for Medicare benefits.

3. To dependents of the covered employee for 36 months after the employee's death or the divorce or legal separation of the employee from a spouse.

4. To a dependent child for 36 months after the child ceases to be a dependent under the terms of the plan.

42 U.S.C. 300bb–1, 300bb–2, 300bb–3

PREMIUM

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

NOTICE

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

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

42 U.S.C. 300bb–6

TERMINATION OF COVERAGE

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

1. The required period of coverage expires.

2. The District ceases to provide any group health plan to any employee.

3. Coverage ceases for failure to pay the premium.

4. The qualified beneficiary becomes covered under any other group plan.

5. The qualified beneficiary becomes entitled to Medicare benefits.

42 U.S.C. 300bb–2(2)

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

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

HEALTH INSURANCE PORTABILITY

A group health plan may impose a preexisting condition exclusion only if:

1. The exclusion relates to a condition (whether physical or mental), regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the six-month period ending on the enrollment date;

2. The exclusion extends for a period of not more than 12 months (or 18 months in the case of a late enrollee) after the enrollment date; and

3. The period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage (if any) applicable to the participant or beneficiary as of the enrollment date.

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

CERTIFICATION

A group health plan shall provide certification:

1. At the time an individual ceases to be covered under the plan or otherwise becomes covered under a COBRA continuation

provision. This certification may be provided, to the extent practicable, at a time consistent with notices required under any applicable COBRA continuation provision;

2. In the case of an individual covered under COBRA, at the time the individual's COBRA coverage ceases; and

3. On the request on behalf of an individual made not later than 24 months after the date of cessation of coverage.

The certification is a written certification of:

1. The period of creditable coverage of the individual under such plan and the coverage (if any) under such COBRA continuation provision, and

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

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

[See CRD(EXHIBIT) for required contents of the certification.]

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

ELECTION TO BE EXCLUDED

The plan sponsor of a nonfederal governmental group health plan may elect to be exempted from the following provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA):

1. Limitations on preexisting condition exclusion periods;

2. Special enrollment periods for individuals;

3. Prohibitions against discriminating against individual participants and beneficiaries based on health status;

4. Standards relating to benefits for mothers and newborns;

5. Parity in the application of certain limits to mental health benefits.

FORM AND MANNER OF ELECTION

Such an election must be in writing and state the name of the plan and the name and address of the plan administrator. The election document must either state that the plan does not include health insurance coverage, or identify which portion of the plan is not funded through insurance. The election must be made in confor-

mity with all the plan sponsor's rules, including any public hearing, if required. The election document must be signed, and must certify that the person signing the election document, including if applicable a third party plan administrator, is legally authorized to do so by the plan sponsor.

TIMING OF ELECTION

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

An election may be extended through subsequent elections.

CONTENTS OF NOTICE

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

42 U.S.C. 300gg–21; 45 CFR 146.180

SMALL EMPLOYER MARKET ELECTION

The District may elect to participate in the small employer market without regard to the number of eligible employees in the District. If the District makes this election, it will be treated as a small employer for the purposes of Article 1501 of the Texas Insurance Code. A district that is participating in the uniform group coverage program under Insurance Code 3.50–7 may not participate in the small employer market for health insurance coverage and may not renew a health insurance contract obtained in accordance with Article 1501 after the date on which the program of coverages provided under Insurance Code 3.50–7 is implemented. This provision does not affect a contract for the provision of optional coverages. *Insurance Code 1501.009*

EMPLOYEE ELECTION

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

PRIVACY OF HEALTH INFORMATION

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

'COVERED ENTITY' DEFINED

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

1. A health plan;

2. A health-care clearinghouse; or

3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by the Privacy Rule.

45 CFR 160.103

'PROTECTED HEALTH INFORMATION' DEFINED

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

1. Education records covered by the Family Educational Rights and Privacy Act (FERPA), as amended.

2. Medical treatment records, as described at 20 U.S.C. 1232g(a)(4)(B)(iv), on a student who is at least 18 years of age.

3. Employment records held by a covered entity in its role as employer.

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

SPONSORS OF GROUP HEALTH PLANS

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

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

1. Summary health information, consistent with the requirements of the Privacy Rule; and

2. Enrollment and disenrollment information relating to an individual participating in the plan.

45 CFR 164.504(f)

'PLAN SPONSOR' DEFINED

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

SELF–FUNDED PLANS

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

OPTIONS

The District shall extend workers' compensation benefits to its employees by choosing one of the following options:

1. Becoming a self-insurer.
2. Providing insurance under workers' compensation insurance contracts or policies.
3. Entering into interlocal agreements with other political subdivisions providing for self-insurance.

Labor Code 504.011

DEFINITION

For the purposes of this policy, "employee" means every person in the service of the District who has been employed as provided by law or for whom the District provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." *Labor Code 504.001, 504.014*

NOTICE

The District shall notify the Texas Department of Insurance (TDI) of the method by which District employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given to the District's employees. *Labor Code 504.018*

REPORT TO CARRIER

The District shall provide to the District's insurance carrier a report on each:

FIRST REPORT OF INJURY

1. Death;
2. On-the-job injury that results in an employee's absence from work for more than one day; and
3. Occupational disease of which the District has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the District.

The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. The District shall maintain a record of the date the report of injury is filed with the insurance carrier.

COPY TO EMPLOYEE

A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed

with the insurance carrier. The summary shall be written in plain language in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.

NOTICE OF MODIFIED DUTY PROGRAM

The District shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the District, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the District. If those opportunities or that program exists, the District shall identify the District's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.

SUPPLEMENTAL REPORT OF INJURY

A supplemental report shall be filed with the District's insurance carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including all post-injury earnings as defined in 28 TAC 129 [see OFFSETTING PAID LEAVE AGAINST TIBS, below], as a result of the injury; or

2. The employee resigns or is terminated.

The District's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the District and the District has made the required report.

For injuries that require the filing of a first report of injury, the District shall file the supplemental report with the District's insurance carrier and provide a copy to the employee within three days after:

1. The employee begins losing time from work as a result of the injury;

2. The employee returns to work; or

3. The employee, after returning to work, experiences an additional day of disability as a result of the injury.

The District shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005; 28 TAC 120.2, 120.3

INJURY AND OCCUPATIONAL DISEASE REPORT

The District's report of injury filed in accordance with Texas Labor Code 409.005 [FIRST REPORT OF INJURY, above] shall satisfy the District's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. *28 TAC 160.3*

WAGE REPORTS

The District is required to timely file a complete wage statement on a form prescribed by the TDI.

The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:

1. The date the District is notified that the employee is entitled to income benefits; or

2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

OMBUDSMAN PROGRAM

The District shall notify its employees, in the manner prescribed by the TDI, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act. *Labor Code 404.153*

REPORTS OF SAFETY VIOLATIONS

The District shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. The District shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. *Labor Code 411.081, 411.082*

RELATION TO PAID LEAVE

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.

"Post-injury earnings" include, among several other components:

1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and

2. The value of any partial days of accrued or annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee's TIBs, exceeds AWW.

28 TAC 129.2

OFFSETTING PAID LEAVE AGAINST WORKERS' COMPENSATION INCOME BENEFITS

The Board may provide that while an employee is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the workers' compensation benefits and the weekly compensation the employee was receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave balance. *Labor Code 504.052*

Unless the Board adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers' Compensation Law. *Atty. Gen. Op. JC–0040 (1999)*

PROHIBITED DISCRIMINATION

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.

2. Hired a lawyer to represent the employee in a claim.

3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.

4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the above provision is liable for reasonable damages incurred by the employee as a result of the violation, and an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding alleging violation of the above provision is on the employee. *Labor Code 451.002*

LEAVES OF ABSENCE

The District shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. *Atty. Gen. Op. JM–227 (1984)*

A district that terminates an employee for violating a reasonable absence-control policy cannot be liable for prohibited discrimination

as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez, 937 S.W.2d 444 (Tex. 1996)* [See DEC (LEGAL) at ABSENCE CONTROL]

APPLICABILITY OF STATE STANDARDS AFTER JANUARY 1, 2004

All new facilities and major space renovations approved by the Board after January 1, 2004, shall meet the facility standards established by the Commissioner as set out in Texas Administrative Code Title 19, Chapter 61.1036. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards. *Education Code 46.008; 19 TAC 61.1036*

DEFINITIONS

After January 1, 2004, a "major space renovation" means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration or function. *19 TAC 61.1036(a)(8)*

"Educational program" means a written document that includes a summary of the District's educational philosophy, mission, and goals and a description of the general nature of the District's instructional program. *19 TAC 61.1033(a)(1)*

"Educational specifications" means a description of the proposed project for a new facility or major space renovation, expressing the range of issues and alternatives. It should include:

1. The instructional programs, grade configuration, and type of facility.
2. Number of students.
3. A list of any specialized classrooms or major support areas, noninstructional support areas, or external activity spaces.
4. Estimated size of the facility and estimated budget for the project.
5. School administrative organization.
6. Hours of operation that include the instructional day, extracurricular activities, and any public access or use.

19 TAC 61.1033(a)(2)

"Major space renovation" means at least 50 percent of the gross area of the facility's instructional space is within the limits of the work. *19 TAC 61.1033(a)(5)*

APPLICABILITY OF STATE STANDARDS BEFORE JANUARY 1, 2004

All new facilities and major space renovations approved by the Board before January 1, 2004, shall meet the facility standards established by the Commissioner and referenced below. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards. *Education Code 46.008; 19 TAC 61.1033(a)(5), (b)*

DESIGN AND CONSTRUCTION CERTIFICATION

The District shall notify and obligate the architect or professional engineer to provide the certification required by these standards. The architect's or engineer's signature and seal on the construction documents shall certify compliance. "Certify" indicates that the architect or engineer has reviewed the standards contained in Commissioner's rules and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer shall also certify that the documents conform with the Commissioner's standards, except as indicated on the certification.

The District shall provide the architect or engineer the long-range school facility plan and/or educational specifications approved by the Board and the building code specifications for the facility.

The architect or engineer shall perform a building code search under applicable regulations that may influence the project and shall certify that the design has been researched before it is final. The architect or engineer shall also certify that the facility has been designed according to the State Board facility standards, based on the long-range school facility plan and/or educational specifications, building code specifications, and all documented changes to the construction documents provided by the District.

The building contractor or construction manager shall certify that the facility has been constructed in general accordance with the architect's or engineer's construction documents.

When construction is completed, the District shall certify that the facility conforms with the District's design requirements.

19 TAC 61.1033(c)

EDUCATIONAL ADEQUACY

A proposed new school facility or major space renovation of an existing school facility meets the conditions of educational adequacy if the design of the proposed project is based on the requirements of the District educational program and the student population that it serves. *19 TAC 61.1033(e)*

SPACE REQUIREMENTS

The District shall provide general classrooms, specialized classrooms, and major support areas that meet the minimum square footage requirements established by the Commissioner's rules, if the instructional space is required by the District's educational specifications. *19 TAC 61.1033(a)(3), (d), (e)*

CONSTRUCTION QUALITY

A district located in an area that has adopted local building codes shall comply with those codes (including fire and mechanical, electrical, and plumbing codes). The District is not required to seek additional plan review of school facility projects other than what is required by the local building authority.

A district located in an area that has not adopted local building codes shall adopt and use the latest edition of either the Uniform Building Code or Standard (Southern) Building Code (and related fire, mechanical, and plumbing codes); and the National Electric Code. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code.

The plan review shall be conducted before bidding and must be conducted by a certified building code consultant. Associated fees shall be the District's responsibility. The reviewer shall prepare a summary list of any conditions not in conformance with the adopted building code and shall send a copy to the District and the design architect or engineer, who shall revise the plans and specifications as necessary and certify code compliance to the District. Any disputes shall be a matter for contract resolution.

Construction and renovation projects shall also comply with facility requirements of the Americans with Disabilities Act of 1990 [see READILY ACCESSIBLE PROGRAMS below] and other applicable local, state, and federal requirements.

19 TAC 61.1033(f)

FIRE ESCAPES

The Board shall ensure that each school building that is two or more stories shall have such fire escapes as are required by law. *Health and Safety Code 791.002, 791.035, 791.036*

SECURITY CRITERIA

A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, security criteria developed by the Texas School Safety Center. *Education Code 46.0081*

READILY ACCESSIBLE PROGRAMS

No qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of,

the services, programs, and activities of the District or be subject to discrimination. *42 U.S.C. 12132; 28 CFR 35.149; 29 U.S.C. 794; 34 CFR 104.21*

The District shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

Compliance with these requirements may be achieved by:

1. Redesigning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 CFR 104.23 and 28 CFR 35.151.
8. Any other methods that would result in making services, programs, and activities accessible to individuals with disabilities.

Structural changes in existing facilities need not be made when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, the Board shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 CFR 35.150; 34 CFR 104.22

REVIEW OF PLANS

All plans and specifications for construction or for the substantial renovation, modification, or alteration of a building or facility that has an estimated construction cost of $50,000 or more shall be submitted to the Department of Licensing and Regulation for review and approval. The District as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, modification, or alteration of the building or facility to begin before the date the plans and specifications are submitted to the Department by the architect, interior designer, landscape architect, or engineer.

The District as owner of each building or facility that has an estimated construction, renovation, modification, or alteration cost of at least $50,000 is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation, modification, or alteration of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

Gov't Code 469.101, 469.102(c), 469.105

NOTICE

The District shall adopt and implement procedures to ensure that interested persons, including those with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 CFR 104.22(f)*

PLAYGROUNDS

Public funds may not be used to purchase playground equipment or surfacing for the area under and around the equipment if either purchase does not substantially comply with each applicable provision of the Handbook for Public Playground Safety, published by the U.S. Consumer Product Safety Commission.

EXCEPTION

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 1997, even if they do not comply with the Playground Safety Handbook.

Health and Safety Code 756.061

OUTDOOR LIGHTING FIXTURES

An outdoor lighting fixture that is designed, installed, or replaced on or after September 1, 1999, may be installed, replaced, maintained, or operated using state funds only if the fixture meets the specific energy conservation and light pollution standards in Health and Safety Code Chapter 425.

EXCEPTIONS

The standards for state-funded outdoor lighting fixtures do not apply when:

1. Preempted by federal law, rule, or regulation;
2. Emergency personnel temporarily require additional illumination for emergency procedures;
3. The lighting fixture is used temporarily for nighttime work;
4. Special events or circumstances* require additional illumination;
5. The fixture is used solely to enhance the aesthetic beauty of an object; or
6. A compelling safety interest cannot be addressed by another method.

***Note:** Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002

TESTING OF NATURAL GAS PIPING

At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, the District shall pressure test the natural gas piping system in each District facility. The testing may be performed on a two-year cycle under which the District pressure tests the natural gas piping system in approximately one-half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities shall be conducted and reported not later than July 1 of the year in which the pressure test is performed. *Utilities Code 121.502; 16 TAC 8.230(c)(4)*

RAILROAD COMMISSION RULES

The Railroad Commission of Texas has adopted rules to enforce this policy. Each District facility described in Commission rules shall be tested in accordance with the procedures and timetables implemented by Commission rules. *16 TAC 8.230*

STANDARDS AND PROCEDURE

A test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements. *Utilities Code 121.502(d); 16 TAC 8.230(c)(1)*

The pressure test shall determine whether the natural gas piping downstream of a District facility meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person qualified in accordance with the testing procedures established by Railroad Commission rules. At the District's request, the Railroad Commission shall assist the District in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

NOTICE

The District shall provide written notice to the District's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the District. *Utilities Code 121.504(a); 16 TAC 8.230(c)(1)*

TERMINATION OF SERVICE

The supplier shall terminate service to a District facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

Utilities Code 121.505(a)

The supplier shall develop procedures for terminating service to the District if:

1. The natural gas supplier receives notification of a hazardous natural gas leak in the school facility piping system; or
2. The natural gas supplier does not receive written notification from the District specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

REPORTING LEAKS

An identified natural gas leakage in a District facility must be reported to the Board. The firm or individual conducting the natural gas piping test shall immediately report any hazardous natural gas leak in a District facility to the Board and to the District's natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP–GAS SYSTEMS TESTING

At least biennially, the District shall perform pressure tests for leakage on the LP-gas piping system in each District facility before the beginning of the school year. The District may perform the pressure tests on a two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the pressure testing requirements.

Natural Resources Code 113.352; 16 TAC 9.41

REQUIREMENTS OF TEST

The District shall perform the pressure test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the National Fire Protection Association 54, National Fuel Gas Code. The pressure test must be conducted in accordance with National Fire Protection Association 54.

The Railroad Commission, upon request, shall assist the District in providing for the certification of a District employee to conduct the test and in developing a procedure for conducting the test.

Natural Resources Code 113.353

Before the introduction of any LP-gas into the LP-gas piping system, the District shall provide verification to its supplier that the piping has been tested.

NOTICE

The District shall provide written notice to the Railroad Commission specifying the date and the result of each pressure test or other inspection of the LP-gas piping system within one week of the date each test is performed.

Natural Resources Code 113.354; 16 TAC 9.41

TERMINATION OF SERVICE

A supplier shall terminate service to a District facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous leakage in the facility LP-gas piping system; or

2. A test at the facility is not performed as required.

Natural Resources Code 113.355

REPORTING LEAKS

An identified LP-gas leakage in a District facility shall be reported to the Board and the LP gas system shall be removed from LP gas service until repairs are made and another test passed. *Natural Resources Code 113.356; 16 TAC 9.41(b)(3)*

INTRASTATE PIPELINE EMERGENCY RESPONSE PLAN

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from the District, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:

    a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;

    b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;

    c. The designated emergency number for the pipeline facility operator;

    d. Information on the state's excavation one-call system; and

    e. Information on how to recognize, report, and respond to a product release; and

2. Mail a copy of the requested items by certified mail, return receipt requested, to the Superintendent of the District in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled meeting of the Board to explain the above items if requested by the Board or District.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the Board.

Natural Resources Code 117.012(k), (l), (m); 16 TAC 8.315

EMPLOYMENT POLICIES

The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:

SELECTION OF PERSONNEL

1. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent [see SUPERINTENDENT RECOMMENDATIONS, below];

CAMPUS ASSIGNMENTS

2. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP]; and

JOB POSTINGS

3. Notice will be provided of vacant positions [see POSTING OF VACANCIES, below].

Education Code 11.163

CONTRACT POSITIONS

The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)*

DELEGATION OF AUTHORITY

The District's employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District. *Education Code 11.163(c)*

NEPOTISM

A superintendent to whom the Board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See DBE]

SUPERINTENDENT RECOMMENDATIONS

The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. *Education Code 11.163*

POSTING OF VACANCIES

The District's employment policy must provide that not later than the tenth school day before the date on which the District fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the Board, the District must provide to each current District employee:

1. Notice of the position by posting the position on:

   a. A bulletin board at:

(1) A place convenient to the public in the District's central administrative office, and

(2) The central administrative office of each campus during any time the office is open; and

b. The District's Internet Web site, if the District has a Web site; and

2. A reasonable opportunity to apply for the position.

Education Code 11.163(d)

EXCEPTION

If, during the school year, the District must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the District must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, the District is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.163(e)*

CONTRACT EMPLOYEES

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

"Classroom teacher" means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

LENGTH OF CONTRACT

A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator's salary. *Education Code 21.401*

EDUCATIONAL AIDES

The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.214(f); 19 TAC Chapter 21*

EMPLOYMENT OF RETIREES

REPORT TO TRS

The District shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. The District shall inform TRS of changes in status of the District that affect the District's reporting responsibilities.

The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District.

An administrator of the District who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

ACUTE SHORTAGE AREAS

For purposes of Government Code 824.602(a) (permitting retirees to return to work in acute shortage areas) the Board shall determine by rule whether there are acute shortage areas in the District based on TEA's acute shortage area guidelines. The guidelines must include:

1. A list of acute shortage areas;

2. Suggested criteria for identifying local acute shortage areas; and

3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.

Gov't Code 824.602(m)

NEW HIRES

I–9 FORMS

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

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

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

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

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

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

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

NEW HIRE REPORTING

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

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

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

DEADLINE

New hire reports are due:

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

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

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

42 U.S.C. 653a(b), (c); Family Code 234.101–234.104; 1 TAC 55, Subch. I

SOCIAL SECURITY NUMBERS

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

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF USES

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

5 U.S.C. 552(a); Pub. L. 94–455, Stat. 1520 (1976)

CRIMINAL HISTORY RECORD

The District may obtain from any law enforcement or criminal justice agency all criminal history information that relates to:

1. A person the District intends to employ in any capacity;

2. A person who has indicated, in writing, an intention to serve as a volunteer with the District; or

3. A volunteer or employee of the District.

Criminal history record information regarding a person who is a volunteer or employee of the District may be obtained no more than twice each year.

Education Code 22.083(a), (c); Gov't Code 411.097(b)

CONFIDENTIALITY OF RECORD

Criminal history record information obtained by the District may not be released or disclosed to any person, other than the individual who is the subject of the information, TEA, or SBEC (State Board for Educator Certification). *Gov't Code 411.097(d)* [See CNA]

SBEC NOTIFICATION

The Superintendent shall promptly notify SBEC in writing by filing a report with the executive director of SBEC within seven calendar days of the date the Superintendent obtains or has knowledge of information indicating that an applicant for or holder of a certificate issued under Chapter 21, Subchapter B, of the Education Code has a reported criminal history. *Education Code 22.083(d); 19 TAC 249.14(d)(1)* [See also DF]

DISCHARGE OF CONVICTED EMPLOYEES

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the District. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code Section 207.044 (unemployment compensation). *Education Code 22.085*

MINIMUM WAGE AND OVERTIME

Employees not exempt under the Fair Labor Standards Act shall be paid minimum wage and receive compensation for overtime under the conditions specified in the Act. *29 U.S.C., Sec. 206, 207*

Nothing in the Fair Labor Standards Act or its implementing regulations prohibits the District from compelling the use of accrued compensatory time. *Christensen v. Harris County, 529 US 576 (2000)*

WAGE AND HOUR RECORDS

The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. *29 CFR 516.2*

MINIMUM SALARY SCHEDULE

The District shall pay each classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, specified in Education Code 21.402 and 19 TAC 153.1021.

EMPLOYEES EMPLOYED BY DISTRICT IN 2000–01

A classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse employed by the District in the 2000–01 school year is, for as long as the employee is employed by the District, entitled to a salary that is at least equal to the salary the employee received for the 2000–01 school year.

Education Code 21.402(d); 19 TAC 153.1021, 153.1022

PLACEMENT ON SALARY SCHEDULE

The Commissioner's rules determine the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule. The District shall credit the teacher, librarian, counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.403(c), 19 TAC 153.1022*

EMPLOYEES FORMERLY ON CAREER LADDER

As long as a teacher or librarian is employed by the same school district, the teacher or librarian is entitled to:

1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or

2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993.

Education Code 21.403(d)

VALID CERTIFICATE

An educator, as defined in Education Code 5.001(5), who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate. *Education Code 21.053(b)*

COMPENSATION SUPPLEMENT

Subject to the availability of funds, each month TEA shall deliver to each district an amount, as determined by TEA, equal to the product of the number of district employees, multiplied by the amount specified in the General Appropriations Act, divided by 12. *Education Code 22.103*

All such funds received by the District are held in trust for the benefit of the employees on whose behalf the District received the funds. *Education Code 22.104*

Each month, the District must distribute the funds to its employees. To receive the monthly distribution, an individual must meet the definition of "employee." *Education Code 22.107*

"Employee" means an active, contributing member of TRS who:

1. Is employed by the District;
2. Is not a retiree eligible for coverage under Insurance Code Chapter 1575 (retiree group health benefits);
3. Is not eligible for coverage by a group insurance plan under Insurance Code Chapter 1551 (state employee health insurance) or Chapter 1601 (state university employee health insurance); and
4. Is not an individual performing personal services for the District as an independent contractor.

Education Code 22.101(2)

An employee may use the monthly distribution for any employee benefit, including depositing the amount of the distribution into a cafeteria plan, if the employee is enrolled in a cafeteria plan, or using the amount of the distribution for health-care premiums through a premium conversion plan. The employee may take the amount of the distribution as supplemental compensation. *Education Code 22.108*

An amount distributed to an employee under this provision must be in addition to the rate of compensation that:

1. The District paid the employee in the preceding school year; or
2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year.

Education Code 22.109

A determination by TEA regarding the compensation supplement is final and may not be appealed. *Education Code 22.106*

TRS CONTRIBUTIONS FOR NEW HIRES

During each fiscal year, the District shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.

"New member" means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, the District shall:

1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and

2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

A person who was hired before September 1, 2005, and was subject to a 90-day waiting period for membership in the retirement system becomes eligible to participate in the retirement system as a member starting September 1, 2005. For the purpose of this section, the member shall be treated as a new member for the remainder of the waiting period.

The District must remit the amount required under this section to TRS at the same time the District remits the member's contribution. In computing the amount required to be remitted, the District shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

Gov't Code 825.4041

TRS CONTRIBUTIONS FOR REHIRED RETIREES

During each payroll period for which a retiree is reported, the District shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

TRS FUND CONTRIBUTIONS

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and

2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

HEALTH INSURANCE CONTRIBUTIONS

Each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), the District shall contribute to the TRS Care trust fund any difference between the amount the retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program, as determined by TRS. If more than one employer reports the retiree to TRS during a month, the amount of the required payment shall be prorated among employers.

EXCEPTION

The District is not required to contribute these amounts for a retiree who was reported under retirement system rules in effect for the report month of January 2005 by:

1. The reporting employer; or

2. Another employer, if both employers are school districts that formed a consolidated school district on or before September 1, 2005.

Gov't Code 825.4092; Insurance Code 1575.204

RETIREMENT INCENTIVES

The District may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

ATTENDANCE SUPPLEMENT

The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

PRINCIPAL PERFORMANCE INCENTIVES

A performance incentive awarded to a principal under Education Code 21.357 shall be distributed to the principal's school. The campus level committee shall determine the manner in which the performance incentive shall be used. *Education Code 21.357(c)*

SEARCHES—GENERAL RULE

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

The District may search an employee or an employee's property if:

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

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

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

DRUG / ALCOHOL TESTING

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

RANDOM DRUG TESTING

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

SAFETY–SENSITIVE POSITIONS

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

***Note*:** The following testing requirements apply to every employee of the District who operates a commercial motor vehicle and is subject to commercial driver's license requirements in accordance with federal regulations.

TESTING OF DRIVERS

The District shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 2717; 49 CFR Part 382*

COMMERCIAL MOTOR VEHICLE DEFINED

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

49 CFR 382.107

TESTING PROCEDURES

The District shall ensure that all alcohol or controlled substances testing conducted under 49 CFR Part 382 complies with the procedures set forth in 49 CFR Part 40. *49 CFR 382.105*

TESTS REQUIRED

Required testing includes pre-employment, postaccident, random, reasonable suspicion, return-to-duty, and follow-up testing. No driver shall refuse to submit to a postaccident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a return-to-duty or follow-up alcohol or controlled substances test. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 CFR 382.211, 382.309*

EDUCATIONAL MATERIALS

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

REPORTS

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

1. A valid positive result on an alcohol or drug test.

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

2. A refusal to provide a specimen for an alcohol or drug test.

3. An adulterated specimen, diluted specimen, or substituted specimen, as defined at 49 CFR 40.3, on an alcohol or drug test.

For purposes of this requirement, the term "employee" includes applicants for employment subject to preemployment testing.

Trans. Code 644.251–.252

ASSIGNMENT

The District may not employ a person as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor unless the person holds an appropriate certificate or permit. In addition, a public school employee must have the appropriate credentials, as set forth by the State Board for Educator Certification, for his or her current assignment, unless the appropriate permit has been issued. *Education Code 21.003; 19 TAC 230.601* [See DBA]

EMERGENCY PERMITS

A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment.

TEMPORARY VACANCIES

The District is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the PARENT NOTIFICATION requirements below.

19 TAC 230.501(b), (g)

CURRENT EMPLOYEES

A degreed, certified teacher employed in the previous year or semester in an assignment for which he or she was fully certified may not be assigned to a position that requires activating an emergency permit unless:

1. The teacher has given written consent to the activation of the permit; or

2. Because of fluctuations in enrollment or changes in course offerings, the teacher's previous assignment no longer exists and no alternative assignment for which the teacher is fully certified is available on that campus. If a permit is activated for a teacher under these circumstances, the teacher shall be offered the opportunity to return to his or her previous assignment or an alternative assignment for which the teacher is fully certified on that campus as soon as such an assignment is available. If a teacher accepts the assignment, the actual transfer of duties shall occur not later than the beginning of the next academic year.

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

teacher continuing on an emergency permit for a second year must meet the full requirements of an emergency permit.

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

19 TAC 230.501(c)

PRINCIPAL'S APPROVAL

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

TRANSFERS

The District's employment policy may include a provision for providing each current District employee with an opportunity to participate in a process for transferring to another school in or position with the District. *Education Code 11.163(c)*

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

PARENT NOTIFICATION

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

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY CERTIFIED OR UNCERTIFIED TEACHER

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

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

Education Code 21.057; 19 TAC 230.601

RESTRICTIONS ON WRITTEN REPORTS

The Board shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare.

A classroom teacher may not be required to prepare any written information other than:

1. Any report concerning the health, safety, or welfare of a student;
2. A report of a student's grade on an assignment or examination;
3. A report of a student's academic progress in a class or course;
4. A report of a student's grades at the end of each grade reporting period;
5. A textbook report;
6. A unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;
7. An attendance report;
8. Any report required for accreditation review;
9. Any information required by the District that relates to a complaint, grievance, or actual or potential litigation and that requires the classroom teacher's involvement; or
10. Any information specifically required by law, rule, or regulation.

The District may collect essential information, in addition to the information specified above, from a classroom teacher on agreement between the classroom teacher and the District.

PAPERWORK REVIEW

The Board shall review paperwork requirements imposed on classroom teachers and transfer to existing noninstructional staff a reporting task that can reasonably be accomplished by that staff. [See BAA]

Education Code 11.164

The Commissioner of Education may authorize special accreditation investigations in response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers. *Education Code 39.075(b–1)*

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

SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEJ	Individualized Learning
EEJA	Credit by Examination With Prior Instruction
EEJB	Credit by Examination Without Prior Instruction
EEJC	Correspondence Courses
EEL	Contracts with Outside Agencies
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials Selection and Adoption
EFAA	Textbook Selection and Adoption
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EFE	Copyrighted Material
EFF	Instructional Television
EG	CURRICULUM DEVELOPMENT
EGA	Innovative and Magnet Programs
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education Students
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	Individualized Education Program (IEP) and ARDs
EHBAC	Students in Non-District Placement
EHBAD	Procedural Requirements
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services

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SECTION E: INSTRUCTION

EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technology Education
EHBG	Prekindergarten
EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBJ	Dual Language
EHBK	Other Instructional Initiatives
EHD	Extended Instructional Programs
EHDA	Summer School
EHDB	Travel Study
EHDC	Honors
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EJ	ACADEMIC GUIDANCE PROGRAM
EK	TESTING PROGRAMS
EKB	State Assessment
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CHARTER CAMPUS OR PROGRAM
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Animals in the School
EMI	Study of Religion

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. The District is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 TAC 74.3. *19 TAC 74.3(c)*

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. *19 TAC 74.3(a)*

COORDINATED HEALTH PROGRAM

TEA shall make available to the District one or more coordinated health programs designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary, middle, and junior high school students. *Education Code 38.013*

Beginning with the 2006–07 school year, the District shall participate in appropriate training to implement TEA's coordinated health program and implement the program in each middle and junior high school in the District. *Education Code 38.014*

HIGH SCHOOL COURSES AT EARLIER GRADES

The District may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

*(Optional provision)

GRADES 9–12 COURSE OFFERINGS

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to the essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

The District shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.

5. Economics — Economics with Emphasis on the Free Enterprise System and Its Benefits.

   Beginning with the 2006–07 school year, the District shall incorporate instruction in personal financial literacy into any course meeting a requirement for an economics credit, using materials approved by the State Board of Education. *Education Code 28.0021*

6. Physical education — Foundations of Personal Fitness and at least two of the following:

   a. Adventure/Outdoor Education;

   b. Aerobic Activities;

   c. Individual Sports; or

   d. Team Sports.

7. Health education — Health I.

8. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

   a. Art I, II, III, IV;

   b. Music I, II, III, IV;

   c. Theatre I, II, III, IV; or

   d. Dance I, II, III, IV.

9. Career and technology education, taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical. [See EEL] — courses selected from at least three of the eight career and technology areas, as follows:

   a. Agricultural science and technology education;

   b. Business education;

   c. Career orientation;

   d. Health science technology education;

   e. Family and consumer sciences education/home economics education;

   f. Technology education/industrial technology education;

   g. Marketing education; and

   h. Trade and industrial education.

10. Languages other than English — Levels I, II, and III of the same language.

11. Technology applications — at least four courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications.

12. Speech — Communications Applications.

19 TAC 74.3(b)(2)

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. *19 TAC 74.3(b)(2)*

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

The District may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

TUITION–FREE

The District shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. The District may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

The District may not charge tuition for a prekindergarten program offered under these provisions.

EXEMPTION

The District may apply to the Commissioner for an exemption from the requirement that it provide a free prekindergarten program if the District would be required to construct classroom facilities in order to provide the program.

ELIGIBILITY

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and is:

1. Unable to speak and comprehend the English language;
2. Educationally disadvantaged; or
3. Homeless, as defined by federal law [see FD(LEGAL)], regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control.

NOTICE

The District shall develop a system to notify the population in the District with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish.

HALF–DAY BASIS

A free prekindergarten class shall be operated on a half-day basis.

TRANSPORTATION

The District is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153

TUITION–SUPPORTED OR DISTRICT– FINANCED

The District may offer on a tuition basis or use District funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

The District may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (regarding PEIMS data for prekindergarten programs). The District must submit its proposed tuition rate to the Commissioner for approval.

Education Code 29.1531

PROGRAM DESIGN

The District's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

PREKINDERGARTEN EXPANSION GRANT

The District may use funds from grants administered by the Commissioner of Education to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

The District may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

The District may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155

READY TO READ GRANT

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by Commissioner rule.

Grants shall be used to provide scientific, research-based prereading instruction for the purpose of directly improving prereading skills and for identifying cost-effective models for prereading intervention. Grants funds shall be used for:

1. Professional staff development in prereading instruction;

2. Preceding curriculum and materials;

3. Prereading skills assessment materials; and

4. Employment of prereading instructors.

Education Code 29.157

STATEWIDE INFORMATION REFERRAL NETWORK

The District shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. The District shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child care and education services" includes child-care and education services provided by the District through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, the District shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, the District shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

The District shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)–(e)

SHARED SITE

Before establishing a new prekindergarten program, the District shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

PRE–K LICENSING STANDARDS

If the District contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

CHARACTER EDUCATION

The District may provide a character education program, which must:

1. Stress positive character traits, such as:
    a. Courage;
    b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
    c. Integrity;
    d. Respect and courtesy;
    e. Responsibility, including accountability, diligence, perseverance, and self-control;
    f. Fairness, including justice and freedom from prejudice;
    g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
    h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
    i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

In developing or selecting a character education program under this section, the District shall consult with a committee selected by the District that consists of parents of District students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

TEXAS FIRST RESPONDERS DAY

Districts shall regularly observe Texas First Responders Day, September 11, by appropriate ceremonies. Each district may determine the appropriate ceremonies for observation of Texas First Responders Day. *Gov't Code 662.050*

CONSTITUTION DAY

A district that receives federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the District. *Pub. L. 108–447 (2004)*

CELEBRATE FREEDOM WEEK

To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which November 11 falls is designated as Celebrate Freedom Week in public schools. For purposes of this section, Sunday is considered the first day of the week. *Education Code 29.907*

APPROPRIATE INSTRUCTION

Each social studies class shall include, during Celebrate Freedom Week or during another full school week as determined by the Board, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical context.

The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

19 TAC 74.33(a)

RECITATION

Each district shall require that, during Celebrate Freedom Week or other prescribed week of instruction, students in grades 3–12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their Just Powers from the Consent of the Governed."

EXCEPTION

Each district shall excuse from recitation a student:

1. Whose parent or guardian submits to the District a written request that the student be excused;

2. Who, as determined by the District, has a conscientious objection to the recitation; or

3. Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

19 TAC 74.33(b)

WOMEN'S INDEPENDENCE DAY

August 26 is Women's Independence Day, to commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed women the right to vote.

The public schools shall regularly observe Women's Independence Day to inspire a greater appreciation of the importance of women's suffrage. *Gov't Code 662.051*

HATE CRIMES LAW PROGRAM

The attorney general, in cooperation with TEA, shall develop a program that provides instruction about state hate crimes laws to students at appropriate grade levels. TEA shall make the program available on request of the Board or District. *Education Code 29.905*

CPR INSTRUCTION

To the extent that resources are available, through TEA or otherwise, the District shall provide cardiopulmonary resuscitation (CPR) instruction to students.

A district that provides instruction to students in the principles and techniques of CPR may accept from TEA donations the agency receives under Education Code 7.026. The District must use those donations in providing instruction to students in the principles and techniques of CPR. The District may accept other donations, including donations of equipment, for use in providing CPR instruction.

Education Code 29.903

Each district is strongly encouraged to aggressively pursue donations of time, equipment, and other resources necessary to implement these provisions. The CPR instruction should conform to nationally recognized guidelines. *Acts 2001, 77th Leg., R.S., Ch. 814, Sec. 3*

POLICY REQUIREMENTS

The Board shall adopt a policy that:

1. Provides for a conference between parents and teachers;

2. Requires the District, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and

3. Requires the District, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent if a student's performance in a foundation curriculum subject [see EHAA] is consistently unsatisfactory, as determined by the District.

The notice required by items 2 and 3 must provide for the signature of the student's parent and must be returned to the District.

"Parent" includes a guardian, conservator, or other person having lawful control of a student.

EXCEPTIONS

These requirements do not apply to a student who:

1. Is 18 or older and living in a different residence than the student's parents;

2. Is married; or

3. Has had the disabilities of minority removed for general purposes.

Education Code 28.022(a)

Note: See DGBA and FNG for provisions regarding finality of grades.

NOTICE OF PERFORMANCE RATING

The first written notice of a student's performance that the District gives during a school year under Education Code 28.022(a)(2) [see POLICY REQUIREMENTS, item 2, above] must include the most recent performance rating of the campus at which the student is enrolled and a definition and explanation of each performance rating described by Education Code 39.072(a). [See GND]
Education Code 39.251

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SECTION F: STUDENTS

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

SECTION F: STUDENTS

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GENERAL ELIGIBILITY

The Board or its designee shall admit into the public schools of the District free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought if any of the following conditions exist:

STUDENT AND PARENT

1. The person and either parent reside in the District.

CONSERVATOR

2. The person does not reside in the District, but one of the parents resides in the District and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

GUARDIAN OR PERSON HAVING LAWFUL CONTROL

3. The person and his or her guardian or other person having lawful control under an order of a court reside in the District.

STUDENTS LIVING SEPARATE AND APART

4. The person is under the age of 18 and has established a separate residence in the District apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the District is not for the primary purpose of participation in extracurricular activities. The Board is not required to admit such person, however, if the person has:

   a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;

   b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or

   c. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a), (b), (d)

HOMELESS STUDENTS

5. The person is a homeless child. [See also FDC]

   a. A child is "homeless," under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:

      (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children living in circumstances described above.

"Migratory child" means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work:

(a) Has moved from one school district to another; or

(b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

20 U.S.C. 6399

b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child's guardian or other person having lawful control, if:

(1) The child lacks a fixed, regular, and adequate nighttime residence; or

(2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education Code 25.001(b); 42 U.S.C. 11434(a)

FOREIGN EXCHANGE STUDENTS

6. The person is a foreign exchange student placed with a host family that resides in the District by a nationally recognized foreign exchange program, unless the District has applied for and been granted a waiver by the Commissioner because:

   a. This requirement would impose a financial or staffing hardship on the District;

   b. The admission would diminish the District's ability to provide high quality education services for the District's domestic students; or

   c. The admission would require domestic students to compete with foreign exchange students for educational resources.

   Education Code 25.001(b)(6), (e)

STUDENTS IN RESIDENTIAL FACILITY

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the District. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*

STUDENTS OVER 18

8. The person resides in the District and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

RESIDENT GRANDPARENT

9. The person does not reside in the District but the grandparent of the person:

   a. Resides in the District; and

   b. Provides a substantial amount of after-school care for the person as determined by the Board.

   Education Code 25.001(b)(9)

PROOF OF ELIGIBILITY

The District may require evidence that a person is eligible to attend the public schools of the District at the time it considers an application for admission of the person. The Board or its designee shall establish minimum proof of residency acceptable to the District. The Board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under item 4 above, the Board shall determine whether an applicant qualifies as a resident of the District and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*

The District may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

ILLEGAL ALIENS	Denying enrollment to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*
HIGH SCHOOL EQUIVALENCY CERTIFICATE	A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*
SUBSTITUTE FOR PARENT OR GUARDIAN	The Board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*
STUDENTS IN FOSTER CARE	A student placed in foster care by an agency of the state or a political subdivision, and whose foster parents reside in the District, shall be permitted to attend District schools free of any charge to the foster parents or to the agency. No durational residency requirement shall be used to prohibit such a student from fully participating in all activities sponsored by the District. *Education Code 25.001(f)* A student enrolled in high school in grade 9, 10, 11, or 12 who is placed in temporary foster care by the Department of Human Services at a residence outside the attendance area for the school or outside the District is entitled to complete high school at the school in which the student was enrolled at the time of placement without payment of tuition. *Education Code 25.001(g)*
TRANSFERS FROM OTHER STATES	The District shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the Commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to the District. *Education Code 25.003*
TEXAS YOUTH COMMISSION	A school-age child of an employee of the Texas Youth Commission (TYC) residing in an adjacent district may attend school in the District free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TYC facility. *Education Code 25.042*
MILITARY DEPENDENTS	The District may not charge tuition for the attendance of a student who is domiciled in another state and resides in military housing that is located in the District but is exempt from taxation by the District. *Education Code 25.004*

ENROLLMENT

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. The District shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

LEGAL SURNAME

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

REQUIRED DOCUMENTATION

If a parent or other person with legal control of a child enrolls the child in a District school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the District all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the Commissioner of Education in the *Student Attendance Accounting Handbook;*

2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state;

   Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.

3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a); 19 TAC 129.1(a), (b)

The District must furnish information under items 1 and 2 not later than the tenth working day after the date the District receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that the District transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a–1)

CHILD IN FPS POSSESSION

The District shall enroll a child without the required documentation if the Department of Family and Protective Services (FPS) has taken possession of the child. FPS shall ensure that the required documentation is furnished to the District not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

INCONSISTENT DOCUMENTATION

If a child is enrolled under a name other than the name that appears in the identifying documents or records, the District shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

MISSING DOCUMENTATION

If the required documents and other records are not furnished to the District within 30 days after enrollment, the District shall notify the police department of the city or the sheriff's department of the county in which the District is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b), (c)

STUDENTS UNDER 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;

2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and

3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:

    a. A certified copy of the child's birth certificate; or

    b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

FALSE INFORMATION

When accepting a child for enrollment, the District shall inform the parent or other person enrolling the child that presenting a false

document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in the District is liable to the District if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee the District may charge [see FDA] or the amount the District has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

The District may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

PLACEMENT OF TRANSFERS

The District shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at the District's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

CREDITS AND RECORDS

The District shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in Texas Youth Commission educational programs. *Education Code 30.104*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a District school. *Education Code 37.001(d)*

NONPUBLIC SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. The District may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

KINDERGARTEN

The District shall establish and maintain one or more kindergarten programs for the training of resident children who are at least five years of age on or before September 1 of the current school year. *Education Code 29.151* [See EC]

FIRST GRADE	A child may be enrolled in the first grade if the child is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school. *Education Code 42.003(c)*
UNDERAGE STUDENTS	A student younger than five years of age is entitled to the benefits of the Foundation School Program if the student performs satisfactorily on the state assessment instrument administered to third graders and the District has adopted a policy to admit students younger than five years of age. *Education Code 42.003(d)*
SCREENING	The principal of each District school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and acanthosis nigricans screening, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]
PEST CONTROL INFORMATION	At the time a student is registered, District personnel shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. *Occupations Code 1951.455* [See CLB]

REGISTRATION FORMS

Appropriate registration forms shall be completed annually and signed by the student's parent, legal guardian, or other person having lawful control. Students who have reached age 18 shall be permitted to complete and sign these forms themselves.

MINOR LIVING APART

PERSON STANDING IN PARENTAL RELATION

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a Power of Attorney assigning responsibility for the student in all school-related matters to an adult resident of the District.

MISCONDUCT

Any such student who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

EXCEPTIONS

Based on the individual student's circumstance, the Superintendent shall have authority to grant exceptions to the Power of Attorney requirement and to the exclusion for misconduct.

RESIDENCY REVIEW

The Superintendent shall determine whether a minor student residing in the District separate and apart from a parent, guardian, or other person having lawful control is present in the District for the primary purpose of participating in extracurricular activities.

NONRESIDENT STUDENT IN GRANDPARENT'S AFTER–SCHOOL CARE

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve such admissions requests in accordance with criteria approved by the Board.

PLACEMENT

ACCREDITED SCHOOLS

Students entering a District school from accredited public, private, or parochial schools after grade 1 shall provide evidence of prior schooling outside the District. They shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

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

NONACCREDITED SCHOOLS

Students entering a District school from nonaccredited public, private, or parochial schools, including homeschools, shall be placed initially at the discretion of the principal, pending observation by

classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

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

TRANSFER CREDIT

The District shall validate high school credit for courses of transfer students from nonaccredited public, private, or parochial schools by testing or by other evidence that the courses meet State Board requirements and standards.

FOREIGN EXCHANGE STUDENTS

Foreign exchange students entering the District's high school shall have conversational ability in the English language and shall be capable of performing ordinary classroom work in English. The host families for all exchange students shall reside within the geographical boundaries of the District.

There shall be no diploma awarded to any foreign exchange student signifying graduation from the District. Exchange students shall not be permitted to dress in graduation regalia or participate in the regular graduation exercises.

The area representative of any exchange student program shall contact the appropriate school official at the central administration building prior to making a commitment to the student or final arrangements with the host family for approval of placement in the District.

All exchange student records and related paperwork shall be initially submitted to the office of the appropriate central administration official who shall in turn communicate necessary information to the principal and/or registrar of the receiving school.

No special treatment or privileges shall be extended to exchange students within District schools such as special assemblies, faculty advisors, financial assistance, or organization of local chapters of exchange student clubs.

WITHDRAWAL

Minor students may withdraw from school by presenting a request signed by the student's parent or guardian and stating the reason for the withdrawal. Students 18 or older may request withdrawal without a parent's or guardian's signature.

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

ASSIGNMENTS

The Board or its designee may assign and transfer any student from one school facility or classroom to another facility or classroom within its jurisdiction. *Education Code 25.031*

The Board or its designee must make the decision concerning the assignment or transfer of a student on an individual basis and may not consider as a factor in its decision any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032*

PETITIONS AND OBJECTIONS

The parent or person standing in parental relation may by written petition either:

1. Request the assignment or transfer of the student to a designated school or to a school to be designated by the Board; or

2. File objections to the assignment of the student to the school to which the student has been assigned.

Education Code 25.033; 26.003(a)(1)

PROCEDURE

Upon receiving a written petition, the Board shall proceed as follows:

1. If no hearing is requested, act on the petition not later than the 30th day after the petition is submitted and notify the petitioner of its conclusion; or

2. If a hearing is requested, designate a time and place for holding a hearing not later than the 30th day after the petition is submitted.

If a hearing is requested, it shall be conducted by the Board in compliance with the following:

1. The petitioner may present evidence relevant to the student.

2. The Board may conduct investigations as to the objection or request, examine any student involved, and employ agents, professional or otherwise, for the purpose of examinations and investigations.

BOARD'S DECISION

The decision of the Board, with or without a hearing, shall be final, unless the student, or the parent, guardian, or custodian of the student as next friend, files an exception to the decision as constituting a denial of any right of the student guaranteed under the U.S. Constitution.

If such an exception is filed, the Board may reconsider its decision. If the Board has not ruled on the exception before the 16th day after the date of the filing, the objection is considered overruled. If

the exception is overruled, an appeal of the Board's decision may be filed in the district court of the county in which the Board is located.

Education Code 25.034

VICTIM OF BULLYING

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or

2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

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

1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

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

The Board or designee shall verify that a student has been a victim of bullying before transferring the student. The Board may consider past student behavior when identifying a bully.

The determination by the Board or designee is final and may not be appealed. The procedures set forth at Education Code 25.034 (see PROCEDURE, above) do not apply to a transfer under this provision.

The District is not required to provide transportation to a student who transfers to another campus under this provision.

Education Code 25.0341

Note: For bullying rising to the level of prohibited harassment, see also FFH.

STUDENTS IN LOW–PERFORMING SCHOOLS

A student is eligible to attend another public school in the district in which the student resides if the student is assigned to attend a public school campus:

1. At which 50 percent or more of the students did not perform satisfactorily on the state-mandated assessment in any two of the three preceding years; or

2. That was identified as low performing at any time in the preceding three years.

Education Code 29.202(a) [See FDAA]

STUDENTS IN SCHOOLS IDENTIFIED FOR IMPROVEMENT

If a school is identified for school improvement, pursuant to the No Child Left Behind Act, the District shall provide all students enrolled in the school with the option to transfer to another public school served by the District, which may include a public charter school, that has not been identified for school improvement, unless such an option is prohibited by state law. The District shall provide this option not later than the first day of the school year following such identification.

The District shall give priority to the lowest achieving children from low-income families. Students who use the option to transfer shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

The District shall permit a child who transferred to another school to remain in that school until the child has completed the highest grade in that school. The obligation of the District to provide, or to provide for, transportation for the child ends at the end of a school year if the District determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.

No Child Left Behind Act of 2001, 20 U.S.C. 6316(b)(1)(E), (F), 6316(b)(13)

Note: See also EHBD for identification for school improvement and FDD for the school safety transfer option in Title I programs.

CLASS CHANGES

A parent or person standing in parental relation is entitled to reasonable access to the school principal, or to a designated administrator with authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student. The decision of the Board regarding such a request is final and may not be appealed. *Education Code 26.002, 26.003(a)(2), (b)* [See FNG]

Students shall be assigned to schools in the attendance areas in which they reside.

CLASS CHANGES

The campus principal shall be authorized to investigate and approve transfers of students from one classroom to another on that campus.

TRANSFERS BETWEEN SCHOOLS

The Superintendent shall be authorized to investigate and approve transfers between schools.

TRANSPORTATION

The District may provide transportation for students attending the new intradistrict attendance area with the approval of the Superintendent or designee.

SCHOOL SAFETY CHOICE OPTION

TEA shall establish and implement a statewide policy requiring that a student be allowed to attend a safe public elementary or secondary school within the District, including a public charter school, if the student:

1. Attends a persistently dangerous public elementary or secondary school, as defined by TEA; or

2. Becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of the public elementary or secondary school that the student attends.

No Child Left Behind Act of 2001, 20 U.S.C. 7912

SEXUAL ASSAULT TRANSFER

For the purposes of the following provisions:

1. "Assailant" means a student who has been adjudicated for a sexual assault or aggravated sexual assault if the assault was committed against another student who, at the time of the offense, was assigned to the same campus as the assailant, regardless of whether the conduct occurred on or off of school property.

2. "Victim" means the victim of the sexual assault.

TRANSFER OF VICTIM

On the request of a parent or other person with authority to act on behalf of the victim of the sexual assault, the Board shall transfer the victim to:

1. A District campus other than the campus to which the victim was assigned at the time the conduct occurred;

2. The campus to which the assailant is assigned, if the assailant has been assigned to a different campus since the conduct occurred; or

3. A neighboring school district, if there is only one campus in the District serving the grade level in which the victim is enrolled.

The transfer must be to a campus or school district, as applicable, agreeable to the parent or other person with authority to act on the victim's behalf.

TRANSFER OF ASSAILANT

If the victim does not wish to transfer to another campus or district, the Board shall transfer the assailant to:

1. A District campus other than the campus to which the victim is assigned; or

2. The District's disciplinary alternative education program or juvenile justice alternative education program, if there is only

one campus in the District serving the grade level in which the assailant is enrolled. [See FOC]

To the extent permitted under federal law [see FL], the District shall notify the parent or other person with authority to act on behalf of the victim of the campus or program to which the assailant is assigned.

Education Code 25.034 [see FDB] does not apply to a transfer under this provision.

The District is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0341

SAFE SCHOOLS DATA

The Superintendent or designee shall ensure that the District complies with TEA guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD], and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while in or on the grounds of the school the student attends:
    a. Attempted murder;
    b. Indecency with a child;
    c. Aggravated kidnapping;
    d. Assault resulting in bodily injury or aggravated assault; or
    e. Sexual assault or aggravated sexual assault.

SCHOOL SAFETY TRANSFERS

The parent of a student who becomes a victim of a violent criminal offense as described above or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the district.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

FROM A PERSISTENTLY DANGEROUS SCHOOL

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

FOR A VICTIM OF A VIOLENT CRIMINAL OFFENSE

Within 14 calendar days after a violent criminal offense described above occurs in or on the grounds of the school the student attends, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent or designee an application for transfer. The Superintendent or designee shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

ADDITIONAL TRANSFER OPTIONS

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus. [See also FDA and FDB]

GENERAL RULE

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their eighteenth birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. Students enrolled in prekindergarten or kindergarten shall attend school.

STUDENTS 18 AND OVER

A person who voluntarily enrolls in school or voluntarily attends school after the person's eighteenth birthday shall attend school each school day for the entire period the program of instruction is offered. The District may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester. A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

ACCELERATED / COMPENSATORY PROGRAMS

A student must also attend:

1. An extended-year program for which the student is eligible that is provided by the District for students identified as likely not to be promoted to the next grade level or tutorial classes required by the District under Education Code 29.084 [see EHBC];

2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];

3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

    a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete each course in which the student was enrolled at the time of removal. [See FO]

    b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. [See FOCA]

Education Code 25.085

EXEMPTIONS

Students who meet one or more of the following conditions shall be exempt from compulsory attendance requirements:

EQUIVALENCY DIPLOMA

1. The student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

PRIVATE OR HOME SCHOOL

2. The student attends a private or parochial school that includes in its course a study of good citizenship.

   A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

SPECIAL EDUCATION — NONDISTRICT PLACEMENT

3. The student is eligible to participate in the District's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

MEDICAL CONDITION

4. The student has a temporary and remediable physical or mental condition that renders attendance infeasible and the student has a certificate from a qualified physician that specifies the condition, indicates the prescribed treatment, and covers the anticipated time of absence needed for receiving and recuperating from remedial treatment.

EXPULSION — NO JJAEP

5. The student has been expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]

17–YEAR–OLD IN GED COURSE

6. The student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:

   a. Has the permission of the student's parent or guardian to attend the course;

   b. Is required by court order to attend the course;

   c. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or

   d. Is homeless as defined by 42 U.S.C. 11302.

HIGH SCHOOL REPLACEMENT PROGRAMS

7. The student is enrolled in the Texas Academy of Leadership in the Humanities or Texas Academy of Mathematics and Science.

16–YEAR–OLD IN GED PROGRAM OR JOB CORPS

8. The student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if:

   a. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or

   b. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.

OTHER EXEMPTION

9. The student is specifically exempted under another law.

Education Code 25.086

EXCUSED ABSENCES

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled.

The District shall excuse a student from attending school for the purpose of observing religious holy days, including traveling for that purpose. Excused days for travel shall be limited to not more than one day for travel to and one day for travel from the site where the student will observe the religious holy days.

The District shall excuse a student for temporary absence resulting from health-care professionals if that student commences classes or returns to school on the same day of the appointment.

A student who is excused for the observance of a religious holy day or for a temporary medical absence shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. The student shall not be penalized for the absence.

Education Code 25.087; 19 TAC 129.21 [See FEB]

NOTICES TO PARENTS

WARNING NOTICE

The District shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to prosecution under Education Code 25.094 or to referral to a juvenile court in a county with a population less than 100,000.

NOTICE OF ABSENCES

The District shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087,

on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:

   a. It is the parent's duty to monitor the student's school attendance and require the student to attend school, and

   b. The parent is subject to prosecution under Education Code 25.093; and

2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense to prosecution for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

NON–ATTENDANCE

PARENT LIABILITY

If a warning notice is issued, a parent or person standing in parental relation with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Education Code 25.094, the attendance officer [see FED] or other appropriate school official shall file a complaint against him or her in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE DEFENSE — PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of the District to determine whether to excuse the absence for another purpose.

Education Code 25.093

STUDENT LIABILITY

A student who is required to attend school under the compulsory attendance laws and fails to attend school on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period may be prosecuted for nonattendance in:

1. The constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of two million or more;

2. The justice court of any precinct in the county in which the student resides;

3. The justice court of any precinct in the county in which the school is located;

4. The municipal court in the municipality in which the child resides; or

5. The municipal court in the municipality in which the school is located.

Education Code 25.094(a), (b)

CONDUCT IN NEED OF SUPERVISION

Conduct indicating a need for supervision includes the absence of a child on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school. *Family Code 51.03(b)(2)*

AFFIRMATIVE DEFENSE — STUDENT

It is an affirmative defense to prosecution for nonattendance or to an allegation of conduct in need of supervision that one or more of the absences required to be proven were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense.

A decision by the court to excuse an absence for this purpose does not affect the ability of the District to determine whether to excuse the absence for another purpose.

Education Code 25.094(f), (g); Family Code 51.03(d)

DISTRICT COMPLAINT OR REFERRAL

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, the District shall within seven school days of the student's last absence:

1. File a complaint against the student or the student's parent or both in a county, justice, or municipal court for an offense under Education Code 25.093 or 25.094, as appropriate, or refer the student to a juvenile court in a county with a population of less than 100,000; or

2. Refer the student to a juvenile court for conduct indicating a need for supervision under Family Code 51.03(b)(2).

A court shall dismiss a complaint or referral by the District that does not comply with these requirements.

The District may take the actions listed above if a student fails to attend school without excuse on three or more days or parts of days within a four-week period, but does not fail to attend school for the time specified above.

Education Code 25.0951

CONSENT TO MEDICAL TREATMENT

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

FORM OF CONSENT

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

MINOR'S CONSENT TO TREATMENT

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of Health, including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

ADMINISTERING MEDICATION

Upon adoption of policies concerning the administration of medication to students by District employees, the District, the Board, and the District's employees are immune as described below, provided:

1. The District has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified District employee, as determined by District policy, from a container that appears to be the original container and to be properly labeled.

BY VOLUNTEER PROFESSIONALS

If the District provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the District, the Board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

IMMUNITY FROM CIVIL LIABILITY

The District, the Board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

SELF–ADMINISTRATION OF ASTHMA MEDICINE

A student with asthma may possess and self-administer prescription asthma medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health care provider; and

3. A parent of the student provides to the school:

   a. Written authorization, signed by the parent, for the student to self-administer the medicine while on school property or at a school-related event or activity; and

   b. A written statement, signed by the student's physician or other licensed health care provider, that states:

      (1) That the student has asthma and is capable of self-administering the medicine;

      (2) The name and purpose of the medicine;

      (3) The prescribed dosage for the medicine;

      (4) The times at which or circumstances under which the medicine may be administered; and

      (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

NO WAIVER OF IMMUNITY

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against the District, the Board, or its employees.

Education Code 38.015

DIETARY SUPPLEMENTS

A District employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS

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

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

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

PSYCHOTROPICS AND PSYCHIATRIC EVALUATIONS

A District employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

   Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a District employee who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another District employee.

The Board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016.

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.051 or other law or the District's sovereign or governmental immunity.

Education Code 38.016

DIABETES MANAGEMENT AND TREATMENT PLAN

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

REQUIRED ELEMENTS

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

SUBMISSION TO SCHOOL

The parent or guardian must submit the DMTP to the school:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

Health and Safety Code 168.002

INDIVIDUALIZED HEALTH PLAN

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see REQUIRED ELEMENTS, above].

Health and Safety Code 168.001(3); 168.003

REQUIRED CARE

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. The District may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCAs.

Health and Safety Code 168.007(c), (d)

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

SCHOOL NURSE NOT AVAILABLE

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and

2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see IMMUNITY FROM LIABILITY, below].

Health and Safety Code 168.007(a)

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the student's diabetes treatment.

Health and Safety Code 168.007(b)

UNLICENSED DIABETES CARE ASSISTANTS

At each school in which a student with diabetes is enrolled, the principal shall:

1. Seek school employees who are not health-care professionals to serve as UDCAs and to care for students with diabetes; and

2. Make efforts to ensure the school has:

   a. At least one UDCA if a full-time nurse is assigned to the school; and

   b. At least three UDCAs if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA TRAINING, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

Health and Safety Code 168.004

UDCA TRAINING

Training for UDCAs must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or
2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

Health and Safety Code 168.005

INFORMATION TO EMPLOYEES

The District shall provide to each District employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

Health and Safety Code 168.006

IMMUNITY FROM LIABILITY

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(b)* [See DH]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see REQUIRED CARE] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and

2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

Health and Safety Code 168.007(e), (f)

ANTIVICTIMIZATION PROGRAM

The District shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

DUTY TO REPORT

BY ANY PERSON

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

BY A PROFESSIONAL

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect. [See FFG(REGULATION) for definitions of "neglect" and "abuse."]

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Family Code 261.101(b)

PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFAC]

CONTENTS OF REPORT

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.103, 261.104

TO WHOM REPORTED

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to the Texas Department of Family and Protective Services (DFPS), unless the report is made under item 3, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. The DFPS, including a local office where available;
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103; 19 TAC 61.1051(a)(1)

JJAEPS

Any report of alleged abuse, neglect, or exploitation in a juvenile justice program or facility shall be made to the Texas Juvenile Probation Commission and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program.

Family Code 261.405(a)(2)(A), (b)

IMMUNITY FROM LIABILITY

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

The District may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110* [See DG]

CRIMINAL OFFENSES

FAILURE TO REPORT

A person commits a class B misdemeanor if he or she has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. *Family Code 261.109*

Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 TAC 249. *19 TAC 61.1051*

FALSE REPORT

A person commits an offense if the person knowingly or intentionally makes a report of abuse and neglect that the person knows is

false or lacks factual foundation. The offense is a class A misdemeanor, except that it is a felony if the person has previously been convicted of the offense. *Family Code 261.107(a)*

COERCION

An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

CONFIDENTIALITY

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

INVESTIGATIONS

REPORTS TO DISTRICT

If the DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the Superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

The DFPS shall send a written report of its investigation, as appropriate, to the school principal, unless the principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

INTERVIEW OF STUDENT

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

INTERFERENCE WITH INVESTIGATION

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*

REPORTING POLICY

The Board shall establish and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above (see TO WHOM REPORTED) within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion.

The policies must also be consistent with 40 TAC Chapter 700 regarding investigations by the DFPS, including regulations governing investigation of abuse by school personnel and volunteers. *19 TAC 61.1051* [See GRA]

The policies must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 TAC 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:

   a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and

   b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with the District's reporting policy;

6. The prohibition under Education Code 26.0091 (see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING, above); and

7. The current toll-free number for the DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

19 TAC 1051

ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(b)*

ABUSE OF DISABLED PERSONS

A person having cause to believe that a disabled person over the age of 18 or who has had the disabilities of minority removed is in

a state of abuse, neglect, or exploitation shall report the information immediately to the DFPS.

A person commits a class A misdemeanor if the person has cause to believe that a disabled person has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, 48.052, 48.054

Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

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What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies—FFG(LEGAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)—are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact _____ *(name of District official)* at _____*(telephone number)*.

What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

Are there any restrictions on reporting?

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

To whom do I make a report?

Reports may be made to any of the following:

- A local or state law enforcement agency: _____ *(include telephone numbers as appropriate)*;
- The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1–800–252–5400) or on the Web at https://reportabuse.ws/; or
- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to CPS, unless the report is to the state agency that operates, licenses, certifies or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Probation Commission as a report of suspected abuse or neglect in a juvenile justice program or facility.

Reporting your suspicion to a school counselor, a principal, or another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion first to a school administrator.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

Will I be liable in any way for making a report?

A person who reports or assists in the investigation of a report of child abuse or neglect in good faith is immune from civil or criminal liability.

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board of Educator Certification may be suspended, revoked, or cancelled.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

'EDUCATION RECORDS' DEFINED

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that contain only information about a student after he or she is no longer a student in the District.

2. Records made by District personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.

3. Records maintained by a law enforcement unit of the District that were created by that law enforcement unit for the purpose of law enforcement.

20 U.S.C. 1232g; 34 CFR 99.3

LIST OF TYPES AND LOCATIONS OF INFORMATION

The District shall maintain a list of types and locations of education records and of the titles and addresses of the officials responsible for those records. *34 CFR 99.6*

SCREENING RECORDS

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and acanthosis nigricans screening for each student in the school. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to screening for acanthosis nigricans. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS. *20 U.S.C. 1232(g); Health Code 36.006, 37.003, 95.004; 25 TAC 37.148(n), 37.149(a)* [See FFAA]

IMMUNIZATION RECORDS

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of Health. The District shall cooperate with other districts in transferring student's immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

MEDICAL RECORDS

The parent or guardian of a student is entitled to access to the student's medical records maintained by the District. On request of a

student's parent or guardian, the District shall provide a copy of the student's medical records to the parent or guardian. The District may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBA]. *Education Code 38.0095*

PRIVACY RULE FOR NON–'EDUCATION RECORDS'

To the extent the District is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the District must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record. *45 CFR 160.103, 164.501* [See CRD]

ASSESSMENT INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

ACADEMIC ACHIEVEMENT RECORD (GRADES 9–12)

The District shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the District. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. The District shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.14(b)* [See EI]

ACCESS TO EDUCATION RECORDS

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes. "Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. *34 CFR 99.3(b), 99.31(a)(8)*

The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *34 CFR 99.4; Family Code 153.012, 153.073*

A parent is entitled to access to all written records of the District concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and counselor evaluations, and reports of behavioral patterns. *Education Code 26.004*

ACCESS BY STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student. *34 CFR 99.5*

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 CFR 99.12(a)*

REQUEST PROCEDURE

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, not to exceed 45 days. The District shall respond to reasonable requests for explanations and interpretations of the records. *34 CFR 99.10*

ACCESS BY OTHER PERSONS

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

1. School officials, including teachers, who have legitimate educational interests. An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by the District for reasons determined in District policy. *Education Code 38.009* [See DMA]

2. Officials of other schools or school systems in which the student seeks or intends to enroll, provided that the District either:

   a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or

   b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent).

   In either case, the District shall furnish a copy of the transferred records to the parent if requested, and give the parent an opportunity for a hearing to challenge the content of the record.

3. Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the

Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 CFR 99.31, 99.35*

The District may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. The District is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 CFR 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 CFR 214.1(h)*

4. Personnel involved with a student's application for, or receipt of, financial aid.

5. State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute adopted:

   a. Prior to November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or

   b. After November 19, 1974, if:

      (1) The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and

      (2) The officials and authorities to whom such information is disclosed certify in writing to the District that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student. *20 U.S.C. Sec. 1232g (b)(1)(E)*

6. Organizations conducting studies for educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies. Such information must be destroyed when no longer needed for the original purposes of the studies.

7. Accrediting organizations that require the information for purposes of accreditation.

8. Parents of a student who is a dependent for tax purposes.

9. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

10. Any person requesting directory information after the District has given public notice of that definition. *34 CFR 99.31, 99.37*

The parent shall provide a signed and dated written consent before the District discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released.

34 CFR 99.30, 99.31

SUBPOENAED RECORDS

The District shall release student records to an entity or persons designated in a subpoena. The District shall not disclose to any person the existence or contents of the subpoena if a court orders the District to refrain from such disclosure. Unless the court or other issuing agency orders the District to refrain from such disclosure, the District shall notify the parents and the student of all such subpoenas in advance of compliance. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

TRANSFER NOT PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy, the District shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B)*

RECORD OF ACCESS TO STUDENT RECORD

Each school shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records. The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and

those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g*

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, or requests for directory information. *34 CFR 99.32*

RIGHT TO AMEND RECORDS

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records.

If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 CFR 99.20, 99.21

ANNUAL NOTIFICATION OF RIGHTS

The District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under the Family Educational Rights and Privacy Act of 1974 and of the places where copies of this policy may be located, including notice of the right to file complaints concerning alleged failures by the District to comply with the provisions of the Act. The District shall effectively notify parents of students who have a primary or home language other than English. *20 U.S.C. 1232g(e); 34 CFR 99.7*

DIRECTORY INFORMATION

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended.

The District may release directory information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.

2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.

3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

34 CFR 99.3, 99.37

DESIGNATION OF DIRECTORY INFORMATION

The District may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by the District as directory information for that District is excepted from disclosure by the District under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or District publication, if any such purpose has been designated by the District, remains otherwise confidential and may not be released under Government Code Chapter 552.

ANNUAL NOTICE

The District shall provide the following to the parent of each District student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and

2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

CONTENTS OF NOTICE

The notice must contain:

1. The following statement in boldface type that is 14-point or larger:

   "Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of District] to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by [insert date]. [Insert name of District] has designated the following information as direc-

tory information: [Here the District must include any directory information it chooses to designate as directory information for the District, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]";

2. A form, such as a check-off list or similar mechanism, that:

   a. Immediately follows, on the same page or the next page, the required statement; and

   b. Allows a parent to record:

      (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if District policy permits the parent to object to one or more specific categories of directory information;

      (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and

      (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the District and is specifically identified, such as for a student directory, student yearbook, or District publication; and

3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 [see EHBD] to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the District that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

STUDENT RECRUITING INFORMATION

Notwithstanding the DIRECTORY INFORMATION provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by military recruiters or an institution of higher

education, access to secondary school students' names, addresses, and telephone listings.

CONSENT TO RELEASE

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing described above not be released without prior written parental consent, and the District shall notify parents of the option to make a request and shall comply with any request.

No Child Left Behind Act of 2001 Sec. 9528, Pub. L. No. 107–110, 115 Stat. 1983 (2002) (to be codified at 20 U.S.C. 7908)

FEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 CFR 99.11; Education Code 26.012*

DESTRUCTION OF RECORDS

The District shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 CFR 99.10(e)*

RECORDS OF STUDENTS WITH DISABILITIES

The District shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 CFR 300.562(a)*

ACCESS RIGHTS

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect District records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 CFR 300.562(b)(3)*
2. The District shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child. *34 CFR 300.562(a)*
3. The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 CFR 300.563*

ACCESS RECORD

The date of access shall be included in the access record. *34 CFR 300.563*

PARENTAL CONSENT

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in the Family Educational Rights and Privacy Act (FERPA). *34 CFR 300.571*

VIDEOTAPES AND RECORDINGS

A District employee must obtain written consent of a parent before the employee may make or authorize a videotape of a child or a recording of a child's voice. *Education Code 26.009(a)(2)* [See EHA, FM, and FO for exceptions]

CONFIDENTIALITY

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 CFR 300.572*

RECORDS RETENTION

The District shall retain education records of students with disabilities for at least five years after the student's graduation or dismissal from special education. *34 CFR 75.734*

DESTRUCTION OF INFORMATION

The District shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents, unless the five-year retention period has not expired. In that case, personally identifiable information shall be deleted from the records, but they shall not be destroyed.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 CFR 300.573, 75.734

INFORMATION FROM LAW ENFORCEMENT

Upon receipt of confidential notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for any felony offense or other specified offense [see GRA], the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

The Superintendent or a person designated by the Superintendent may send the information in the notice to a District employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the District employee needs the information for educational purposes or for the protection of the person informed or others.

When the Superintendent or designee receives information from a prosecuting attorney of a student's conviction or adjudication of delinquent conduct for a felony offense or other specified offense, the Superintendent or designee shall promptly notify all instructional and support personnel who have regular contact with the student.

Code of Criminal Procedure 15.27(a)–(d), (h)

A person who receives information described above shall not disclose it except as specifically authorized by Article 15.27. *Code of Criminal Procedure 15.27(a)–(d)*

Information received by the District under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the academic year in which the report was filed. *Education Code 37.017*

DUTY TO FLAG RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

REQUEST IN PERSON

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record

and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REQUEST IN WRITING

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

REMOVAL OF FLAG

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearinghouse. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearinghouse that the flag has been removed.

Human Resources Code 79.019–79.020

COMPREHENSIVE SYSTEM

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

CUMULATIVE RECORD

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See GBA]

CUSTODIAN OF RECORDS

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of records for students who have withdrawn or graduated. The student handbook distributed annually to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

TYPES AND LOCATIONS OF EDUCATION RECORDS

Each record custodian, at the location listed in the student handbook, shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
    a. The results of any tuberculin tests required by the District.
    b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]
    c. Immunization records. [See FFAB]

6. Attendance records.
7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Other records that may contribute to an understanding of the student.

REQUEST PROCEDURES

The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

STUDENT RIGHTS

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

ACCESS BY SCHOOL OFFICIALS

For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, of correctional facilities with which the District has a memorandum of understanding, or of facilities with which the District contracts for placement of students with disabilities. The term also includes attorneys, consultants, and independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of students with disabilities.

School officials have a “legitimate educational interest” in a student’s records when they are working with the student; considering disciplinary or academic actions, the student’s case, or an individualized education program for a student with disabilities; compiling statistical data; or investigating or evaluating programs.

ACCESS BY PARENTS

Parents may be denied copies of records after the student reaches age 18 and is no longer a dependent for tax purposes, when the student is attending an institution of postsecondary education, or if they fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.

FEES FOR COPIES

Copies of records are available at a per copy cost, payable in advance, as specified in the annual notice to parents of their privacy rights.

TRANSCRIPTS AND TRANSFERS OF RECORDS

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

The District shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll.

RECORDS RESPONSIBILITY FOR STUDENTS IN SPECIAL EDUCATION

The official responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education shall be the director of Special Education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the special education department.

PROCEDURE TO AMEND RECORDS

Within 15 school days of the record custodian’s receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten school days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten school days of the hearing. The decision shall be based solely on

the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

DIRECTORY INFORMATION

The District has designated the following categories of information as directory information: student name, address, telephone listing, electronic mail address, photograph, and date and place of birth, as well as major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

A parent shall be permitted to object to the release of one or more categories of directory information regarding his or her child.

DISCIPLINE MANAGEMENT PROGRAM

Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Section 11.252. [See BQ] The plan must provide for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in school, on school grounds, and in school vehicles. *Education Code 37.083(a)*

NOTICE REGARDING STEROIDS
Education Code 38.008

Anabolic steroids are for medical use only. State law prohibits the possession, dispensing, delivery, or administering of an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the institutional division of the Texas Department of Criminal Justice.

Note: To be in compliance with Education Code 38.008, the notice regarding legal restrictions on steroids must be posted in a conspicuous location in the gymnasium of each District school in which there is a grade level of seven or higher and in each other place in a building where physical education classes are conducted.

STUDENT CODE OF CONDUCT

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

1. Specify the circumstances, consistent with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, or disciplinary alternative education program (DAEP).

2. Specify the conditions that authorize or require a principal or other appropriate administrator to transfer a student to DAEP.

3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].

4. Specify whether consideration is given, as a factor in suspension, removal to a DAEP, or expulsion, to:

   a. Self-defense;

   b. Intent or lack of intent at the time the student engaged in the conduct;

   c. A student's disciplinary history; or

   d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), the District is not required to specify a minimum term of removal or expulsion.

6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.

7. Prohibit bullying, harassment, and making hit lists and ensure that District employees enforce those prohibitions.

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

   a. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

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

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

"Hit list" means a list of people targeted to be harmed using:

c. A firearm, as defined by Penal Code 46.01(3) [see FNCG];

d. A knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or

e. Any other object to be used with intent to cause bodily harm.

8. Provide, as appropriate for students at each grade level, methods, including options, for:

a. Managing students in the classroom and on school grounds;

b. Disciplining students; and

c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

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

CHANGES IN SCOC

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

POSTING

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

Education Code 37.001

NOTICE TO PARENTS

Each school year, the District shall provide parents with notice of and information regarding the Student Code of Conduct. *Education Code 37.001(d)*

NONCUSTODIAL PARENT

A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, the District provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. The District may not unreasonably deny the request. Notwithstanding this requirement, the District shall comply with any applicable court order of which the District has knowledge. *Education Code 37.0091(a)*

NO UNSUPERVISED SETTING

Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP. *Education Code 37.008(h)*

CONTINUATION OF DISCIPLINARY ACTION

If the District takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Education Code 37.021

OPPORTUNITY TO COMPLETE COURSES

If a student is placed in in-school suspension or other alternative setting other than a DAEP, the District shall offer the student the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of removal. The District may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. *Education Code 37.021*

CORPORAL PUNISHMENT

Reasonable corporal punishment is not prohibited in order to preserve an effective educational environment, free from disruption.

REASONABLE AND MODERATE

Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and condition of the student, the

type of instrument to be used, the amount of force to be used, and the part of the body to be struck shall be considered before administering any corporal punishment.

Baker v. Owen, 395 F.Supp. 294 (M.D.N.C. 1975), aff'd, 423 US 907 (1975); Ingraham v. Wright, 430 US 651 (1977)

MAINTAIN DISCIPLINE

The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. *Penal Code 9.62*

VIDEOTAPES AND RECORDINGS

A District employee may, without consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)* [See FNG]

REPORTS

The District shall annually report to the Commissioner:

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

1. For each placement in DAEP:
    a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;
    b. Information indicating whether the placement was based on:
        (1) Conduct violating the Student Code of Conduct;
        (2) Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];
        (3) Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or
        (4) Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);
    c. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and
    d. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

EXPULSIONS

2. For each expulsion:

   a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;

   b. Information indicating whether the expulsion was based on:

      (1) Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school; or

      (2) Conduct for which expulsion is permitted;

   c. The number of full or partial days the student was expelled; and

   d. Information indicating whether:

      (1) The student was placed in a juvenile justice alternative education program;

      (2) The student was placed in a DAEP; or

      (3) The student was not placed in a juvenile justice or other DAEP; and

   e. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct.

Education Code 37.020

INFORMAL REMOVAL

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

DISCRETIONARY REMOVAL

A teacher may remove from class a student:

1. Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Education Code 37.002(b)

PLACEMENT OF STUDENT

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program (DAEP).

PROHIBITIONS ON ACTIVITIES

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

Education Code 37.002(c)

MANDATORY REMOVAL BY A TEACHER

A teacher shall remove from class and send to the principal for placement in a DAEP or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

The student may not be returned to the regular class pending the required conference [See FOC]. *Education Code 37.009(a)*

RETURN TO CLASS

The principal may not return the student to the class of the teacher who removed the student without the teacher's consent, unless the placement review committee determines that such placement is the best or only alternative available.

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.006(a)(2)(B) or 37.007(a)(2)(A) or (b)(2)(C) (assault, sexual assault, attempted murder) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)

PLACEMENT REVIEW COMMITTEE

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the District regarding readmission of expelled students.

COMPOSITION

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and

2. The principal shall choose one member from the professional staff of a campus.

The teacher refusing to readmit the student may not serve on the committee.

Education Code 37.003

Note: See FOF for provisions concerning students with disabilities.

REMOVAL UNDER STUDENT CODE OF CONDUCT

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

MANDATORY PLACEMENT IN DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

SCHOOL–RELATED MISCONDUCT

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony;
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

Education Code 37.006(a)

EXCEPTION

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

RETALIATION

Except where a student engages in retaliatory acts against a District employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation, as defined in Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

CONDUCT UNRELATED TO SCHOOL

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03, for conduct defined as a felony offense in Title 5, Penal Code;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Title 5, Penal Code; or

3. The Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code.

   [See FOC(EXHIBIT) for list of Title 5 felonies]

Education Code 37.006(c)

REASONABLE BELIEF

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Code of Criminal Procedure Article 15.27. *Education Code 37.006(e)* [See GRA]

SEXUAL ASSAULT OF ANOTHER STUDENT

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;

2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

3. There is only one campus in the District serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDD]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

PERMISSIVE REMOVAL

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

NON–TITLE 5 FELONY

1. The Superintendent or designee has a reasonable belief (as determined above) that the student has engaged in conduct defined as a felony offense other than those listed in Title 5, Penal Code [see FOC(EXHIBIT)]; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d), (e)

TITLE 5 FELONY

Notwithstanding any other provision of Education Code Chapter 37, Subchapter A, the Board, or its designee, after an opportunity for hearing, may elect to place a student in a DAEP if:

1. The student has received deferred prosecution (under Family Code 53.03) for conduct defined as a felony offense under Title 5, Penal Code; or the student has been found by a court or jury to have engaged in delinquent conduct (under Family Code 54.03) for conduct defined as a felony offense under Title 5, Penal Code; and

2. The Board or its designee determines that the student's presence in the regular classroom threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the District's students.

The Board or its designee may order placement regardless of:

1. The date or location of the conduct;

2. Whether the conduct occurred while the student was enrolled in the District; or

3. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

LENGTH OF PLACEMENT

Notwithstanding Education Code 37.009(c) (placements beyond one year) or any other provision of Education Code Chapter 37, Subchapter A, the Board or designee may order placement for any period considered necessary in connection with the above determinations. The student is entitled to the periodic review prescribed by Education Code 37.009(e).

FINAL DECISION

The decision of the Board or designee is final and may not be appealed.

Education Code 37.0081

ONE YEAR AFTER CONDUCT

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

PLACEMENT OF YOUNGER STUDENTS

A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f); 37.007(e)* [See FOD]

ELEMENTARY SCHOOL STUDENTS

An elementary school student may not be placed in a DAEP with any other student who is not an elementary school student. *Education Code 37.006(f)*

STUDENTS YOUNGER THAN SIX

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] may be provided educational services in a DAEP. *Education Code 37.006(l)*

CONFERENCE

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's

attendance, the principal shall order the placement of the student for a period consistent with the Student Code of Conduct.

Education Code 37.009(a)

TERM OF REMOVAL

The Board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other students or to District employees; or extended placement is in the best interest of the student. *Education Code 37.009(d)*

BEYOND GRADING PERIOD OR 60 DAYS

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board or designee.

NO APPEAL

Any decision of the Board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

BEYOND END OF SCHOOL YEAR

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, the Board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

ORDER OF REMOVAL

The Board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, the Board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

ACTIVITIES

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

ENROLLMENT IN ANOTHER DISTRICT

If a student placed in a DAEP enrolls in another district before the expiration of the placement, the Board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or

2. The student was placed in a DAEP by a district in another state and:

    a. The out-of-state district provides a copy of the placement order; and

    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

OUT–OF–STATE PLACEMENT

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under

Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

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

2. Extended placement is in the best interest of the student.

Education Code 37.008(j–1)

COURT–ORDERED PLACEMENT

Unless the Board and the juvenile board for the county in which the District's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

EXPELLED STUDENT

1. A court may not order a student expelled under Section 37.007 to attend a District DAEP as a condition of probation;

MULTIPLE REFERRALS

2. A court may not order a student to attend a DAEP without the District's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c), (d)

SCHOOL ACTIVITIES

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(d)*

PLACEMENT AFTER COURT DISPOSITION

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, the District may not refuse to admit the student if the student meets the requirements for admission into the public schools. The District may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

NOT GUILTY / INSUFFICIENT EVIDENCE / CHARGES DROPPED

If a student was removed to DAEP for a reason other than false alarm or report, terroristic threat, or conduct on or within 300 feet of school property, the Superintendent or designee shall review the student's placement in the DAEP upon receipt of notice under Article 15.27(g), Code of Criminal Procedure, stating that:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

The student may not be returned to the regular classroom pending the review. The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h)

APPEAL AFTER PLACEMENT UPHELD

The student or the student's parent or guardian may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the Superintendent's decision. The Board shall make a record of the proceedings.

If the Board confirms the decision, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner. The student may not be returned to the regular classroom pending the appeal to the Commissioner.

Education Code 37.006(i), (j)

120–DAY REVIEW OF STATUS

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. This requirement does not, however, obligate the District to provide in the DAEP a course, except as required by Education Code 37.008(l). [See

FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent. *Education Code 37.009(e)*

ADDITIONAL PROCEEDINGS

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or Board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

REPORTING

The District shall include the number of students removed to a DAEP in its annual performance report. *Education Code 37.053(e)(5)* [See BR]

Note: See FOF for provisions concerning students with disabilities.

The following are felony offenses listed in Title 5 of the Penal Code, Offenses Against the Person.

Section 19.02: Murder

Section 19.03: Capital Murder

Section 19.04: Manslaughter

Section 19.05: Criminally Negligent Homicide

Section 20.02: Unlawful Restraint (if the person restrained was younger than 17 years of age, if the actor recklessly exposes the victim to a substantial risk of serious bodily injury, if the actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty, or the actor while in custody restrains any other person)

Section 20.03: Kidnapping

Section 20.04: Aggravated Kidnapping

Section 20.05: Unlawful Transport

Section 20A.02: Trafficking of Persons

Section 21.11: Indecency with a Child

Section 21.12: Improper Relationship between Educator and Student

Section 21.15: Improper Photography or Visual Recording

Section 22.01: Assault (if against [1] a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; [2] a person the actor knows is a security officer [see Occupations Code 1702.002, 1702.221] while the person is performing a duty as a security officer; [3] a person who contracts with the government to perform a service at a correctional facility [see Penal Code 1.07(a)(14)] or a secure correctional or detention facility for juveniles [see Family Code 51.102(13), (14)]; and [4] under certain circumstances, if against a family member)

Section 22.011: Sexual Assault

Section 22.015: Coercing, Soliciting, or Inducing Gang Membership

Section 22.02: Aggravated Assault

Section 22.021: Aggravated Sexual Assault

Section 22.04: Injury to a Child, Elderly Individual, or Disabled Individual

Section 22.041: Abandoning or Endangering a Child

Section 22.05: Deadly Conduct (if the person knowingly discharges a firearm at or in the direction of one or more individuals or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied)

Section 22.07: Terroristic Threat (if the actor threatens to commit any offense involving violence to any person or property with intent to: [1] prevent or interrupt the occupation or use of a building, room, place, or conveyance if the prevention or interruption causes pecuniary loss to the owner of $1,500 or more [see Acts 2003, 78th Leg., Ch. 446, Sec. 1; compare Acts 2003, 78th Leg., Ch. 388, Sec. 2]; [2] cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; [3] place the public or a substantial group of the public in fear of serious bodily injury; or [4] influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision)

Section 22.08: Aiding Suicide (if the conduct causes suicide or attempted suicide that results in serious bodily injury)

Section 22.09: Tampering with Consumer Product

Section 22.11: Harassment by Persons in Certain Correctional Facilities or of Public Servant (with intent to assault, harass, or alarm, causing another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal: [1] while the actor is confined in a correctional facility (including a secure correctional or detention facility operated by or under contract with a juvenile board or the Texas Youth Commission, and any other facility operated by or under contract with the TYC); or [2] if the actor knows the other person is a public servant, while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty.)

STUDENTS YOUNGER THAN TEN

A student younger than ten years of age shall not be expelled but shall be placed in a disciplinary alternative education program (DAEP). *Education Code 37.007(e)(2), (h)*

MANDATORY EXPULSION

A student shall be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

SCHOOL RELATED

1. Uses, possesses, or exhibits a firearm, an illegal knife, a club, or a prohibited weapon, as those terms are defined in the Penal Code, or any knife prohibited by local policy [see FNCG];

2. Engages in conduct that contains the elements of the offense of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, or criminally negligent homicide, as those offenses are defined in the Penal Code;

3. Commits a drug- or alcohol-related offense described at Education Code 37.006(a)(2)(C) or (D), if that conduct is punishable as a felony.

Education Code 37.007(a)

RETALIATION

The District shall expel a student who engages in conduct that contains the elements of any offense listed above against any District employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(d)*

FIREARM

In accordance with the Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis. The District or other local educational agency shall provide educational services to an expelled student in a DAEP if the student is younger than ten years of age. The District or other local educational agency may provide educational services to an expelled student who is ten years of age or older in a DAEP. *20 U.S.C. 8921; Education Code 37.007(e)* [See also GRA]

For the purposes of this provision, "firearm" means:

1. Any weapon (including a starter gun), which will or is designed to or which 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;

4. Any destructive device. "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

18 U.S.C. 921

DISCRETIONARY EXPULSION

A student may be expelled if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

THREATS

SCHOOL–RELATED CONDUCT

A student may be expelled if the student, while 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 of school property:

ALCOHOL OR DRUGS

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:

   a. Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.; or

   b. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or

   c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

VOLATILE CHEMICALS

2. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031–485.034.

ASSAULT ON AN EMPLOYEE OR VOLUNTEER

3. Engages in conduct that contains the elements of an offense under Penal Code 22.01(a)(1) against a District employee, or a volunteer as defined by Education Code 22.053. [See FOC(EXHIBIT)]

DEADLY CONDUCT

4. Engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.

Education Code 37.007(b)

CONDUCT WITHIN 300 FEET OF SCHOOL

Subject to the mandatory expulsion requirement for retaliation, a student may be expelled if the student, while within 300 feet of school property, as measured from any point on the school's real property boundary line, engages in the following conduct:

1. Any conduct for which expulsion would have been mandatory under Education Code 37.007(a) [see MANDATORY EXPULSION — SCHOOL RELATED, above]; or

2. Possession of a firearm, as defined by 18 U.S.C. sec. 921 [see FIREARM, above].

Education Code 37.007(b)

RETALIATION AGAINST SCHOOL EMPLOYEE OR VOLUNTEER

A student may be expelled if the student engages in an assault, under Penal Code 22.01(a)(1), on an employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property. *Education Code 37.007(d)*

CONDUCT AGAINST ANOTHER STUDENT

A student may be expelled if the student engages in conduct against another student that contains the elements of the offenses of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(b)*

CRIMINAL MISCHIEF

The District may use its discretion to expel a student who has engaged in conduct that contains the elements of criminal mischief, as defined in the Penal Code, if the conduct is punishable as a felony. Regardless of whether the student is expelled, the District shall refer the student to the authorized officer of the juvenile court. *Education Code 37.007(f)*

PERSISTENT MISBEHAVIOR IN DAEP

A student who continues to engage in serious or persistent misbehavior that violates the District's Student Code of Conduct while placed in a DAEP may be removed from class and expelled.

If the student is expelled, the Board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code).

Education Code 37.007(c), 37.010(b)

PROPERTY OR ACTIVITIES OF ANOTHER DISTRICT

The District may expel a student who attends school in the District if:

1. The student engages in conduct for which expulsion would have been mandatory if the conduct had occurred on District property or while attending a District-sponsored or District-related activity; and

2. The student engages in that conduct on the property of another district or while attending a school-sponsored or school-related activity of another district in this state.

Education Code 37.007(i)

EXPULSION PROCEEDINGS

Before a student may be expelled, the Board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. *Education Code 37.009(f)*

DUE PROCESS

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

NOTICE

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies.

HEARING

The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

[See also Brewer v. Austin Indep. Sch. Dist., 779 F.2d 260 (5th Cir. 1985); Keough v. Tate County Bd. of Educ., 748 F.2d 1077 (5th CIr. 1984); McClain v. Lafayette County School Boards Ass'n, 673 F.2d 106 (5th Cir. 1982); Tasby v. Estes, 643 F.2d 1103 (1981); Boykins v. Fairfield Bd. of Educ., 492 F.2d 697 (5th Cir. 1974), cert. den. 420 US 962 (1975); Dixon v. Alabama State Board of Education, 294 F.3d 150 (5th Cir. 1961)]

REPRESENTATIVE

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance

to the student and who is not an employee of the District. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

TERM OF EXPULSION

If the period of expulsion is inconsistent with the guidelines on length of expulsion in the Student Code of Conduct, the order must give notice of the inconsistency.

EXPULSION BEYOND ONE YEAR

The period of expulsion may not exceed one year unless the District determines that:

1. The student is a threat to the safety of other students or to District employees; or

2. Extended placement is in the best interest of the student.

Education Code 37.009(h)

NOTICE OF EXPULSION ORDER

The Board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. After such notification, the parent or guardian shall provide adequate supervision for the student during the period of expulsion. *Education Code 37.009(g), (h)*

TO PARENT OR GUARDIAN

TO COURT

Not later than the second business day after the date an expulsion hearing is held, the Board or its designee shall deliver a copy of the expulsion order and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the student resides.

Family Code 52.04 requires the following information from a referring entity that is not a law enforcement agency or has not taken the child into custody:

1. All information in the District's possession pertaining to the identity of the child and the child's address; the name and address of the child's parent, guardian, or custodian; the names and addresses of any witnesses; and the child's present whereabouts; and

2. A complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision.

Education Code 37.010(a); Family Code 52.04(a), 52.041(a), (b)

TO JUVENILE BOARD

In a county that operates a juvenile justice alternative education program (JJAEP) [see FODA], no student shall be expelled without

written notification by the Board or its designee to the juvenile board's designated representative. The notification shall be made not later than two business days following the Board's determination that the student is to be expelled. Failure to timely notify the designated representative shall result in the child's duty to continue attending the District's educational program, which shall be provided to that child until such time as the notification to the designated representative is properly made. *Family Code 52.041*

TO STAFF

In addition to providing any notice required under Code of Criminal Procedure 15.27 [see GRA], the District shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in expellable conduct.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.007(g)

COMPLETION OF PROCEEDING UPON WITHDRAWAL

If a student withdraws from the District before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the District during the same or subsequent school year, the District may enforce the order at that time except for any period of the expulsion that has been served by the student in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ADDITIONAL PROCEEDINGS

If, during the term of expulsion, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or Board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

APPEALS

A decision by the Board's designee to expel a student may be appealed to the Board. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. *Education Code 37.009(f); Dixon v. Alabama State Board of Education, 294 F.3d 150 (5th Cir. 1961)*

RESTRICTIONS ON COURT ORDERS

A court may not order an expelled student to attend a regular classroom, a regular campus, or the District DAEP as a condition of probation.

EXCEPTION

A court may order a student to attend a regular classroom, a regular campus, or the District DAEP if the District has entered into a memorandum of understanding (MOU) with the juvenile board for the county in which the District's central administrative office is located, concerning the juvenile probation department's role in supervising and providing other support services for students in DAEPs.

Education Code 37.010(c)

DISTRICT RESPONSIBILITY FOR EXPELLED STUDENT

The District is responsible for providing an immediate educational program to a student who engages in behavior for which expulsion is permitted but not required under Education Code 37.007, but who is not eligible for admission into the JJAEP in accordance with an MOU. [See FODA]

CONTRACTING FOR SERVICES

The District may provide the program or the District may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program.

Education Code 37.011(l)

RETURN TO CLASS EARLY / PERMISSIVE

On the recommendation of the placement review committee, or on its own initiative, the District may readmit an expelled student while the student is completing any court disposition requirements.

REQUIRED

After an expelled student has successfully completed any court disposition requirements, including conditions of a deferred prosecution, or conditions required by the prosecutor or probation department, the District may not refuse to admit the student if the student meets the requirements for admission. [See FD] The District may place the student in a DAEP.

The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

EXPELLED FROM ANOTHER DISTRICT

If a student has been expelled from another school district, the expelling district shall provide to the district in which the student enrolls a copy of the expulsion order and the referral to the authorized officer of the juvenile court. The district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a DAEP for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.

OUT–OF–STATE EXPULSION

The District may take any of the above actions if the student was expelled by a district in another state if:

1. The out-of-state district provides a copy of the expulsion order; and

2. The grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.

Education Code 37.010(g)

If the student was expelled for more than one year and the enrolling district continues the expulsion or places the student in a DAEP, the aggregate period of expulsion or placement may not exceed one year unless the district determines that:

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

2. Extended placement is in the best interest of the student.

Education Code 37.010(g–1)

Note: See FOF for provisions concerning expulsion of students with disabilities.

PUBLIC INFORMATION

"Public information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. *Gov't Code 552.002(a)*

AVAILABILITY

Public information is available, at a minimum, to the public during the District's normal business hours. *Gov't Code 552.021*

Unless they are expressly confidential under other law, categories of public information that are not excepted from required disclosure under this policy include:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the District.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of the Board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
6. A description of the District's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which the District's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.

12. A policy statement or interpretation adopted or issued by the Board.

13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under the District's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law.

16. Information that is also contained in a public court record.

17. A settlement agreement to which the Board is a party.

A court in this state may not order the Board or the District's officer for public information to withhold from public inspection any category of public information described above or to not produce the information for inspection or duplication, unless the information is expressly made confidential under other law.

Gov't Code 552.022

INVESTMENT INFORMATION

Certain District investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

PERSONAL INFORMATION

EMPLOYEE / BOARD MEMBER

Each District employee, other than peace officers, and Board member and each former employee and Board member shall choose whether to allow public access to District-held information relating to the person's home address, telephone number, or social security number, or any other information that reveals whether the person has family members. Employees and Board members shall state their choice to the District's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the District ends. If an employee or Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information relating to the person's home address, telephone number, social security number, or any other information that reveals whether the person has family members. *Gov't Code 552.024*

PEACE OFFICERS / SECURITY OFFICERS

District-held information relating to the home address, home telephone number, or social security number of peace officers or security officers commissioned by the Board of Private Investigators

and Private Security Agencies, or any information that reveals whether the person has family members, is confidential and may not be disclosed if the person chooses to restrict public access to the information and notifies the District on a form provided by the District, accompanied by evidence of the individual's status. *Gov't Code 551.1175*

EVALUATIONS

An evaluation of the performance of a teacher or administrator is confidential. *Education Code 21.355*

CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the District is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

Gov't Code 552.136

E–MAIL ADDRESSES

CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the District by a person who has a contractual relationship with the District or by the contractor's agent;
2. Provided to the District by a vendor who seeks to contract with the District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the District in the course of negotiating the terms of a contract or potential contract; or
4. Provided to the District on a letterhead, coversheet, printed document, or other document made available to the public.

The District may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137

INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

3. Information relating to litigation of a civil or criminal nature to which the District is, or may be, a party or to which an officer or employee of the District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the District's public information officer receives the request. *Gov't Code 552.103*

4. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*

5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

6. Drafts and working papers involved in the preparation of proposed policies. *Gov't Code 552.106*

7. Information the District's attorney is prohibited from disclosing because of a duty to the District under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

8. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:

   a. Information that deals with detection, investigation, or prosecution of crime; and

   b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

   Gov't Code 552.108

9. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*

10. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*

11. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*

12. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

13. Student records, except to District personnel, the student, or the student's parents, guardian, or spouse. The District is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114, 552.026* [See FL]

14. Information that relates to the home address, home telephone number, or social security number of the following persons, or that reveals whether the person has family members:

   a. A current or former District employee or Board member, except as provided by Section 552.024; or

   b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

   Gov't Code 552.117

15. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:

   a. The officer is under indictment or charged with an offense by information;

b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or

c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

16. Test items developed by a state-funded educational institution. *Gov't Code 552.122*

17. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*

18. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:

    a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;

    b. To a person with a special right of access under Government Code 552.023; or

    c. To a law enforcement agency or prosecutor under a court order or subpoena.

    Gov't Code 552.124

19. The name of an applicant for Superintendent, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126* [See BJB]

20. Motor vehicle record information that relates to:

    a. A motor vehicle operator's or driver's license or permit issued by an agency of this state;

    b. A motor vehicle title or registration issued by an agency of this state; or

c. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Gov't Code 552.130

21. An informer's name or information that would substantially reveal the identity of an informer, unless:

    a. The informer or the informer's spouse consents to disclosure of the informer's name.

    b. The informer planned, initiated, or participated in the possible violation.

    "Informer" means a student or former student or an employee or former employee of the District who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the District or the proper regulatory enforcement authority.

    Gov't Code 552.135

22. Information in a commercial book or publication purchased or acquired by the District for research purposes, if the book or publication is commercially available to the public. The District is not required to make copies of commercially available information, but the District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the District. *Gov't Code 552.027*

23. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the District, if that information relates to:

    a. A trade secret of the business prospect; or

    b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

24. Unless and until an agreement is made with the business prospect, information about a financial or other incentive

being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

a. By the Board; or

b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the District or a reduction in revenue received by the District from any source.

Gov't Code 552.131

25. Information that relates to computer network security or to the design, operation, or defense of a computer network. The following information is confidential:

a. A computer network vulnerability report; and

b. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of the District or of a contractor of the District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the District's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

Gov't Code 552.136

MILITARY DISCHARGE RECORDS

26. A military veteran's Department of Defense Form DD–214 or other military discharge record that first comes into the possession of the District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the District in accordance with Government Code Section 552.140. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140*

SOCIAL SECURITY NUMBERS

27. The Social Security number of a living person. The District may redact the Social Security number of a living person from any information the District discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*

INVESTMENT INFORMATION

28. Certain District investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure. *Gov't Code 552.143*

OFFICER FOR PUBLIC RECORDS

The Superintendent shall be the District's officer for public information. Each department head shall be an agent of the officer for public information for the purposes of complying with the public information laws and the District's policy on public records. The officer for public information shall:

1. Make public information available for public inspection and copying.

2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.

3. Repair, renovate, or rebind public information when necessary to maintain it properly.

The officer for public information is responsible for the release of public information as required by Government Code Chapter 552. The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record.

Gov't Code 552.201–552.204

SIGN

The officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of the Board, and the procedures for inspecting or obtaining a copy of public information under Government Code Chapter 552. The officer shall display the sign at one or more places in the administrative offices of the District where it is plainly visible to:

1. Members of the public who request public information in person; and

2. Employees of the District whose duties include receiving or responding to public information requests.

Gov't Code 552.205

ACCESS TO PUBLIC INFORMATION

The District may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of Government Code Chapter 552. *Gov't Code 552.230*

The Superintendent or designee shall promptly produce public information for inspection, duplication, or both, in District offices on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

The Superintendent or designee complies with such a request by providing the information for inspection or duplication in the District's offices or by sending copies of the information by first class mail, if the requestor requests that the copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Chapter 552, Subchapter F.

TIME FOR RESPONSE

If the requested information is unavailable because it is in storage or active use, the Superintendent or designee shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. If the Superintendent or designee cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the Superintendent or designee shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. An original copy of public information shall not be removed from District offices by a requestor.

Gov't Code 552.221, 552.226; Tex. Atty. Gen. ORD–664 (2000)

The officer for public information shall not make an inquiry of any requestor, except to establish proper identification or to ask the requestor to clarify the request. If a large amount of information has been requested, the officer may discuss with the requestor how the scope of the request might be narrowed, but the officer may not inquire into the purpose for which the information will be used. All reasonable comfort and facility shall be extended to the requestor. *Gov't Code 552.222, 552.224*

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

EXAMINATION

A requestor shall complete the examination of the information not later than the tenth business day after the date the officer for public information makes it available. If the requestor does not complete the examination of the information within ten business days after the date the information is made available and does not file a request for additional time, the requestor is considered to have withdrawn the request. The officer shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall permit a second additional ten business day examination period if, within the first additional period, the requestor files with the officer a second written request for time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the Board. The period of interruption is not considered to be a part of the time during which the person may examine the information. *Gov't Code 552.225*

PROVIDING SUITABLE COPY

The officer for public information shall provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

SPECIFIC MEDIUM

If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The officer for public information shall provide a copy in the requested medium if the District has the technological ability to produce the information in the requested medium and is not required to purchase any software or hardware to accommodate the request, and providing the copy will not violate any copyright agreement between the District and a third party.

If the officer is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the District shall provide either a paper copy or a copy in another medium that is acceptable to the requestor. The officer is not required to copy information onto a diskette or other material provided by the requestor but may use District supplies.

Gov't Code 552.228

REQUESTS REQUIRING PROGRAMMING OR MANIPULATION

If the officer determines that responding to a request for information will require programming or manipulation of data and that compliance with the request is not feasible or will result in substantial interference with operations or the information could be made available in the requested form only at a cost that covers the programming and manipulation of data, it shall provide to the requestor a written statement that includes all of the following information:

1. A statement that the information is not available in the requested form.
2. A description of the form in which the information is available.
3. A description of any contract or services that would be required to provide the information in the requested form.
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general. [See GBAA (EXHIBIT)]
5. A statement of the anticipated time required to provide the information in the requested form.

RESPONSE TIME WHEN PROGRAMMING OR MANIPULATION IS REQUIRED

The officer shall provide the written statement to the requestor within 20 days after the date the officer receives the request. The officer has an additional ten days to provide the statement if the officer gives written notice to the requestor within 20 days after receiving the request that additional time is needed.

FURTHER ACTION

After providing the written statement described above, the officer has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor writes to the officer stating that the requestor wants the information in the requested form according to the time and cost parameters set out in the officer's statement or that the requestor wants the information in the form in which it is available. If a requestor does not make a timely written response, the requestor is considered to have withdrawn the request for information.

PROCESSING OF REQUESTS

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. The Board shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

Gov't Code 552.231

REPETITIOUS OR REDUNDANT REQUESTS

If the officer determines that a requestor has made a request for information for which the District has previously furnished or made copies available to the requestor on payment of applicable charges, the officer shall respond to the request for information for which copies have been already furnished or made available, except that:

1. The District is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and

2. The District is not required to comply with the procedures described below in relation to information that the District simply furnishes or makes available to the requestor again in accordance with the request.

Information for which the District has not previously furnished copies or made copies available to the requestor on payment of applicable charges, information that was redacted from information provided earlier, or that did not exist at the time of an earlier request, shall be treated in the same manner as any other request.

PROCEDURES

The officer shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished

or made available to the requestor on payment of applicable charges. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor.
2. The date that the District received the requestor's original request for that information.
3. The date that the District previously furnished copies of or made available copies of the information to the requestor.
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or the officer's agent making the certification.

Gov't Code 552.232

ATTORNEY GENERAL DECISIONS

If the District receives a written request, including a request that is sent by electronic mail or facsimile transmission if that request is sent to the Superintendent or designee, for information it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure, but for which there has been no previous determination that it falls within one of the exceptions, the District, not later than the tenth business day after receiving the written request, shall ask for a decision from the attorney general about whether the information is within one of the exceptions and state the exception that applies. If a decision from the attorney general is not so requested or the District fails to provide the requestor with the statement and a copy of the District's communications to the attorney general, as described below, the information is presumed to be public information and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.301(a), (b), (c), 552.302; Tex. Atty. Gen. ORD–673 (2000)*

The District may not request an open records decision from the attorney general if the District reasonably believes that the requested information is not excepted from required disclosure. The District must promptly produce the requested information to the requestor. *Tex. Atty. Gen. ORD–665 (2000)*

The District shall release the requested information and may not ask for an attorney general decision if the District has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not within one of the exceptions. *Gov't Code 552.301(f); Tex. Atty. Gen. ORD–673 (2000)*

The District must promptly release public information not excepted from required disclosure. The prompt release of information requires release as soon as possible under the circumstances and within a reasonable time, without delay. The District may not automatically withhold for ten business days public information not excepted from diclosure. *Tex. Atty. Gen. ORD–664 (2000)*

STATEMENT TO REQUESTOR

If the District requests an attorney general decision, it must provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the District wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure.

2. A copy of the District's written communication to the attorney general asking for the decision. If the District's written communication to the attorney general discloses the requested information, the District shall provide a redacted copy of that written communication to the requestor.

Gov't Code 552.301(d)

SUBMISSION TO ATTORNEY GENERAL

When the District requests a decision, it shall, within a reasonable time but not later than the15th business day after the date of receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld.

2. A copy of the written request for information.

3. A signed statement as to the date on which the written request for information was received by the District or evidence sufficient to establish that date.

4. A copy of the specific information requested, or representative samples of the information, if a voluminous amount of information was requested. These copies must be labeled to indicate which exceptions apply to which parts of the copy.

Unless the information is confidential by law, the officer may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the attorney general or a court with jurisdiction.

ADDITIONAL INFORMATION

If the attorney general determines that additional information is necessary to render a decision, the attorney general shall give the

District and the requestor written notice of that fact. Upon receipt of such notice, the officer shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If the officer does not comply with the attorney general's request for additional information, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.

Gov't Code 552.301(d), (e), 552.303

A district that submits written comments to the attorney general stating the reasons why the stated exceptions apply shall send a copy of those comments to the person who requested the information from the district. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor must be a redacted copy. *Gov't Code 552.301(e–1)*

SPECIAL INTERESTS

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101, 552.104, and 552.114 (see pages 2–3 of this policy), the District may decline to release the information for the purpose of requesting a decision from the attorney general. The District may, but is not required to, submit its reasons why the information should be withheld or released.

NOTICE TO OWNER OF PROPRIETARY INFORMATION

If release of a person's proprietary information may be subject to exception under Government Code 552.101, 552.110, 552.113, or 552.131, a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request for the attorney general decision. The notice must include a copy of any written request the District received for the information and a statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Gov't Code 552.305

COSTS AND CHARGES

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or

more separate buildings that are not connected with each other or a remote storage facility. If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer or the officer's agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or the officer's agent, and the officer or the officer's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor. The District shall also charge for the cost of materials, labor, and overhead when the request is for any number of copies of information that is not readily available. Charges for providing a copy of public information are considered to accrue at the time the governmental body advises the requestor that the copy is available on payment of the applicable charges. *Gov't Code 552.261*

The District shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or form making public information that exists in a paper record available. The District may determine its own charges for producing public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection, but may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless it requests an exemption. *Gov't Code 552.261, 552.262; 1 TAC 111.61(b)* [See also GBAA (EXHIBIT)]

EXEMPTIONS

The District may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the attorney general and must state the reason for the exemption. If the attorney general determines that good cause exists, the attorney general shall grant the exemption by giving written notice of the determination within 90 days of the request. When it receives the notification, the District may amend its charges for providing copies of public information or its charge, deposit, or bond required for making public information that exists in a paper record available for inspection according to the terms of the attorney general's determination. *Gov't Code 552.262(c)*

COPIES FOR PARENTS

The District may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

STATEMENT OF ESTIMATED CHARGES

If a request for a copy of public information or a request to inspect a paper record will result in the imposition of a charge that exceeds $40, the District shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the District regarding the alternative method. The District must inform the requestor of the responsibilities imposed on the requestor by this section and the rights granted by this entire section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after the District provides the requestor the itemized statement but before it makes the copy or the paper record available, the District determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the District shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

REQUESTOR'S RESPONSE

A request for which the District is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the District within ten days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges.
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

ACTUAL CHARGES

If the actual charges that the District imposes for a copy or inspection of public information exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

TIMING OF DEADLINES

An original or updated itemized statement is considered to have been sent by the District, and a requestor is considered to have

responded to the statement, on the date that the statement or response is:

1. Delivered in person;

2. Deposited, properly addressed, in the U.S. mail; or

3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing the required statement of estimated charges do not affect the application of a time deadline imposed on the District for requesting a decision by the attorney general under Government Code 552, Subchapter G.

Gov't Code 552.2615

DEPOSIT OR BOND

The officer for public information or his or her agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if the officer for public information or the officer's agent has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy and if the charge for providing the copy of the public information specifically requested by the requestor is estimated by the District to exceed $100, if the District has more than 15 full-time employees; or $50, if the District has fewer than 16 full-time employees. The officer for public information or the officer's agent may not require a deposit or bond be paid as a down payment for copies of future information that the requestor may request in the future. *Gov't Code 552.263(a), (b); 1 TAC 111.67(d)*

The officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts the requestor owes the District in relation to previous public information requests before preparing a copy of public information in response to a new request if those unpaid amounts exceed $100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

The District must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond under this section. The documentation is subject to required public disclosure. *Gov't Code 552.263(d)*

For the purposes of charging for providing copies of public information or for requesting an attorney general's opinion, if the District requires a deposit or bond from the requestor, a request for a copy of public information is considered to have been received by the District on the date it receives the deposit or bond for payment of

anticipated costs or unpaid amounts. A requestor who fails to make such a deposit or post such a bond before the tenth day after the date the deposit or bond is required is considered to have withdrawn the request. *Gov't Code 552.263(e), (f)*

WAIVERS

If the cost to the District of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the Board may waive the charge. If the District determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public, the District may waive or reduce the charge for a copy of public information. *Gov't Code 552.267*

GOVERNMENT PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for the District for public dissemination. If the cost of the publication is not determined by state law, the District may determine the charge for providing the publication, or it may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code 552.270*

INSPECTION OF PUBLIC INFORMATION

If the requestor does not request a copy of public information, the District may not impose a charge for making available for inspection any public information that exists in a paper record. If a page contains confidential information that must be edited from the record before the information can be made available for inspection, however, the District may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(a), (b)*

PAYMENT, OR DEPOSIT OR BOND

The officer for public information or the officer's agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records only if:

1. The public information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and

2. The officer for public information or the officer's agent estimates that more than five hours will be required to make the public information available for inspection.

Gov't Code 552.271(c)

CERTAIN SMALL DISTRICTS

If the District has fewer than 16 full-time employees, the payment, or deposit or bond may be required only if:

1. The public information specifically requested by the requestor is older than three years or completely fills, or when

assembled will completely fill, three or more archival boxes; and

2. The officer for public information or the officer's agent estimates that more than two hours will be required to make the public information available for inspection.

Gov't Code 552.271(d)

ELECTRONIC RECORDS

If the District receives a request to inspect information that exists in an electronic medium and the information is not available directly on-line to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the Board shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by the District, and the public has access to that information through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the District's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, the Board may impose charges.

If the District creates or keeps information in an electronic form, it is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272

DESTRUCTION OF RECORDS

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

1. The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards. [See CPC]

2. The record appears on a list of obsolete records approved by the State Library and Archives Commission.

3. A destruction request is filed with and approved by the State Library and Archives Commission for a record not listed on an approved control schedule.

4. The district court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.

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

Local Gov't Code 202.001

EXCEPTIONS

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

PRESERVATION OF RECORDS

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

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

FILING SUIT TO WITHHOLD INFORMATION

The Board or officer for public information may, within the time lines provided for in Government Code 552.324(b) and 552.353(b)(3), file suit seeking to withhold information, but the requestor may not be named as a party to that action. The Board or officer for public information must demonstrate to the court that the Board or officer made a timely good faith effort to inform the requestor, by certified mail or other method of written notice that requires the return of a receipt, of:

1. The existence of the suit, including the subject matter, the cause number, and the court in which the suit is filed.

2. The requestor's right to intervene in the suit or to choose not to participate.

3. The fact that the suit is against the attorney general.

4. The address and phone number of the office of the attorney general.

Gov't Code 552.324, 552.325

PARENT'S REQUEST FOR INFORMATION

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under Chapter 552, Government Code, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, the District may not appeal the decision of a court in such a suit challenging a ruling of the attorney general. This prohibition does not affect the right of a parent to appeal the decision. If the District does not bring suit within the period established, the District shall comply with the decision of the attorney general.

A district that receives a request from a parent for public information relating to the parent's child shall comply with Chapter 552, Government Code. If an earlier deadline for bringing suit is established under Chapter 552, Government Code, this rule does not apply.

Education Code 26.0085

FAILURE TO RAISE EXCEPTIONS BEFORE ATTORNEY GENERAL

A district that files suit seeking to withhold information may raise only those exceptions to required disclosure that the district properly raised before the attorney general in connection with a request for a decision by the attorney general, unless the exceptions raised by the district in its suit seeking to withhold information are required by federal law or involve property or privacy interests of another person. *Gov't Code 552.326*

ACCREDITATION REQUIRED

Each district must be accredited by TEA. Accreditation shall be determined in accordance with the Education Code. *Education Code 11.001, 39.071*

ACADEMIC EXCELLENCE INDICATORS

The State Board shall adopt a set of indicators of the quality of learning on a campus. Campus and District performance on the indicators shall be compared to state-established standards and the degree of change from one school year to the next on each indicator shall also be considered. The indicators must be based on information that is disaggregated by race, ethnicity, gender, and socioeconomic status and shall include:

1. The results of certain state assessment instruments aggregated by grade level and subject area.
2. Dropout and completion rates, including dropout rates and District completion rates for grade levels 9 through 12 computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education [see CFC].
3. High school graduation rates computed in accordance with standards and definitions adopted in compliance with the federal No Child Left Behind Act of 2001.
4. Student attendance rates.
5. The percentage of graduating students who attain scores on the exit-level assessment that are equivalent to a passing score on the TASP, administered by state institutions of higher education.
6. The percentage of graduating students who meet the course requirements established by the State Board for the recommended high school program.
7. The results of the Scholastic Assessment Test (SAT), the American College Test (ACT), articulated postsecondary degree programs described by Education Code 61.852, and certified workforce training programs described by Labor Code Chapter 311.
8. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211(c), the results of assessments administered under that section, the percentage of students promoted through the grade placement committee process under Education Code 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily, and the performance of those students in the school year following that promotion on the state assessment instruments.

9. For students who have failed to perform satisfactorily on a state assessment instrument, the numerical progress of those students on subsequent assessment instruments, aggregated by grade level and subject area.

10. The percentage of students exempted, by exemption category, from the assessment program.

11. The percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Education Code 39.027(a)(3) and (4).

12. The percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Education Code 39.023(b).

Education Code 39.051(a), (b)

Performance on the indicator at item 1 above shall be compared to state standards, required improvement, and comparable improvement, as established by the Commissioner. Required improvement is the progress necessary for a campus or district to meet state standards and for its students to meet exit requirements; comparable improvement is derived by measuring campuses and the District against a profile developed from a total state student performance data base that exhibits substantial equivalence to the characteristics of students served by a campus or district, including past academic performance, socioeconomic status, ethnicity, and limited English proficiency. *Education Code 39.051(c)*

Annually, the Commissioner shall define exemplary, recognized, and unacceptable performance on indicators at items 1 through 6 and shall project the standards for each level of performance for succeeding years. For the indicator at item 7 above, the Commissioner shall define exemplary, recognized, and unacceptable performance based on student performance for the period covering both the current and the preceding academic years. *Education Code 39.051(d); 19 TAC 97.1001(a), 97.1002*

The ratings standards established by the Commissioner shall be annually published in official TEA publications and shall cover the following:

1. Indicators, standards, and procedures used to determine district ratings;

2. Indicators, standards, and procedures used to determine campus ratings;

3. Indicators, standards, and procedures used to determine acknowledgement on additional indicators;

4. Procedures for submitting a rating appeal;

5. System safeguards analyses used to assess the integrity of the accountability system.

19 TAC 97.1001(a)

ACCREDITATION CRITERIA

The District's accreditation is based primarily on:

PRIMARY

1. The District's overall performance by all student populations and on the performance of each of its individual campuses, as demonstrated on the state-adopted Academic Excellence Indicator System (AEIS) and other indicators of student performance.

2. The District's current special education compliance status with TEA.

Use of the AEIS in the rating system shall include consideration of campus and District performance in relation to the state standard for each indicator, required improvement, and comparable improvement.

Consideration of the effectiveness of the District's special population and career and technology programs must be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability and include the results of assessments required under Education Code 39.023.

Education Code 39.072(b),(c); 19 TAC 97.1(b),(c), 97.3

OTHER

Other criteria for accreditation include:

1. Statutory Requirements

2. State Board of Education rules

3. Applicable court orders

4. Reporting data through PEIMS

5. High school graduation requirements

6. Effectiveness of career and technology programs

7. Effectiveness of programs for special populations

8. Extracurricular activities

9. Health and safety
10. Purchasing
11. Elementary school class size limits
12. Removal of a disruptive student from the classroom
13. At-risk programs
14. Prekindergarten programs

19 TAC 97.1(b), (c)

INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent performance rating of the district, as determined under Education Code 39.072, and a definition and explanation of each performance rating described by Education Code 39.072(a) available to the public on the Web site. *Education Code 39.252*

ACCREDITATION INVESTIGATIONS

The Commissioner of Education shall determine the frequency of on-site visits and the level of investigative review needed, according to annual comprehensive analyses of student performance and equity in relation to the academic excellence indicators. *Education Code 39.074(b)*

SPECIAL INVESTIGATIONS

The Commissioner shall authorize special accreditation investigations to be conducted:

1. When excessive numbers of students eligible to be tested in the state assessment program are absent from testing.
2. When excessive numbers of students are exempted from required state assessments.
3. In response to complaints alleging violations of civil rights or other requirements imposed on the state by federal law or court order.
4. In response to established compliance reviews of the District's financial accounting practices and state and federal program requirements.
5. When extraordinary numbers of students are placed in alternative education programs, other than placements under Education Code 37.006 (required removal) or 37.007 (expulsion).
6. In response to an allegation involving a conflict between members of the Board or between the Board and District ad-

ministration, if it appears that the conflict involves a violation of a role or duty, clearly defined in the Education Code, of the Board or the administration.

7. When excessive numbers of students in special education programs under Education Code Chapter 29, Subchapter A, are assessed through assessment instruments developed or adopted under Education Code 39.023(b).

8. As the Commissioner otherwise determines necessary.

Education Code 39.075(a)

PAPERWORK REQUIREMENTS

The Commissioner may authorize special accreditation investigations to be conducted in response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers. *Education Code 39.075(b–1)*

INVESTIGATION PROCEDURES

TEA shall adopt written procedures for conducting on-site investigation and shall make the procedures available to the complainant, the alleged violator, and the public. *Education Code 39.076(a)*

REVISION OF RATINGS

Ratings may be revised as a result of investigative activities by the Commissioner. *19 TAC 97.1001(b)*

ACCREDITATION RATINGS

TEA shall evaluate the District's performance and rate it for accreditation purposes as:

1. Exemplary (meets or exceeds state exemplary standards).

2. Recognized (meets or exceeds the state standards and meets required improvement).

3. Academically acceptable (exceeds academically unacceptable, but is below exemplary and recognized).

4. Academically unacceptable (fails to achieve the standard of acceptable performance).

Education Code 39.072; 19 TAC 97.1(a), 97.2

GOLD PERFORMANCE RATINGS

In addition to district and campus performance ratings, the Commissioner shall develop a gold performance rating program based on enhanced performance. Under the gold performance rating program, a district or campus rated exemplary is eligible for an exemplary gold rating, a district or campus rated recognized is eligible for a recognized gold rating, and a district or campus rated academically acceptable is eligible for an academically acceptable gold rating.

The performance standards on which a gold performance rating is based should include:

1. Student proficiency on state assessment instruments and other measures of proficiency determined by the Commissioner;

2. Student performance on one or more nationally recognized norm-referenced assessment instruments;

3. Improvement in student performance;

4. In the case of middle or junior high school campuses, student proficiency in mathematics, including algebra; and

5. In the case of high school campuses:

   a. The extent to which graduating students are academically prepared to attend institutions of higher education;

   b. The percentage of students who take advanced placement tests and student performance on those tests; and

   c. The percentage of students who take and successfully complete advanced academic courses or college-level course work offered through dual credit programs provided under agreements between high schools and institutions of higher education.

Education Code 39.0721

EXCELLENCE EXEMPTIONS

Except as provided below, a school campus or district that is rated exemplary is exempt from requirements and prohibitions imposed and rules adopted by the State Board under the Education Code.

A school campus or district shall not be exempt from a prohibition on conduct that constitutes a criminal offense. A school campus or district shall not be exempt from requirements imposed by federal law or rule, including requirements for special education or bilingual education programs. A school campus or district shall not be exempt from a requirement or prohibition imposed by state law or rule relating to:

1. Curriculum essential knowledge and skills or minimum graduation requirements

2. Public school accountability

3. Extracurricular activities

4. Health and safety

5. Competitive bidding
6. Elementary school class size limits, except as provided below
7. Removal of a disruptive student from the classroom
8. At-risk program
9. Prekindergarten programs
10. Rights and benefits of school employees
11. Special education programs under Education Code Chapter 29, Subchapter A
12. Bilingual education programs under Education Code Chapter 29, Subchapter B

ELEMENTARY CLASS SIZE

The Commissioner may exempt an exemplary school campus from elementary class size limits under this section if the school campus submits to the Commissioner a written plan showing steps that will be taken to ensure that the exemption from the class size limits will not be harmful to the academic achievement of the students on the school campus. The Commissioner shall review achievement levels annually. The exemption remains in effect until the Commissioner determines that achievement levels of the campus have declined. [See BF]

Education Code 39.112

TEXAS YOUTH COMMISSION

A student confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission is not considered to be a student of the school district in which the program or facility is physically located. The performance of such a student on an assessment instrument or other academic excellence indicator shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located. *Education Code 39.072(d)*

IMPROVEMENT PLAN EXEMPTION

If the District or a campus is required to develop and implement a student achievement improvement plan because it does not satisfy accreditation criteria, it may request from the Commissioner and be granted an exemption or waiver from any law or rule other than a prohibition on conduct that constitutes a criminal offense, a requirement imposed by federal law or rule, or a requirement or prohibition imposed by state law or rule relating to accountability, educator rights and benefits, or textbook selection. *Education Code 7.056(f)*

CHARACTER PLUS SCHOOL

TEA shall, based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that meets the prescribed criteria and is approved by the committee selected by the District. *Education Code 29.906(e)(2)* [See EHBK]

GRANBURY ISD
BOARD OF TRUSTEES
OFFICIAL REGULAR MEETING
MINUTES
February 13, 2006

The Board of Trustees of the Granbury Independent School District convened in an official **REGULAR** meeting on Monday, February 13, 2006 at 3:15 p.m. in the Board Room of the Administration Building, 600 West Pearl St., Granbury, Texas

Presiding Officer..... Barbara Herrington

Board Members Present

Bowen Brawner
Jerry Campbell
Charlie Cloud
Brian Condit
Gene Ellis
Doug Funk

School Officials Present

William Harris, Superintendent
Jan Van Dorn, Assistant Superintendent
Sharay Boynton, Executive Director of Finance
Troy Green, Executive Director of Human Resources
Ton Potappel, Director of Technology
Judy Duncan, Recording Secretary

Others Present

School Employees
Media
Community Members

Meeting Called to Order

President, Barbara Herrington, called the meeting to order at 3:15 p.m. and noted that a quorum of board members is present, the meeting has been duly called and that notice of this meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Invocation & Pledge

Mr. Gene Ellis led in the invocation and Mr. Doug Funk led in the pledge to the U.S. Flag and the Texas Flag.

Public Comments

None

Convened in Closed Session

The Board of Trustees convened in closed session at 3:18 p.m. under Texas Government Code 551.071 to consult with legal counsel regarding the current lease of and matters concerning the possible sale of real estate at 205 E. Pearl St., to consult with legal counsel regarding the purchase of real estate consisting of .833 acres located at 2461 E. Hwy 377, to consult with legal counsel regarding the pending litigation in the State of Texas v. Stephen P. Bumpas, et us., et al.; Cause No. C2005313, in the 355th Judicial District Court, Hood County, discuss with attorneys settlement offer in Granbury ISD v. Barnhart Construction, et. al, and 551.074 at 4:30 p.m.

Reconvened

President Herrington called the meeting back to order in open session at 5:42 p.m.

Litigation

A motion was made by Charlie Cloud and seconded by Jerry Campbell to approve the district to sign the necessary court documents as discussed in closed session regarding the pending litigation in The State of Texas v. Stephen P. Bumpas, et us., et al.; Cause No. C2005313, in the 355th Judicial District Court, Hood County, Texas. **MOTION CARRIED** Yes 7 – Noe 0

Property

There was no action taken regarding the current lease of and matters concerning the possible sale of real estate at 205 E. Pearl Street.

There was no action taken regarding the purchase of real estate consisting of .833 acres located at 2461 E. Hwy 377

Litigation

A motion was made by Charlie Cloud and seconded by Gene Ellis to accept the settlement offer in pending litigation Granbury ISD v. Barnhart Construction, et. al. **MOTION CARRIED** Yes 7 – Noe 0

Superintendent's Report

The 2006-07 budget assumptions, with noted additions, were presented to the board for their review. Bowen Brawner requested the items under the long-range planning be moved to the ongoing financial planning section.

Board Member's Special Reports

Board President, Barbara Herrington announced the board training hours received between January 2005 and January 2006. Herrington announced that she and Doug Funk were deficit in the Texas Education Code Orientation training required of new board members and the other board members were deficit in the required Texas Education Code Update. All board members received the remaining required training except Doug Funk who was 4 hours short of the required 10 hours of continuing education in assessed needs.

Consent Agenda Items

Superintendent Harris requested that consent agenda item "e" – policy updates, be removed from the agenda and presented to the board at the March 6, 2006 board meeting.

A motion was made by Charlie Cloud and seconded by Jerry Campbell to approve consent items "a", "b", "c", and "d" as presented. **MOTION CARRIED** Yes 7 – Noe 0

Texas Forest Service

A motion was made by Jerry Campbell and seconded by Charlie Cloud to approve the request from the Texas Forest Service as presented. **MOTION CARRIED** Yes 7 – Noe 0

Calling May 13, 2006 Board of Trustee Election

A motion was made by Doug Funk and seconded by Charlie Cloud to approve calling the May 13, 2006 Board of Trustee election for the purpose of filling places 3 and 4. **MOTION CARRIED** Yes 7 – Noe 0

Resolution Providing Freeport Exemption

A motion was made by Jerry Campbell and seconded by Charlie Cloud to approve the resolution of the Granbury ISD, Granbury, Texas, repealing a resolution dated December 19, 1989, and adopting a resolution providing for Freeport exemption under Article VIII, Section 1-j, of the Texas Constitution beginning with the 2007 tax year. **MOTION CARRIED** Yes 7 – Noe 0

Personnel

A motion was made by Doug Funk and seconded by Brian Condit to approve the one-year term contracts for the Program Coordinators, Assistant Principals, and the Dean of Students as listed and to approve the annual contracts as listed and to approve the following two-year term contracts: Sharay Boynton, Larry Gehrke, Randy Leach, Ton Potappel, Terry Slemmons, Nancy Alana, Kellie Brandon, Jimmy Dawson, Marsha Grissom, Carolyn Horton, Rebecca Johnson, Bobby Mabery, Biff Peterson, Ralph Purget, Edwin Young and Leta Andrews. **MOTION CARRIED** Yes 6 – Noe 1 – Gene Ellis voted against.

A motion was made by Charlie Cloud and seconded by Gene Ellis to approve the two-year term contracts of Jan Van Dorn, Troy Green, Cheryl Meger, Sharon Whitefield and Marcus Mallory. **MOTION FAILED** Yes 3 – Noe 4 - Brian Condit, Bowen Brawner, Barbara Herrington and Doug Funk voted against

Adjournment

There being no further business, the meeting was adjourned at 6:17 p.m.

Barbara Herrington, President

Gene Ellis, Secretary

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: March 6, 2006
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: February 24, 2006
RE: Office & Administrative Furniture
Bid No. 2005-14 - Renewal

SUMMARY:

A bid was let to provide a vendor to supply office and administrative furniture. It was awarded at the April 5, 2005 board meeting for the period of award notification to March 31, 2006 with the option to renew for 2 additional one-year terms.

The district has standardized with the Hon furniture line for reasons of durability and to match existing furniture already in place in the district. Vendors were asked to quote a percentage discount off different series in the Hon furniture line. Vendors were also asked to quote a discount on the Global and Highpoint brand for specialty needs that are not standardized. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The purchases will be authorized by the respective principal/director at the time of purchase. Mrs. Debbie Johnson, purchasing supervisor, reviewed the District's option and it was decided that it would be in the best interest of the District to renew the bid for another one-year term. The vendor was contacted and has agreed to the extension with the same terms.

RECOMMENDATION:

It is recommended that the Board award the purchase of office and administrative furniture to Martin's Office Supply for the period of April 1, 2006 to March 31, 2007.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Sharay Boynton

Date Submitted: February 24, 2006

BID FOR BOARD APPROVAL

Board Meeting Date: April 4, 2005 **Bid Number:** 2005-14

1. **Item, material or service (specific or classification):** Office and Administrative Furniture

2. **Brief description:** A bid was let to provide a vendor to supply office and administrative furniture. The district has standardized with the Hon furniture line for reasons of durability and to match existing furniture already in place in the district. Vendors were also asked to quote a discount on the Global and Highpoint brand for specialty needs that are not standardized

3. **Period of time bid covers:** From written notification of award through March 31, 2006

4. **Person and title responsible for the expenditure:**

   Campus level – campus principal
   Department level – department head

5. **Number of bids sent to vendors:** 8

6. **Number of bids received from vendors:** 4 (includes 1 no bid)

7. **Listing of recommended vendors and total prices:** It is recommended award be made to Martin's Office Supply. This vendor quoted the largest percentage discount. It is estimated expenditures will be between $60,000-$100,000. All purchases will be on an as needed basis.

8. **Last bid date (bid of comparable nature within last 5 years):** 3/26/02

9. **Percentage increase or decrease from last bid**: Quoted same discount

10. **Budget information:** Funds for these purchases will be budgeted for each campus under object code 6644.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: March 6, 2006
For: Approval

TO: Mr. William Harris, Superintendent

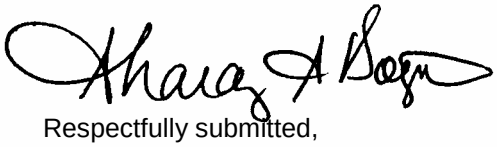
FROM: Sharay Boynton, Finance Director
DATE: February 24, 2006
RE: Budget Amendments

SUMMARY:

Attached are budget amendments that are for Board approval.

RECOMMENDATION:

I recommend the Board approve the amendments.



Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Emmett Whitefield
Date Submitted: February 24, 2006

BUDGET AMENDMENTS RECOGNIZING DONATED & MISCELLANEOUS REVENUES

Fund 199, Ms. Marsha Grissom, Originator
This Amendment recognizes donated funds in the amount of $859 allocated to function 11. These funds are donated by the Band Boosters and will be used to purchase a new printer.

Fund 199, Mr. Bobby Mabery, Originator
This Amendment recognizes funds in the amount of $228 allocated to function 12. These funds are generated by lost book fines and will be used to purchase additional library books.

Fund 199, Mr. Marc Malloy, Originator
This Amendment recognizes funds in the amount of $1,760 allocated to function 12. These funds are generated by the fall book fair and will be used for additional library books and media.

Fund 199, Ms. Rebecca Johnson, Originator
This Amendment recognizes donated funds in the amount of $1,055 allocated to function 11. These funds are donated by the campus PTO and will be used for student travel for the 6th grade field trip.

Fund 199, Ms. Rebecca Johnson, Originator
This Amendment recognizes donated funds in the amount of $507 allocated to function 13. These funds are donated by the campus PTO and will be used for staff development for 4th grade teachers.

Fund 181, Mr. Dwight Butler, Originator
This Amendment recognizes donated funds in the amount of $507 allocated to function 36. These funds are donated by the Athletic Booster Club and will be used to purchase additional supplies for soccer and baseball.

Fund 181, Mr. Dwight Butler, Originator
This Amendment recognizes funds in the amount of $3,487 allocated to function 36. These funds are generated from basketball tournaments and will be used to fund the officials.

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: March 6, 2006
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: February 24, 2006
RE: Annual Contract for Snack Cake Services
Bid No. 2006-01

SUMMARY:

Normally food products are purchased through our interlocal agreement with the Texas Purchasing Consortium (TPC). However, with the nutrition requirements changing, the TPC chose to bid only those products that met those requirements. The awarded bid will not meet all of the needs of GISD. GISD has needs outside of the nutrition program, such as catering, that cannot be met with the current TPC bid.

A competitive sealed proposal was let to provide a vendor to supply snack cake services for the period of award notification to August 4, 2006 with the option to renew for 2 additional one-year terms.

Vendors were asked to present a fixed cost for a list of products. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Laine Meek, Support Services Director, and Ms. Debbie Johnson, Purchasing Supervisor, has reviewed the one response and the following is their recommendation.

RECOMMENDATION:

It is recommended that the Board award the purchase of snack cake services to McKee Foods Corporation for the period of award notification to August 4, 2006.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Laine Meek

Date Submitted: February 24, 2006

BID FOR BOARD APPROVAL

Board Meeting Date: March 6, 2006 **Bid Number:** 2006-01

1. **Item, material or service (specific or classification):** Annual Contract for Snack Cake Services

2. **Brief description:** Normally these services are provided through our inter local agreement with the Texas Purchasing Consortium (TPC). The snack cake contract awarded by the TPC would not meet the needs of the district.

3. **Period of time bid covers:** From written notification of award through August 4, 2006. The dates are to coincide with the TPC contract.

4. **Person and title responsible for the expenditure:** Laine Meek, Support Services Director

5. **Number of bids sent to vendors:** 3

6. **Number of bids received from vendors:** 1

7. **Listing of recommended vendors and total prices:** It is recommended that award be made to McKee Foods Corporation for an approximate annual expenditure of $16, 000 based on purchases last year.

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** The district has not processed a snack cake bid in the past 5 years.

10. **Percentage increase or decrease from last bid**: N/A

11. **Budget information:** Funds for this expenditure will come from budget code 240.35.6341.00.xxx.6 (7) .99.0.00

Sharay S. Boynton
Executive Director of Finance

Policy Service
LOCAL DISTRICT UPDATE

P.O. Box 400, Austin, Texas 78767-0400

TO: Mr. William Harris
Granbury ISD

FROM: Kaye Teaff
Policy Consultant/Analyst

This Local District Update #02–06 was initiated by Judy Duncan. The material has been reviewed for stylistic consistency and clarity. Additionally, a copy has been submitted to TASB Legal Services for attorney review. Legal concerns will be addressed in an advisory letter from TASB Legal Services to the superintendent, sent under separate cover.

Since the material submitted did not indicate that it has been approved by the board, your *Policy On Line* manual has not yet been adjusted. Please let us know as soon as the board acts so that we can update the online manual. You can inform us by returning the enclosed fax or by filling out the Internet form at www.tasb.org/policy/pol/private/polfdbk.html.

Enclosed is a white copy of the material that can be duplicated as needed and incorporated into the district's manuals, as shown below:

CODE	INSTRUCTION	EXPLANATION
DC(LOCAL)	Replace	This policy reflects the district's choices on the employment practices worksheet from the ***Starting Points – Contractual / Noncontractual Employment Policies***.
DCB(LOCAL)	Replace	This policy reflects the district's choices on the educator contracts worksheet from the ***Starting Points – Contractual / Noncontractual Employment Policies***.
DCD(LOCAL)	Replace	This policy reflects the district's choices on the at-will employment worksheet from the ***Starting Points – Contractual / Noncontractual Employment Policies***.
DCE(LOCAL)	Replace	This policy reflects the district's choices on the non-educator contracts worksheet from the ***Starting Points – Contractual / Noncontractual Employment Policies***.
FFG(EXHIBIT)	Replace	Jan Van Dorn is now indicated as the contact for questions related to policies for child abuse and neglect. Hood County Sheriff's Department is now listed as the law enforcement agency to whom reports of child abuse or neglect may be made.

If you have any questions about this Local District Update or any other policy issues, please call me at 800–580–7529.

Next Steps for this Local District Update

- **The board's role.** Any change in a (LOCAL) policy must be acted upon by the board within an open meeting for which notice of the action has been properly posted. Changes in (REGULATIONS) or (EXHIBITS) do not require board action; the superintendent's approval of these administrative documents is sufficient.
- **Posting.** Using the Local District Update cover sheet as a guide, create a list of the (LOCAL) policies (including the titles from the top two lines of the policy pages) affected by this Local District Update. This list should be attached to the posting; the posting itself may read "Local District Update _____ affecting (LOCAL) policy changes (see attached list)."
- **Board action.** An appropriate motion for board action on these (LOCAL) policies is as follows:

  "I move that the board [adopt] [rescind] (LOCAL) policies as recommended [with the following changes:]."

- **For the record.** Board action on (LOCAL) policies must be reflected in the board minutes and in your historical records of the district's policy manual. Both these records will be essential for research and in the event of litigation regarding policy. For the historical record, the Local District Update cover letter (annotated to reflect changes made by the board) and a copy of any (LOCAL) policy deleted or changed should be filed with the minutes of the board meeting.
- **Maintaining manuals.** Disseminate copies of the Local District Update as it was adopted by the board. Each (LOCAL) policy to be incorporated in the official copy of the manual—usually found in the superintendent's office—should be stamped with the ADOPTION DATE.
- **Further changes.** Notify your Policy Consultant/Analyst by mail, fax, or phone if further changes were made. We will immediately revise our records to reflect the change(s) and, if appropriate, will issue replacement policies.
- **Billing.** An invoice for this Local District Update will be mailed within the next 30 days.

EMPLOYMENT PRACTICES

DC
(LOCAL)

PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
CRIMINAL HISTORY RECORD	The District shall obtain criminal history record information on a person the District intends to employ.
EMPLOYMENT OF CONTRACTUAL PERSONNEL	The Superintendent has sole authority to make recommendations to the Board regarding the employment of contractual personnel. Final authority for employment of contractual personnel shall be retained by the Board. [See DCA, DCB, DCC, and DCE as appropriate]
EMPLOYMENT OF NONCONTRACTUAL PERSONNEL	The Board delegates to the Superintendent final authority to employ noncontractual employees on an at-will basis. [See DCD]
EXIT INTERVIEWS AND EXIT REPORTS	An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.

CERTIFICATION REQUIRED BY SBEC

Term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to:

1. SBEC-certified employees serving full-time as principals, assistant principals, teachers, counselors, diagnosticians, librarians, and the **director of a**thletic**s** ~~director~~; and

2. Full-time nurses.

CERTIFICATION REQUIRED BY THE DISTRICT

Educator term contracts shall be provided also to persons in the following positions for which the District requires current SBEC certification: **assistant superintendents of schools, executive director of human resources, director of special education, director of curriculum and instruction, coordinator of elementary curriculum, coordinator of secondary curriculum, coordinator of special education, coordinator of testing, coordinator of special programs, coordinator of at-risk program, coordinator of instructional technology, deans of students, and** speech therapists**/pathologists**.

NO CERTIFICATION REQUIREMENT

In addition, educator term contracts shall be provided for the following positions for which neither SBEC nor the District requires current SBEC certification: executive director of finance, director of transportation, director of facilities/safety, director of technology **services, school psychologist,** and **coordinator of extended day** ~~speech pathologists~~.

The Board delegates to the Superintendent authority to employ and dismiss the following categories of employees, who shall serve on an at-will basis: ~~instructional aides; technology specialists; and clerical, transportation, maintenance and custodial, and food service~~ **paraprofessionals and auxiliary** employees.

ASSIGNMENT AND EVALUATION

The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment.

Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures. [See DN]

REASONABLE ASSURANCE OF EMPLOYMENT

District employees in positions normally requiring less than 12 months of service annually and who are expected to report to work at the beginning of the following school session shall be provided a letter of reasonable assurance of employment. [See CRF]

DISMISSAL

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

APPEAL TO BOARD

A dismissed employee may request to be heard by the Board in accordance with DGBA(LOCAL).

EMPLOYMENT PRACTICES:
OTHER TYPES OF CONTRACTS

DCE
(LOCAL)

NON–CHAPTER 21 CONTRACTS

The Board may employ by written contract personnel not eligible for a contract under Chapter 21 of the Education Code. Such contracts shall not be governed by the provisions of Chapter 21 of the Education Code.

REASONABLE ASSURANCE OF EMPLOYMENT

The District shall provide an employee a letter of reasonable assurance of employment if a new contract is not issued prior to the last working day of the current contract and the employee is reasonably expected to report to work at the beginning of the following academic term.

APPEAL OF EMPLOYMENT ACTIONS

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal to the Board in accordance with DGBA(LOCAL).

Notice of Employee Responsibilities for Reporting Child Abuse and Neglect

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What are the District's policies addressing child abuse or neglect and my responsibilities for reporting suspected child abuse or neglect?

The applicable District policies—FFG(LEGAL), GRA(LEGAL) and (LOCAL), and DH(LOCAL) and (EXHIBIT)—are enclosed in this packet. This distribution is required by state law. At regular intervals, these policies will be addressed in staff development as well. If you have any questions about these policies, please contact Jan Van Dorn at (817) 408–4009.

What are my legal responsibilities for reporting if I suspect that a child has been or may be abused or neglected?

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Any District employee, agent, or contractor has an additional legal obligation to submit the oral or written report within 48 hours of learning of the facts giving rise to the suspicion.

Are there any restrictions on reporting?

Under state law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

- Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
- Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

To whom do I make a report?

Reports may be made to any of the following:

- A law enforcement agency: The Hood County Sheriff's Department at (817) 579–3316;
- The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1–800–252–5400) or on the Web at https://reportabuse.ws/; or
- If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to CPS, unless the report is to the state agency that operates, licenses, certifies or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Probation Commission as a report of suspected abuse or neglect in a juvenile justice program or facility.

Reporting your suspicion to a school counselor, a principal, or to another school staff member does NOT fulfill your responsibilities under the law. Furthermore, the District cannot require you to report your suspicion first to a school administrator.

Will my report be kept confidential?

State law requires that the identity of a person making a report of suspected child abuse or neglect be kept confidential.

Will I be liable in any way for making a report?

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

What will happen if I don't report suspected child abuse or neglect?

By failing to report a suspicion of child abuse or neglect:

- You may be placing a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions;
- You are violating Board policy and may be subject to disciplinary action, including possible termination of your employment; and
- Your certification from the State Board for Educator Certification may be suspended, revoked, or canceled.

What are my responsibilities regarding investigations of abuse or neglect?

State law specifically prohibits school officials from:

- Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect; or
- Requiring that a parent or school employee be present during the interview.

School personnel must cooperate fully and may not interfere with an investigation of reported child abuse or neglect.

STATE OF TEXAS

COUNTY OF HOOD

*****

CONTRACT FOR ELECTION AND JOINT ELECTION AGREEMENT

THIS CONTRACT IS ENTERED INTO BETWEEN THE HOOD COUNTY CLERK, HEREINAFTER REFERRED TO AS COUNTY CLERK, CONTRACTING OFFICER AND THE FOLLOWING POLITICAL SUBDIVISIONS, HEREINAFTER REFERRED TO JOINTLY AS ENTITIES; GRANBURY INDEPENDENT SCHOOL DISTRICT (GISD), ACTING BY AND THROUGH ITS BOARD OF TRUSTEES, ACTON MUNICIPAL UTILITY DISTRICT (AMUD), ACTING BY AND THROUGH ITS BOARD OF DIRECTORS, THE CITY OF GRANBURY, ACTING BY AND THROUGH ITS MAYOR AND COUNCILMEN, THE CITY OF DE CORDOVA, ACTING BY AND THROUGH ITS MAYOR AND COUNCILMEN. THE ENTITIES AND THE CONTRACTING OFFICER HAVE DETERMINED THAT IT IS IN THE PUBLIC INTEREST OF THE INHABITANTS OF THE ENTITIES THAT THE FOLLOWING CONTRACT BE MADE AND ENTERED INTO TO SECURE FOR A JOINT ELECTION TO BE CONDUCTED BY THE ENTITIES ON MAY 13, 2006, THE ELECTION SERVICES FROM THE HOOD COUNTY CLERK AND IN CONNECTION THEREWITH DO HEREBY AGREE AS FOLLOWS:

I. THE HOOD COUNTY CLERK, CONTRACTING OFFICER, SHALL BE RESPONSIBLE
FOR PROVIDING THE FOLLOWING SERVICES:

A. PROCURING, ALLOCATING, AND DISTRIBUTING ALL ELECTION SUPPLIES, INCLUDING PREPARING AND PRINTING OF BALLOTS FOR VOTING BY MAIL, AND PROGRAMMING BALLOTS FOR OUR DIRECT RECORDING ELECTRONIC (I VOTRONIC TOUCH SCREEN) MACHINES. ENTITIES MUST TURN IN THEIR BALLOT STYLE AND ISSUES TO COUNTY CLERK IN ENGLISH AND SPANISH.

B. EMPLOYING ALL ELECTION OFFICERS AS APPOINTED BY THE ENTITIES AND PERSONNEL NECESSARY TO CONDUCT THE JOINT ELECTION ON MAY 13, 2006, TRAINING SUCH OFFICERS AND PERSONNEL, FIGURING AND REPORTING THE PAYROLL FOR THOSE EMPLOYED.

C. AS THE EARLY VOTING CLERK FOR THE JOINT ELECTION, HANDLING VOTING BY PERSONAL APPEARANCE AT THE COUNTY CLERK'S OFFICE LOCATED AT THE COURTHOUSE, 100 PEARL STREET, GRANBURY, TEXAS, AND PROCESSING ALL APPLICATIONS FOR VOTING BY MAIL.

D. SECURING ALL POLLING PLACES AND PROVIDING THE APPROPRIATE NUMBER OF VOTING MACHINES FOR RENT FOR EACH POLLING PLACE.

E. PROVIDING ALL VOTING VOTRONIC MACHINES, FOR WHICH ALL ENTITIES SHALL SHARE EQUALLY THE COST OF THE RENTAL OF MACHINES.

F. PUBLISH ALL NOTICES FOR THE ELECTION, EXCEPT THAT REQUIRED FOR
DRAWING FOR PLACES ON THE BALLOT.

G. KEEPING THE CLERK'S OFFICE OPEN ON ELECTION DAY FROM 7:00 AM UNTIL ALL WORK IS COMPLETED TO PROVIDE FOR EMERGENCY VOTING AND TO PROVIDE ASSISTANCE TO ELECTION OFFICERS AT THE POLLING PLACES AND TO THE PUBLIC.

H. TO RECEIVE ALL ELECTION RETURNS AND TABULATE UNOFFICIAL

RETURNS AND PROVIDE ALL DOCUMENTS FOR THE OFFICIAL CANVASS TO EACH ENTITY ON TUESDAY AFTER ELECTION.

I. TO BE THE GENERAL CUSTODIAN OF THE OFFICIAL BALLOTS AND ACCOMPANYING DOCUMENTS FOR THE PERIOD REQUIRED BY LAW.

J. PROVIDING EACH ENTITY WITH A LIST OF THE JUDGES AND ALTERNATE JUDGES AS SOON AS SECURED.

K. SENDING TO EACH ENTITY A STATEMENT OF COSTS PAYABLE BY THAT ENTITY BASED ON THE FOLLOWING SCHEDULE FOR APPORTIONING THE ELECTION COST:

(1) COSTS FOR THE PERSONNEL TO HANDLE EACH POLLING PLACE SHALL BE APPORTIONED EQUALLY BETWEEN THE ENTITIES USING THE POLLING PLACE.

(2) COSTS FOR PAPER BALLOTS, PROGRAMMING OF I-VOTRONIC MACHINES, RENTAL OF *I*-VOTRONIC MACHINES, OTHER ELECTION SUPPLIES, NOTICES, EARLY VOTING, AND ANY OTHER COSTS THAT MAY OCCUR SHALL BE APPORTIONED ACCORDING TO THE FOLLOWING FORMULA BASED ON THE BALLOT ORDERS:

ACTUAL COST TO EACH OR SHARED AND SHARE ALIKE FUNCTIONS DIVIDED.

COSTS OF EARLY VOTING WILL BE SHARED BY ALL ENTITIES.
GISD, AMUD AND CITY OF GRANBURY WILL SHARE SOME POLLING PLACES.
GISD, AMUD, CITY OF DECORDOVA WILL SHARE A POLLING PLACE.

(3) COSTS OF OVERALL SUPERVISION FEE NOT TO EXCEED TEN PERCENT (10%) OF EACH ENTITY'S COST FOR SAID JOINT ELECTION. SAID FEE IS PAYABLE TO HOOD COUNTY. IT IS ALSO UNDERSTOOD BY ALL ENTITIES THAT NONE OF SAID FEES PAID UNDER THIS AGREEMENT SHALL BE USED AS PERSONAL COMPENSATION TO THE COUNTY CLERK.

II. THE ENTITIES SHALL BE RESPONSIBLE FOR THE FOLLOWING ACTIONS:

A. PREPARING AND PROVIDING TO THE CLERK ALL ELECTION ORDERS, NOTICES, AND ANY OTHER DOCUMENTS REQUIRED BY LAW, EXCEPT THE CLERK SHALL ASSIST IN SAID PREPARATION TO THE EXTENT FEASIBLE.

B. SHALL AUTHORIZE BY THE ACTION OF THEIR GOVERNING BODIES THE COUNTY CLERK TO CONTACT ELECTION JUDGES AND ALTERNATE JUDGES.

C. PREPARING AND SUBMITTING FOR PRECLEARANCE TO THE U.S. DEPARTMENT OF JUSTICE ANY CHANGES TO VOTING PRACTICES, EXCEPT THE CLERK SHALL ASSIST IN SAID PREPARATION TO THE EXTENT FEASIBLE.

D. APPOINT THE COUNTY CLERK AS THE EARLY VOTING CLERK FOR THE JOINT ELECTION.

E. APPOINT THE COUNTY CLERK AS THE GENERAL CUSTODIAN OF THE ELECTION MATERIALS UNTIL THE ~~60 DAY TIME PERIOD HAS LAPSED~~. period required by law has lapsed.

F. DELIVER TO THE COUNTY CLERK THE NAMES OF ALL CANDIDATES FOR THE OFFICES IN THE ORDER THAT THEY ARE TO APPEAR ON THE BALLOT AS SOON AS POSSIBLE AFTER THE DEADLINE FOR FILING FOR A POSITION ON THE BALLOT, AND ANY ISSUES THAT ARE TO BE PRINTED AND PROGRAMMED ON THE PAPER BALLOT AND ELECTRONIC BALLOT WITH THE EXACT FORM, WORDING AND SPELLING THAT IS TO BE USED.

G. REVIEWING ALL MATERIALS SUBMITTED TO THEM BY THE CLERK AND RESPONDING TO ALL REQUESTS FOR APPROVAL OF INFORMATION IN A TIMELY MANNER.

H. PAYING THE COST OF CONDUCTING THE JOINT ELECTION WITHIN 30 DAYS FROM THE DATE OF RECEIVING THE STATEMENT OF COSTS PAYABLE FROM THE CLERK.

I. COUNTY CLERK AGREES TO PAY ALL THE ELECTION WORKERS' COMPENSATION FOR PERFORMING ELECTION DUTIES FOR EARLY VOTING AND ELECTION DAY FOR GISD, AMUD, CITY OF GRANBURY, CITY OF DE CORDOVA, ENTITIES AGREE TO REIMBURSE COUNTY CLERK AS STATED IN SECTION H. ABOVE.

J. PAY ANY ADDITIONAL COSTS INCURRED BY THE COUNTY CLERK IF A RECOUNT FOR SAID ELECTIONS IS REQUIRED, OR THE ELECTIONS ARE CONTESTED IN ANY MANNER.

K. PAY ANY ADDITIONAL COSTS INCURRED BY THE COUNTY CLERK IF A RUNOFF ELECTION FOR SAID ELECTIONS IS REQUIRED.

L. POST NOTICE AND CONDUCT THE OFFICIAL CANVASS OF ELECTIONS OF ENTITIES.

III. IN CONNECTION WITH THE PERFORMANCE OF THIS CONTRACT NEITHER HOOD COUNTY NOR THE COUNTY CLERK SHALL BE LIABLE TO THIRD PARTIES FOR ANY DEFAULT OF THE ENTITIES IN CONNECTION WITH THE HOLDING OF THE JOINT ELECTION, INCLUDING THE FAILURE BY SUCH ENTITIES TO PAY ANY EXPENSES HEREUNDER, AND SUCH ENTITIES SHALL NOT BE LIABLE TO THIRD PARTIES FOR ANY DEFAULT OF THE COUNTY CLERK IN CONNECTION WITH THE HOLDING OF THE JOINT ELECTION.

IV. THIS CONTRACT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATIONS OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE IN HOOD COUNTY, TEXAS.

V. IN CASE ANY OF THE ENTITIES SHALL CANCEL THEIR ELECTION UNDER SECTION 2.051 OF THE ELECTION CODE, (ELECTION OF UNOPPOSED CANDIDATE), SAID CONTRACT SHALL BECOME NULL AND VOID AS IT PERTAINS TO THAT ENTITY, AND SHALL BECOME ONLY A CONTRACT FOR ELECTION SERVICES BETWEEN THE COUNTY CLERK AND THE SURVIVING ENTITIES.

VI. IN CASE ANY ONE OR MORE OF THE PROVISIONS CONTAINED IN THE CONTRACT SHALL FOR ANY REASON BE HELD TO BE INVALID, ILLEGAL OR UNENFORCEABLE IN ANY RESPECT, SUCH INVALIDITY, ILLEGALITY OR UNENFORCEABILITY SHALL NOT AFFECT ANY OTHER PROVISION THEREOF, AND THIS CONTRACT SHALL BE CONSTRUED AS IF SUCH INVALID, ILLEGAL OR UNENFORCEABLE PROVISION HAD NEVER BEEN CONTAINED HEREIN.

VII. NO AMENDMENT, MODIFICATION OR ALTERATION OF THE TERMS HEREOF SHALL BE BINDING UNLESS THE SAME IS IN WRITING, DATED

SUBSEQUENT TO THE DATE OF THIS CONTRACT AND DULY EXECUTED BY THE PARTIES HEREOF.

EXECUTED THIS THE _____DAY OF _____, 2006.

GRANBURY INDEPENDENT SCHOOL DISTRICT
ATTEST:

_____
PRESIDENT, BOARD OF TRUSTEES

ACTON MUNICIPAL UTILITY DISTRICT
ATTEST:

_____
PRESIDENT, BOARD OF DIRECTORS

CITY OF GRANBURY

ATTEST:

_____
MAYOR, CITY OF GRANBURY

CITY OF DE CORDOVA

ATTEST:

_____
MAYOR, CITY OF DE CORDOVA

HOOD COUNTY CLERK

ATTEST:

_____

_____
SALLY OUBRE

SEAL

Granbury
Independent School District

Randy Leach • Facilities • Energy Management
600 W Pearl Street • Granbury, Texas 76048 • Phone (817) 408-4075 • Fax (817) 408-4014

Memorandum

To: Mr. William Harris
From: Randy Leach
Date: 2/24/06

Re: **Senate Bill 11** (GISD Emergency Operations Plan)

The purpose of this memo is to provide you an update on the Emergency Operations Planning information from Senate Bill 11. The Emergency Operations Planning update is as follows:

- **Senate Bill 11 Mandates**:

1. School Districts shall adopt and implement a Multi-Hazard Emergency Operations Plan by March 1, 2006.

   ➢Note: In 1997 GISD implemented an Emergency Procedures Plan. GISD has been a participant of the Hood County Emergency Operations Center since the Comanche Peak Steam Electric Station came online. The EOC is under the direction of FEMA and managed by the Hood County Judge and TXU.

2. Each School must perform mandatory Emergency Operations Drills.

   ➢Note: GISD Schools perform a Nuclear Emergency Evacuation Drill each year.

3. Each School will implement a Security Audit.

4. School Districts will coordinate communications with local Law Enforcement Agencies.

   ➢Note: On January 25, 2006 the EOP Administrative Team met with Mitch Galvan of the Granbury Police Department to discuss the GISD Emergency Communication Plan.

Timeline (Senate Bill 11)

➢September 1, 2005

Senate Bill 11 Enacted

➢November 2, 2005

The Senate Bill 11 information was disseminated to Principals and Directors. The current GISD Emergency Procedure
Plan was adopted in 1997 and is in compliance with Senate Bill 11. The Facilities Department is revising the District
Emergency Operations Plan. The Principals were informed that Senate Bill 11 recommended that each campus review
and revise their Emergency Operations Plan.

➢November 19, 2005

The Granbury Police Department used GHS as a site for the "Rapid Response" Training class.

➢January 3, 2006

The Texas School Safety Center EOP packet was disseminated to Principals and Directors.

➢January 2006

Campus EOP Teams met. The EOP teams included the following: Head Principal, Assistant Principal(s), Principal
Secretary, SRO Officer, Campus Leadership Team Members (Parents), Nurse, Counselor, Teachers, Special
Education Teacher, Food Service Manager, Lead Custodian.

➢January 25, 2006

The Administrative Team EOP Team met to discuss the following:

*Emergency Call Procedures
*Emergency Communications (two-way radios)
*Emergency Evacuations
*Incident Command Posts

The Administrative Team includes the following:

*Granbury Police Department (Mitch Galvan)
*Transportation Director
*Maintenance Director
*Custodial Director
*Food Service Director
*Technology Director
*Facilities Director

➢February 15, 2006

Campus EOP Documents due to Facilities Department.

➢February 28, 2006

Delivered the Emergency 2-Way Radio to the Granbury Police Department. (Officer Galvan)
Evaluating the Principals/Directors Emergency Radios

➢March 6, 2006

EOP update information presented to the GISD Board.

➢April 3, 2006

Board Adoption: GISD EOP revisions.

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: March 6, 2006
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: February 28, 2006
RE: NCS Pearson, Inc. - Software Maintenance Fee of CIMS Products

SUMMARY:

GISD student, employee and finance records are maintained using the CIMS products from NCS Pearson, Inc. There is annual maintenance fee for these products. NCS Pearson, Inc. is a QISV vendor. The cost of the maintenance for these products is $29,685.

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

The following recommendation is that of Mr. Ton Potappel and myself.

RECOMMENDATION:

It is recommended that the maintenance fees be paid as presented.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Debbie Johnson
Ton Potappel

Date Submitted: February 28, 2006

TexasBank®
With us, it's personal!

February 23, 2006

Granbury Independent School District
Attn: Mr. William Harris, Superintendent
600 West Pearl St
Granbury, TX 76048

RE: Request for Presentation by Lake Granbury Area Chamber of Commerce

Dear Mr. Harris;

As we briefly discussed, please accept this correspondence as a request from the Lake Granbury Area Chamber of Commerce (LGACC) to make a formal presentation to your Board of Trustees.

The purpose of this is to present information relative to the GISD's possible involvement in developing a plan for extending higher education opportunities for our local community. The presentation should take no more than fifteen minutes and however much time, if any, the Board deems necessary for questions and discussion.

I will have any relevant information for the presentation delivered to your office.

I appreciate your time and consideration very much. If you should have any questions or comments, please do not hesitate to contact me by any of the means listed below.

Respectfully,

Kevin S. Downing
Chair, Strategic Planning Committee
Lake Granbury Area Chamber of Commerce

TexasBank, Southern Region Banking Group
· 702 W. Pearl Street · Granbury, Texas 76048
Direct: (817).408.2114 · Cell: (817).675.2349 · Fax: (817).408.2465
Email: kevin.downing@texasbank.com

LAKE GRANBURY AREA CHAMBER OF COMMERCE
STRATEGIC PLANNING COMMITTEE

PRESENTATION
TO

GRANBURY INDEPENDENT SCHOOL DISTRICT
MARCH 6, 2006

SUMMARY OF PROPOSAL

- Possibility of GISD's involvement in a cooperative strategic partnership to provide higher education opportunities for our community in a sound, fiscally responsible manner that is efficient and beneficial to all concerned while providing a high quality educational opportunity that will ultimately improve the quality of life for our community.

Why Involve the GISD?

- Provide additional educational opportunities for a broad demographic audience in our community
- Cooperative effort with a group of institutional partners that each have a vested interest in our community
- Efficient utilization of facilities for the benefit of our community
- Lessen the possibility of creating an additional tax burden on our community

HISTORY OF DISCUSSIONS

- LGACC Strategic Plan
- Discussions with GISD Administration
- Discussions with College officials
  - Hill College – Dr. Sheryl Smith Kappus, Ph.D.
  - Weatherford College – Dr. Joe Birmingham, Ph.D.
  - Tarleton State University – Dr. Koy Floyd, Ph.D.
- Discussions with City of Granbury
- Discussions with Hood County

SOME OF THE ADVANTAGES

- Convenience
  - Single parent and/or two-income family
  - Child care considerations
  - Job requirements
  - Travel requirements
- Availability – Stay Close. Go Far.
  - College level courses at GHS
  - Continuing education classes
  - Certification classes
- Economics
  - Develop partnerships without additional tax burden to citizens
  - May open avenues from additional funding sources
  - Better educated work force
  - Better competitive position for economic development

POSSIBLE PROGRAMS/COURSES

- Certificate renewal training
- Continuing education
- Obtaining complete college degree
- Attending graduate level programs
- Obtaining a graduate degree
- Types of Courses:
  - Art/Drama
  - Nursing Program; Health/Medical
  - Computer/Technology
  - Real Estate MCE

CURRENT STATUS

- High level of interest from the colleges
- Initiated a program survey
- Developing a cost/benefit analysis
- Developing possible timeline
- Determining feasible locations

INTERESTED PARTIES

- City of Granbury
- Hood County
- Economic Development Foundation
- Convention and Visitor's Bureau
- LGACC
- Texas Workforce Commission
- Private Sector – Large Employers

ALTERNATIVES

- Keep doing the same thing as at AMS with WC
- Let the colleges build facilities – Create a New Tax District
- Not offer any college courses locally
- Find a way to be a community partner with the existing facilities