

# Minutes of School Board Meeting

## The Board of Trustees

### Burnet Consolidated I.S.D.

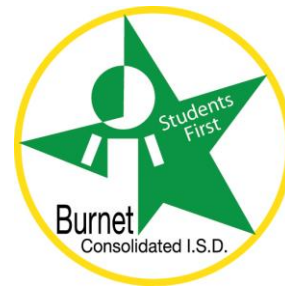
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A School Board Meeting of the Board of Trustees of Burnet Consolidated I.S.D. was held Monday, July 20, 2015, beginning at 6:30 PM in the BCISD Board Room, 208 E. Brier, Burnet, TX 78611.

1. INVOCATION	
2. PLEDGE OF ALLEGIANCE	
3. CALL TO ORDER	
4. OPEN FORUM	
5. SWEAR IN NEW BOARD MEMBER	3
6. COMMUNICATIONS AND REPORTS	
A. Financial Reports (Cervi)	6
B. Report on 2014 Bond Program (Alaniz)	36
C. Report on Transportation (Cervi)	41
7. CONSENT AGENDA	
A. Board Minutes	42
B. Purchases in Excess of \$25,000.00	47
8. BUSINESS ITEMS	
A. Discussion and Possible Action regarding Approval of Board Resolution Approving Conveyance of Real Property without Warranty to the Bethel Community Cemetery Association (Cervi)	48
B. Discussion and Possible Action regarding Approval of the sale of property acquired by the Burnet Central Appraisal District (Cervi)	62
C. Discussion and Possible Action regarding the approval of an interlocal agreement with the City of Burnet to provide a School Resource Officer (McBurnett)	66
D. Discussion and Possible Action regarding approval of Policy Update 102 affecting local policies: CDA(LOCAL): OTHER REVENUES - INVESTMENTS; DBB(LOCAL): EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES; DEA(LOCAL): COMPENSATION AND BENEFITS - COMPENSATION PLAN; DEAA(LOCAL): COMPENSATION PLAN - INCENTIVES AND STIPENDS; DEAB(LOCAL): COMPENSATION PLAN - WAGE AND HOUR LAWS; DEE(LOCAL): COMPENSATION AND BENEFITS-EXPENSE REIMBURSEMENT; DFFA(LOCAL): REDUCTION IN FORCE - FINANCIAL EXIGENCY; DHE(LOCAL): EMPLOYEE STANDARDS OF CONDUCT - SEARCHES AND ALCOHOL/DRUG TESTING; FNC(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT CONDUCT; FO(LOCAL): STUDENT DISCIPLINE (Huffman)	70

E. Discussion and Possible Action regarding revisions to Board Policy DEC(LOCAL) COMPENSATION AND BENEFITS-LEAVES AND ABSENCES (Huffman)	287
F. Discussion and Possible Action regarding Approval of Revisions to Board Policy DED(LOCAL) COMPENSATION AND BENEFITS-VACATIONS AND HOLIDAYS (Huffman)	295
G. Discussion and possible action regarding Approval of resolution affirming investment policy - CDA (LOCAL) and designating investment officers (Cervi)	298
H. Discussion and Possible Action regarding Approval of Resolution adopting Authorized Broker List (Cervi)	304
I. Discussion and Possible Action regarding Approval to establish proposed 2015-2016 tax rates for maintenance and operations and debt service and set date for public meeting to discuss 2015-2016 budget and proposed tax rate (Cervi)	306
J. Discussion and Possible Action regarding Approval of Budget Amendment (Cervi)	307
K. Discussion and Possible Action regarding Approval of Board Resolution Extending Depository Contract with Wells Fargo Bank (Cervi)	308
L. Discussion and Possible Action regarding endorsement of candidate to fill Place 13 C on the TASB Board of Directors (McBurnett)	310
M. Discussion and Possible Action regarding Approval of Student Code of Conduct (Reavis)	315
N. Discussion and Possible Action regarding revision to 2015-2016 Fine Arts Stipend (Huffman)	362
O. Personnel (Huffman)	
Board discussion could be held in Executive Session Under Texas Government Code, Section 551.074	
1. Employment of Professional Personnel	
2. Report on professional staff resignations and transfers and at-will staff hirings, resignations, and transfers.	
3. Approval of Hiring of Bertram Elementary Assistant Principal	
4. Approval of Hiring of Burnet Elementary Assistant Principal	

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Swear in of New Board Member**  
**Department: Superintendent's Office**



**Agenda Item #5**

**Swear in of New Board Member**

**Summary**

**Jeff Hullum will complete the Statement of Elected Officer and then take the Oath of Office. Copies of these documents are included in BoardBook.**

**Respectfully Submitted by:**

**Sharon Schwartz**  
**Administrative Assistant to the Superintendent**

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334  
512-463-5569 - Fax  
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Jeff Hullum, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Burnet CISD School Board Trustee

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: July 20, 2015

\_\_\_\_\_  
Signature of Officer

This space reserved for office use

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, Jeff Hullum, do solemnly swear (or affirm), that I will faithfully  
execute the duties of the office of BCISD School Board Trustee of  
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws  
of the United States and of this State, so help me God.

\_\_\_\_\_  
Signature of Officer

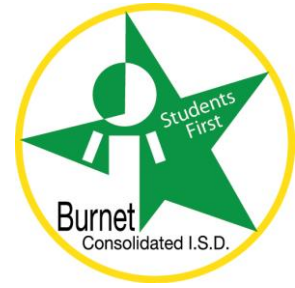
.....  
State of Texas )  
County of Burnet )

Sworn to and subscribed before me  
this \_\_\_\_\_ day of July, 2015.

(seal)

\_\_\_\_\_  
Signature of Notary Public or Other Officer  
Administering Oath  
Sharon Schwartz  
\_\_\_\_\_  
Printed or Typed Name

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Information**  
**Department: Business Office**



**Agenda Item #6A (Communications and Reports)**

**Financial Reports**

**Summary**

The monthly financial reports are included for your review. A couple of highlights:

- Attorney fees are decreased again this month but are overall nearly 40K over our initial budget. This is due in great part to one case that led to a settlement.
- The trip report shows summer utilization of non-profit organizations – YMCA, Hill Country Fellowship and Hill Country Science Mill. We will bill them separately.
- We made one investment in June with Montgomery County Utilities for \$140,000, AA rated, 10 months with a .70% rate from local maintenance funds.
- The bond financial report looks a little different as we consolidated account codes to be consistent with the different packages. It simplified the account codes.
- The check registers reflect a great deal of teacher training going on this summer for AVID, Project Lead the Way and various academies.

Respectfully Submitted by:

**Sarah Cervi**  
**Director of Business and Finance**

**BURNET CISD  
MONTHLY FINANCIAL STATEMENT  
FOR YEAR ENDED AUGUST 31, 2015**

**GENERAL OPERATING FUND - 199**

	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	YTD TOTALS	BUDGET	AMT REM	USED/ REC
<b>Revenues</b>														
Local	180,222	1,350,292	1,045,216	5,769,624	6,322,036	3,390,454	412,941	473,629	158,750	293,257	19,396,421	19,754,822	358,401	98%
State	1,731,205	1,299,653	12,269.22	89,250	-	-	127,346	83,202	89,521	132,371	3,564,817	5,124,027	1,559,210	70%
Federal	-	10,696	7,033	6,964	16,556	4,850	15,424	5,470	22,983	9,170	99,145	391,366	292,221	25%
Other Resources	354,678	-	-	-	-	-	-	-	179,450	-	534,128	354,678	-	0%
<b>Total Revenues</b>	<b>2,266,105</b>	<b>2,660,641</b>	<b>1,064,519</b>	<b>5,865,837</b>	<b>6,338,591</b>	<b>3,395,304</b>	<b>555,711</b>	<b>562,301</b>	<b>450,704</b>	<b>434,798</b>	<b>23,594,511</b>	<b>25,624,893</b>	<b>2,209,832</b>	<b>92%</b>
<b>Expenditures</b>														
11 Instructional	1,087,194	1,124,714	1,072,307	1,169,773	1,106,786	1,043,447	1,130,294	1,053,995	1,047,066	1,081,941	10,917,517	13,572,859	2,655,342	80%
12 Library	17,987	38,487	16,658	19,913	21,198	22,185	21,722	24,099	17,710	17,716	217,675	256,720	39,046	85%
13 Staff Development	30,997	31,569	27,878	28,536	40,471	28,728	31,608	32,633	40,029	51,565	344,013	496,967	152,954	69%
21 Instructional Leadership	29,306	16,567	15,948	16,305	17,546	16,458	16,633	18,435	16,373	17,772	181,343	215,920	34,576	84%
23 Campus Administration	139,741	139,489	137,167	138,371	137,891	137,162	138,800	138,992	137,126	157,531	1,402,270	1,594,696	192,426	88%
31 Counseling	55,447	49,452	53,248	50,503	49,382	46,419	48,473	54,152	51,310	53,503	511,889	648,203	136,314	79%
33 Health Services	20,585	21,644	21,191	21,285	20,084	20,383	23,611	20,237	19,738	17,777	206,536	251,837	45,301	82%
34 Student Transportation	195,284	78,324	135,518	100,474	99,601	109,161	104,188	115,098	125,907	117,874	1,181,429	1,736,084	554,655	68%
35 Food Services	-	-	-	-	-	-	-	-	-	-	-	3,500	3,500	0%
36 Co-Curricular	97,749	117,459	87,325	99,928	82,112	89,247	78,443	87,745	72,580	54,775	867,361	1,086,861	219,500	80%
41 General Administration	142,015	100,069	106,074	143,572	117,700	84,511	87,364	93,361	81,838	203,612	1,160,114	1,357,833	197,719	85%
51 Plant Maintenance	419,546	328,422	153,388	346,280	260,302	273,804	168,263	257,623	249,489	258,973	2,716,088	3,444,362	728,273	79%
52 Security & Monitoring	14,582	7,649	438	6,732	-	6,662	-	6,662	19,985	15,742	78,450	182,874	104,424.19	43%
53 Data Processing	38,051	43,647	36,979	78,036	37,243	75,110	33,298	51,215	45,318	41,589	480,486	645,376	164,890	74%
61 Community Services	560.00	389.60	313	343	385	102	-	37.44	29	150	2,309	5,250	2,941	44%
71 Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
99 TAX APPRAISALS COSTS	92,980	32,775	-	90,382	-	140	64,617	-	0	12,812	293,706	305,000	11,294	96%
00 Other Uses	-	3,623	-	-	-	-	-	-	-	-	3,623	-	(3,623)	0%
<b>Total Expenditures</b>	<b>2,382,021</b>	<b>2,134,280</b>	<b>1,864,432</b>	<b>2,310,434</b>	<b>1,990,699</b>	<b>1,953,519</b>	<b>1,947,313</b>	<b>1,954,284</b>	<b>1,924,496</b>	<b>2,103,333</b>	<b>20,564,810</b>	<b>25,804,343</b>	<b>5,239,533</b>	<b>80%</b>

**Cash and Investment Balances:**

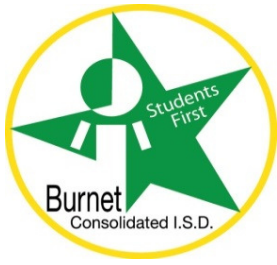
**June 30, 2015**

Local Maintenance	\$ 12,949,377
Food Service Fund	558,286
Debt Service Fund	5,245,243
Student Activity/Special Fund	892,977
Employee Health Insurance	50,932
Workers' Compensation	34,334
Construction (2014 Bond)	25,570,843
<b>Total</b>	<b>\$ 45,301,992</b>

**Recap of Other Resources:**

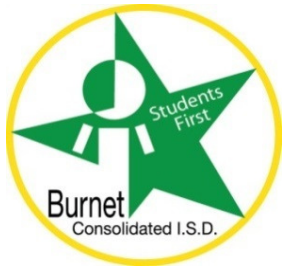
Rollover of Assigned FB for Culinary Lab	
199-11-66xx-00-001-5-22-C-UL	321,753
Assigned FB for Suburban	
199-34-6631-00-905-5-99-0-FB	32,925
Assigned FB for Radios and Tower	
199-52-6639-00-999-5-99-RAD	115,000
Assigned FB for Scoreboard	
199-36-6639-00-001-5-91-S-CB	64,450
<b>Total Other Resources</b>	<b>534,128</b>





**Fund Balance - General Fund**  
**6/30/2015**

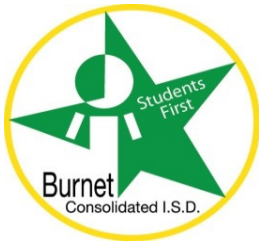
<b>Audited Fund Balance as of 8/31/14</b>		9,227,777
<b>Less Assigned Fund Balance</b>		(534,128)
199-3590 Assigned Fund Balance - Other		
CTE Expenditures-Board Approved 4/15/13 & 8/18/14	(321,753)	
Suburban Purchase-Board Approved 9/15/14	(32,925)	
Security Radios and Tower-Board Approved 5/18/15	(115,000)	
Scoreboard-Board Approved 5/18/15	(64,450)	
	<u>(534,128)</u>	
<b>Less Inventories</b>		(130,729)
<b>Less Prepaid Items</b>		(153,983)
<b>Unassigned Fund Balance</b>		<u><u>\$ 8,408,937</u></u>
<b>Optimum Fund Balance (3 months operating expenses)</b>		\$ 6,305,079
<b>Difference</b>		\$ 2,103,858



**Fund Balance - Child Nutrition Program  
6/30/2015**

**Audited Fund Balance 8/31/14**

240-3450 Restricted Fund Balance-for the use of Federal Program only	528,568
Assigned Fund Balance-for anticipated revenue shortfall	(83,005)
<b>Less Inventories</b>	<b>(73,736)</b>
<b>Reserved Fund Balance*</b>	<b><u>\$ 371,827</u></b>
Cannot exceed three months operating expenses	445,564



**Fund Balance - Debt Service Fund  
6/30/2015**

**Audited Fund Balance 8/31/14**

599-3480 Restricted Fund Balance-for the use of the retirement of debt only \$ 1,698,936

**Restricted Fund Balance**


**\$ 1,698,936**

Note: Debt Service fund balance is restricted for the retirement of debt.

Burnet CISD  
Investment Report  
As of 6/30/2015

Fund Number	Description	Purchase/Renewal Date	Security Description	Account Number	Security Number	Maturity Date	Interest Rate	Purchase Price	Par Value	Market Value	S&P Rating
<b>199 Local Maintenance</b>											
CD		3/16/2015	First State Bank-Burnet	31968		3/16/2016	0.70%	100,000.00		107,433.88	
CD		4/30/2014	Wells Fargo Public Funds	7884899415		4/30/2016	1.25%	200,000.00		205,688.07	
Muni		4/8/2015	North Wheeler Cnty Hspt		663326AAA	2/1/2016	0.75%	397,101.90	390,000.00	394,547.40	A3
Muni		6/16/2015	Montgomery Cntry-Utility		61370RDN1	4/1/2016	0.70%	141,550.27	140,000.00	141,167.60	AA
TexPool				270200004						6,918,353.29	
										<u>\$ 7,767,190.24</u>	
<b>599 Interest and Sinking</b>											
CD		3/16/2015	First State Bank-Burnet	31967		3/16/2016	0.70%	100,000.00		107,433.88	
CD		4/30/2014	Wells Fargo Public Funds	7884899407		4/30/2016	1.25%	200,000.00		205,688.07	
Muni		4/15/2015	Barren Cnty KY Refund Bonds		068437FR8	4/1/2016	0.60%	115,439.30	115,000.00	115,083.95	AA
Commerical Paper		5/5/2015	Abbey National NA LLC		0027A0AV3	1/29/2016	0.525%	996,166.11	1,000,000.00	997,177.75	A1
TexPool										704,675.54	
										<u>\$ 2,130,059.19</u>	
<b>699 Bond Construction</b>											
Muni		5/11/2015	Toledo-Lucas Cnty Port Auth		889253AA8	12/1/2015	0.35%	521,505.00	500,000.00	<u>\$ 507,930.00</u>	A
<b>753 Employee Health Insurance</b>											
TexPool										<u>\$ 5,105.73</u>	
<b>461/865 Special Fund</b>											
TexPool										<u>\$ 300,344.70</u>	
<b>755 Workers Compensation</b>											
TexPool										<u>\$ 7,538.97</u>	
										Certificate Of Deposit	626,243.90
										Commerical Paper	997,177.75
										Muni Bonds	1,158,728.95
										TexPool	7,936,018.23
										<b>Grand Total</b>	<u><u>\$ 10,718,168.83</u></u>

  
Sarah Cervi, Director of Business and Finance/Date 7/7/15

  
Deidra Hall, Accountant/Date 7/7/15

**BURNET CISD  
COLLECTION REPORT  
JUNE 2015**

<u>CURRENT ROLL</u>	MONTH	YEAR TO DATE	
ORIGINAL LEVY		23,099,433.90	
ADJUSTMENTS	(7,327.23)	(50,626.21)	
ADJUSTED ROLL		23,048,807.69	
BASE TAX COLLECTED	132,081.04	22,465,894.76	
P & I COLLECTED	15,972.66	120,390.64	
COLLECTION FEES	778.75	2,427.43	
ROLLBACK TAX	-		
OUTSTANDING BALANCE		582,912.93	
COLLECTION %		0.97	
<u>DELINQUENT ROLL</u>			
ORIGINAL DELINQUENT ROLL		1,199,545.67	
ADJUSTMENTS	(36,259.10)	(14,817.65)	
ADJUSTED DELINQUENT ROLL		1,184,728.02	
BASE TAX COLLECTED	21,630.82	402,862.98	
P & I COLLECTED	10,641.68	109,874.84	
COLLECTIONS FEE	5,643.62	78,980.44	
OUTSTANDING BALANCE		781,865.04	
COLLECTION %		0.34	
TOTAL COLLECTED	186,748.57	23,180,431.09	1.0035 OVERALL
REFUNDS PRIOR TO TSG	-	-	
NET DISTRIBUTION	186,748.57	23,180,431.09	

**BURNET CISD  
COLLECTION REPORT  
JUNE 2015**

<b>CURRENT YEAR</b>	<b>BASE</b>	<b>P &amp; I</b>	<b>COLL FEE</b>	<b>ADJUSTMENTS</b>
SEPTEMBER	-	-	-	-
OCTOBER	1,471,120.09	-	-	637.41
NOVEMBER	1,186,893.21	-	-	1,181.90
DECEMBER	9,451,995.18	500.02	-	(10,033.60)
JANUARY	7,321,658.67	475.35	-	(10,000.49)
FEBRUARY	1,980,808.46	22,671.10	176.79	(8,011.64)
MARCH	364,210.44	24,851.96	560.88	(2,442.30)
APRIL	259,900.30	26,886.46	394.92	(7,797.07)
MAY	297,227.37	29,033.09	516.09	(6,833.19)
JUNE	132,081.04	15,972.66	778.75	(7,327.23)
JULY				
AUGUST				
<b>YEAR TO DATE</b>	<b>22,465,894.76</b>	<b>120,390.64</b>	<b>2,427.43</b>	<b>(50,626.21)</b>
<b>DELINQUENT YEARS</b>	<b>BASE</b>	<b>P &amp; I</b>	<b>COLL FEE</b>	<b>ADJUSTMENTS</b>
SEPTEMBER	49,250.50	14,170.55	12,471.92	(2,902.12)
OCTOBER	89,414.91	19,376.91	15,501.45	23,140.17
NOVEMBER	39,826.39	9,789.76	9,279.69	(1,787.98)
DECEMBER	44,222.56	11,918.86	8,113.73	1,454.55
JANUARY	54,897.64	7,236.93	5,355.92	(5,074.18)
FEBRUARY	31,097.02	9,947.00	6,391.98	(2,300.01)
MARCH	39,864.72	12,742.52	7,674.93	(423.94)
APRIL	19,216.74	7,740.40	4,862.15	3,902.74
MAY	13,441.68	6,310.23	3,685.05	5,432.22
JUNE	21,630.82	10,641.68	5,643.62	(36,259.10)
JULY				
AUGUST				
<b>YEAR TO DATE</b>	<b>402,862.98</b>	<b>109,874.84</b>	<b>78,980.44</b>	<b>(14,817.65)</b>
<b>REFUNDS</b>				
SEPTEMBER		MARCH		
OCTOBER		APRIL		
NOVEMBER		MAY		
DECEMBER				
JANUARY		JULY		
FEBRUARY		AUGUST		
<b>SUB-TOTAL</b>	<b>-</b>		<b>0.00</b>	
<b>YEAR TO DATE</b>	<b>-</b>			



**BURNET CISD COUNTY EDUCATION DISTRICT  
COLLECTION REPORT  
JUNE 2015**

<b>CURRENT</b>	<b>BASE</b>	<b>P &amp; I</b>	<b>COLL FEE</b>	<b>TOTAL</b>
SEPTEMBER				
OCTOBER				
NOVEMBER				
DECEMBER				
JANUARY				
FEBRUARY				
MARCH				
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
<b>YEAR TO DATE</b>	-	-	-	-
<b>DELINQUENT YEARS</b>	<b>BASE</b>	<b>P &amp; I</b>	<b>COLL FEE</b>	<b>ADJUSTMENTS</b>
SEPTEMBER	-	-	-	-
OCTOBER	-	-	-	-
NOVEMBER	-	-	-	-
DECEMBER	-	-	-	-
JANUARY	-	-	-	-
FEBRUARY	-	-	-	-
MARCH	-	-	-	-
APRIL	-	-	-	-
MAY	-	-	-	-
JUNE	-	-	-	(1,925.36)
JULY				
AUGUST				
<b>YEAR TO DATE</b>	-	-	-	(1,925.36)
<b>REFUNDS</b>				
SEPTEMBER	-	MARCH		
OCTOBER		APRIL		
NOVEMBER	-	MAY		
DECEMBER		JUNE		
JANUARY		JULY		
FEBRUARY		AUGUST		
<b>SUB-TOTAL</b>	-		0	
<b>YEAR TO DATE</b>	-			

EXTRACURRICULAR TRIP REPORT  
JUNE 2015

DATE	DESTINATION	GROUP	DRIVER NAME	VEH. #	VEHICLE TYPE	MILES	BUDGET ACCOUNT	COST
6/4/2015	BURNET AIRPORT	ACE SUMMER SCHOOL	LINDA McCURRY	23	BUS	8.4	265-11-6494.00-104-5-11-ACE	\$ 32.60
6/5/2015	PACKSADDLE ELEMENTARY	HILL COUNTRY FELLOWSH	TIM LEBOEUF	S-28	BUS	46.3	BILL HC FELLOWSHIP	\$ -
6/5/2015	SUMMER FUN PARK	YMCA	BOB GATLIN	106	BUS	166.0	BILL TO YMCA	\$ -
6/8/2015	QUARRY SPASH PAD	HILL COUNTRY FELLOWSH	TIM LEBOEUF	S-28	BUS	91.0	BILL HC FELLOWSHIP	\$ -
6/8/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	80.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/9/2015	AUSTIN	FOOD SERVICE	LISA LANDERS	89	VAN	223.0	240-36-6411.00-888-5-99-0-00	\$ 111.50
6/9/2015	OAKS NURSING CENTER	ACE - BMS 2 DAYS	LAURA BERLIN	84	VAN	29.6	265-11-6494.00-041-5-11-ACE	\$ 14.80
6/9/2015	METS SPLASH PAD AUSTIN	HILL COUNTRY FELLOWSH	TIM LEBOEUF	S-28	BUS	112.0	BILL HC FELLOWSHIP	\$ -
6/9/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/10/2015	WACO - TSTC	BHS COUNSELING	DEANA THOMAS	108	SUV	230.0	199-11-6494.00-001-5-22-0-00	\$ 115.00
6/10/2015	BUTLER PARK - AUSTIN	HILL COUNTRY FELLOWSH	BOB GATLIN	107	BUS	127.0	BILL HC FELLOWSHIP	\$ -
6/10/2015	PIONEER FARMS - AUSTIN	HILL COUNTRY FELLOWSH	TIM LEBOEUF	S-28	BUS	125.5	BILL HC FELLOWSHIP	\$ -
6/10/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/11/2015	AUSTIN	FOOD SERVICE	PAM HOLCOMB	63	SUV	167.0	240-35-6411.00-888-5-99-0-00	\$ 83.50
6/11/2015	FISH HATCHERY	ACE-BMS	RHONDA PEARSON	9	BUS	24.6	265-11-6494.00-041-5-11-ACE	\$ 71.90
6/11/2015	BURNET AIRPORT	ACE SUMMER SCHOOL	LINDA McCURRY	23	BUS	8.3	265-11-6494.00-104-5-11-ACE	\$ 34.95
6/11/2015	LAKES SIDE POOL	HILL COUNTRY FELLOWSH	TIM LEBOEUF	S-28	BUS	85.0	BILL HC FELLOWSHIP	\$ -
6/11/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/12/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	50	BUS	84.4	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/12/2015	AUSTIN DUCK TOURS	YMCA	JUDY FLOYD	S-100	BUS	137.0	BILL TO YMCA	\$ -
6/13/2015	TYLER	PLTW - RETURN 6/24/2015	BILL NEVE	84	VAN	694.8	199-13-6494.00-001-5-22-P-LW	\$ 347.40
6/15/2015	AUSTIN REGION 13	SPED	PRUDA FULTS	108	SUV	217.0	199-31-6411.00-902-5-23-0-00	\$ 108.50
6/15/2015	BROWNWOOD	BHS BAND	BOB GATLIN	50	BUS	189.6	199-36-6494.00-001-5-99-B-AN	\$ 344.40
6/16/2015	AUSTIN	CURRICULUM	SHELLEY REAVIS	63	SUV	218.0	199-13-6411.00-901-5-99-0-00	\$ 109.00
6/16/2015	HOME DEPOT	ACE-BMS	LAURA BERLIN	89	VAN	30.2	265-11-6494.00-041-5-11-ACE	\$ 15.15
6/18/2015	BURNET AIRPORT	ACE SUMMER SCHOOL	LINDA McCURRY	23	BUS	8.4	265-11-6494.00-104-5-11-ACE	\$ 37.60
6/19/2015	BROWNWOOD	BHS BAND	BOB GATLIN	50	BUS	189.0	199-36-6494.00-001-5-99-B-AN	\$ 373.50
6/19/2015	WACO ZOO	YMCA	RHONDA PEARSON	9	BUS	230.3	BILL TO YMCA	\$ -

EXTRACURRICULAR TRIP REPORT  
JUNE 2015

6/21/2015	GRAPEVINE	FOOD SERVICE	PAM HOLCOMB	63	SUV	412.0	240-35-6411.00-888-5-99-0-FS	\$ 206.00
6/21/2015	DALLAS	AVID SECONDARY	JIM CONNOR	108	SUV	387.0	480-13-6499.00-999-5-11-0-00	\$ 193.50
6/21/2015	DALLAS	AVID SECONDARY	STEVE GRANT	109	SUV	396.0	480-13-6499.00-999-5-11-0-00	\$ 198.00
6/21/2015	DALLAS	AVID SECONDARY	HUNTER HOBBS	89	VAN	428.3	480-13-6499.00-999-5-11-0-00	\$ 214.15
6/21/2015	DALLAS	AVID SECONDARY	MARK EDMONDSON	58	VAN	433.0	480-13-6499.00-999-5-11-0-00	\$ 216.50
6/22/2015	BERTRAM NURSING HOME	ACE - BMS 3 DAYS	SEAN MOORE	88	VAN	34.6	265-11-6494.00-041-5-11-ACE	\$ 17.50
6/22/2015	FREY RANCH	HILL COUNTRY FELLOWSH	TIM LEBOEUF	50	BUS	17.5	BILL HC FELLOWSHIP	\$ -
6/22/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/23/2015	GARST RANCH	HILL COUNTRY FELLOWSH	TIM LEBOEUF	50	BUS	18.8	BILL HC FELLOWSHIP	\$ -
6/23/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/23/2015	HOUSTON	RJ RICHEY ELEMENTARY	JILL WITTENKIEND	83	VAN	427.0	199-13-6411.00-104-5-11-0-00	\$ 213.50
6/24/2015	FREY RANCH	HILL COUNTRY FELLOWSH	BOB GATLIN	106	BUS	19.0	BILL HC FELLOWSHIP	\$ -
6/24/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	TIM LEBOEUF	61	BUS	79.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/25/2015	BURNET AIRPORT	ACE SUMMER SCHOOL	LINDA McCURRY	23	BUS	8.4	265-11-6494.00-104-5-11-ACE	\$ 37.60
6/25/2015	GARST RANCH	HILL COUNTRY FELLOWSH	TIM LEBOEUF	50	BUS	20.6	BILL HC FELLOWSHIP	\$ -
6/25/2015	HILL COUNTRY SCIENCE MILL	BOYS AND GIRLS CLUB	JOHN NEEDHAM	107	BUS	79.3	BILL HILL COUNTRY SCIENCE MILL	\$ -
6/25/2015	ROUND ROCK YMCA	YMCA	BOB GATLIN	106	BUS	114.0	BILL TO YMCA	\$ -
6/26/2015	GARST RANCH	HILL COUNTRY FELLOWSH	LINDA McCURRY	23	BUS	18.5	BILL HC FELLOWSHIP	\$ -
6/26/2015	HILL COUNTRY SCIENCE MILL	HILL COUNTRY FELLOWSH	BOB GATLIN	107	BUS	81.0	BILL HILL COUNTRY SCIENCE MILL	\$ -
						<b>6,891.4</b>		<b>\$ 3,096.55</b>

**Burnet CISD**  
**Check Register**  
**June 2015**

Check No.	Check Date	Vendor Name	Account Code	Description	Amount
108293	20150604	Borden	240 35 6341 00 888 5 99 0 00	Milk Orders for Cafeterias	12,063.81
108294	20150604	Burnet County Elections	199 41 6219 01 702 5 99 0 00	School Board Election Expense	8,341.32
108295	20150604	Butterkrust Bakery, Inc	240 35 6341 00 888 5 99 0 00	Bread Orders for Cafeterias	1,073.75
108296	20150604	CMAT	199 13 6411 00 104 5 11 0 00	Math Advance Conference	250.00
108297	20150604	CMAT	199 23 6411 00 104 5 99 0 00	Math Admin Conference	350.00
108298	20150604	Capital Area Food Bank	240 35 6344 00 888 5 99 0 DF	Delivery Fees for Cafeterias	205.74
108299	20150604	Jill Castillo	199 11 6411 ML 041 5 24 0 HB	Mileage-5/14-15	8.00
108299	20150604	Jill Castillo	199 11 6411 ML 041 5 24 0 HB	Mileage-5/5-Homebound	4.00
108300	20150604	Gemma Cerone	199 11 6219 00 902 5 23 0 OT	32 Hrs OT Services-May	2,400.00
108301	20150604	Adrian Connolly	461 11 6399 00 102 5 00 0 00	Reimburse Art Supplies	63.85
108302	20150604	Jim Connor	199 13 6411 00 901 5 99 0 00	Mileage-4/27-5/30	229.30
108303	20150604	Consolidated Water	199 34 6399 00 905 5 99 0 00	Bottled Water	22.50
108303	20150604	Consolidated Water	199 51 6399 00 907 5 99 0 00	Water Purchase for April 2015	25.00
108304	20150604	Decker Equipment	199 51 6399 04 907 5 99 0 00	Seat for Cafe Tables	155.02
108305	20150604	Darlene Denton	461 11 6399 00 101 5 00 0 00	Supplies for retirement recp.	61.72
108306	20150604	Elliott Electric Supply	199 51 6399 04 907 5 99 0 00	Battery Backups for Emer Light	277.80
108306	20150604	Elliott Electric Supply	199 51 6399 04 907 5 99 0 00	Electrical Supplies	223.65
108307	20150604	Ewald Kubota, Inc.,	199 51 6399 05 907 5 99 0 00	Parts to Repair Tractor	413.64
108308	20150604	First Leap LLC	199 13 6219 00 902 5 23 0 00	Staff Development ABA	625.00
108308	20150604	First Leap LLC	199 31 6219 00 902 5 23 0 ME	10.5 Hrs Mediation Svcs	425.00
108309	20150604	Fisher Scientific Education	199 13 6399 00 901 5 99 0 00	Classroom Supplies-MS	36.50
108310	20150604	Gretchen Fuchs	199 31 6219 00 902 5 23 0 AT	LSSP Svcs-Jan-April 2015	2,400.00
108311	20150604	Sandra Garrett	199 36 6411 00 001 5 91 M IL	Mileage-5/4-5/29	10.60
108312	20150604	Steve Grant	199 23 6411 00 041 5 99 M IL	Mileage - May	94.35
108313	20150604	Gulf Coast Paper	240 35 6342 00 888 5 99 0 00	Paper Goods	472.80
108314	20150604	Deidra Hall	240 00 5751 01 000 5 00 0 00	Refund Student Lunch Acct	20.90
108315	20150604	Hanson Aggregates West,	199 51 6399 05 907 5 99 0 00	Roadbase to patch holes	288.24
108316	20150604	Carrie Herrin	240 00 5751 01 000 5 00 0 00	Refund Lunch Acct	42.90
108317	20150604	Ingrid Hoffmeister	199 11 6411 ML 902 5 24 D YS	Mileage-May	83.70
108318	20150604	Houston ISD-Medicaid	199 00 5931 00 000 5 00 0 00	Medicade Reimb-April	388.54
108319	20150604	Christina Hughes	199 31 6411 00 902 5 23 0 00	Meals-TEDA Conf. 4/29-5/1	64.00
108320	20150604	Inflate-Some-Fun	461 11 6399 00 101 5 00 0 00	Bounce House-BES	440.00
108321	20150604	Amber Jones	461 11 6399 00 102 5 00 0 00	Reimburse Material-Costumes	18.94
108322	20150604	Kerr County Produce	240 35 6341 00 888 5 99 0 00	Produce Orders for Cafeterias	5,656.09
108323	20150604	Kona Ice Hill Country	461 11 6399 00 104 5 00 0 00	520 Snowcones-Field Day-RJR	780.00
108324	20150604	La Quinta	199 11 6411 00 001 5 22 0 AG	2Rms-4ngts-Texas AG Conf.	1,011.36
108325	20150604	La Quinta	199 11 6412 00 001 5 22 0 AG	8Rms-4ngts-FFA Conv - 20 students	3,000.00
108326	20150604	Labatt Food Service	240 35 6341 00 888 5 99 0 00	Food for Cafeterias	37,590.31
108326	20150604	Labatt Food Service	240 35 6342 00 888 5 99 0 00	Food for Cafeterias	3,851.60
108327	20150604	Emily Long	199 11 6411 ML 001 5 11 0 00	Mileage-14/15 YRLY-Spanish	318.00
108328	20150604	Phillip Malina	199 53 6411 00 805 5 99 M IL	Mileage-5/1-8/29-Training	67.75
108329	20150604	Marble Falls ISD	199 41 6411 04 750 5 99 0 00	PEIMS Admin. Workshop	184.00
108330	20150604	Karen Melton	199 11 6411 ML 001 5 24 0 HB	Homebound Mileage-Mar. April	232.80
108330	20150604	Karen Melton	199 11 6411 ML 001 5 24 0 HB	Homebound Mileage-4/9-4/29	184.00
108331	20150604	Doug Messer	461 36 6399 00 001 5 00 0 GB	Reimburse Camp Supplies	68.85
108331	20150604	Doug Messer	461 36 6399 00 001 5 00 0 GB	Reimburse Camp Supplies	88.14
108332	20150604	Richard Miller	199 53 6411 00 805 5 99 M IL	Mileage-5/4-5/30	144.80
108333	20150604	Michelle Molnar	224 11 6219 VI 902 5 23 0 00	63 Hrs VI Services-3 Months	4,410.00
108334	20150604	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108335	20150604	Debra S. Nickle	199 11 6219 00 902 5 23 0 PT	70.75Hrs PT Services-May	4,952.50
108336	20150604	Pat Painter	199 13 6411 00 902 5 23 M IL	Mileage-April	80.20
108336	20150604	Pat Painter	199 13 6411 00 902 5 23 M IL	Mileage-May	49.80
108337	20150604	Project Graduation	199 34 6494 00 905 5 99 0 00	Reimb. overpayment of mileage	63.00
108338	20150604	Kari Roy	461 36 6399 00 001 5 00 0 FB	Refund FB Camp Reg.	45.00
108339	20150604	Shepherd Publishing	199 41 6499 00 702 5 99 0 00	Burnet Chamber Guide Ad	295.00
108340	20150604	Terra Singletary	199 23 6411 00 102 5 99 0 00	Mileage-4/10-5/18	56.80
108341	20150604	Kathy Snider	199 11 6411 ML 041 5 24 0 HB	Homebound Mileage-5/5-5/8	32.00
108342	20150604	Sterling Athletics	461 36 6399 00 001 5 00 0 BB	Camp Basketballs	214.13
108343	20150604	TATDP	199 11 6399 00 003 5 28 0 00	Summer Mini Conference	50.00

**Burnet CISD**  
**Check Register**  
**June 2015**

Check No.	Check Date	Vendor Name	Account Code	Description	Amount
108343	20150604	TATDP	199 13 6411 00 901 5 99 0 CP	Summer Mini Conf. Fees	50.00
108344	20150604	Texas Bandmasters Assoc.	199 11 6411 00 041 5 11 B AN	TBA Membership Dues	260.00
108345	20150604	Texas FFA	865 11 6399 00 001 5 00 F FA	FFA State Officer Application	50.00
108346	20150604	Texas Fleet Fuel	199 34 6311 01 905 5 99 0 00	Fuel	2,627.21
108346	20150604	Texas Fleet Fuel	199 51 6311 00 907 5 99 0 00	Fuel	277.15
108347	20150604	Trane	199 51 6399 04 907 5 99 0 00	Motor, Capacitor, Cover	427.55
108348	20150604	TxTag	199 34 6499 00 905 5 99 T OL	Toll Fees	86.60
108348	20150604	TxTag	199 34 6499 00 905 5 99 T OL	Toll Fees	6.10
108348	20150604	TxTag	199 34 6499 00 905 5 99 T OL	Toll Fees	18.52
108349	20150604	Joe Vann	199 11 6412 00 001 5 22 0 AG	Student Meals-TX FFA Conv	1,575.00
108350	20150604	Rita Williams	199 31 6411 00 902 5 23 0 00	Meals-TEDA Conf. 4/29-5/1	72.00
108351	20150604	Sarah Willisie	224 11 6219 OM 902 5 23 0 00	28.5 Hrs O&M Services-May	1,852.50
108352	20150604	XLR8	461 36 6399 00 001 5 00 0 FB	Camp Shirts/Draw Bags	1,842.00
108352	20150604	XLR8	865 11 6399 00 001 5 00 D RA	25 One Act Play T-Shirts	224.00
108353	20150611	Alsco, Inc.	199 34 6249 00 905 5 99 0 00	Uniform Service	187.68
108354	20150611	Atmos Energy	199 51 6258 00 907 5 99 0 00	Gas	110.92
108354	20150611	Atmos Energy	199 51 6258 00 907 5 99 0 00	Gas	183.41
108355	20150611	Austin American	199 41 6219 00 750 5 99 0 AD	Newspaper	21.00
108356	20150611	Whitney Balagia	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108357	20150611	Christine Beechwood	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108358	20150611	Casey Burkhart	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108359	20150611	Burnet Trophies & Awards	199 11 6399 00 102 5 11 0 00	Medals/Ribbons-Bertram	184.00
108359	20150611	Burnet Trophies & Awards	199 11 6497 00 102 5 11 0 00	Medals/Ribbons-Bertram	11.00
108359	20150611	Burnet Trophies & Awards	199 11 6497 00 102 5 11 0 AR	Medals/Ribbons-Bertram	60.75
108359	20150611	Burnet Trophies & Awards	199 41 6499 00 702 5 99 0 00	Board Member Name Plate	16.45
108360	20150611	Riki Campbell	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108361	20150611	Kristi Carruthers	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108362	20150611	Jill Castillo	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108363	20150611	Randy Chafin	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108364	20150611	Chalk's Truck Parts	199 34 6311 02 905 5 99 0 00	Parts for repair	295.40
108365	20150611	City of Burnet	199 52 6219 00 999 5 99 0 00	Final SRO Payment-May	6,661.59
108366	20150611	Salye Coles	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108367	20150611	Jim Connor	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108368	20150611	Consolidated Water	199 41 6399 00 750 5 99 0 00	Bottled Water	28.50
108369	20150611	Dillon Crain	461 36 6399 00 001 5 00 0 FB	Lighting for Athletic Awards	30.00
108370	20150611	Creative Awards	199 36 6399 00 001 5 22 F FA	FFA Awards	64.97
108370	20150611	Creative Awards	199 36 6497 00 001 5 22 F FA	FFA Awards	214.50
108370	20150611	Creative Awards	865 11 6399 00 001 5 00 F FA	FFA Awards	314.18
108371	20150611	Edgar Flower Shop	461 11 6399 00 102 5 00 0 00	Flower Arrangement	35.00
108371	20150611	Edgar Flower Shop	461 11 6399 00 104 5 00 0 TE	Plant for Funeral	35.00
108372	20150611	Mark Edmondson	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108373	20150611	Floral Designs By Randi	199 11 6497 00 003 5 24 0 00	2015 Graduation Flowers	150.00
108374	20150611	Bob Gatlin	199 34 6311 01 905 5 99 0 00	Reimburse Fuel	70.00
108375	20150611	Steve Grant	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108376	20150611	Hardin-Simmons University	461 11 6399 00 999 5 00 0 SC	Scholarship (C. Chafin)	1,100.00
108377	20150611	Katie Hewitt	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108378	20150611	Highland Lakes	199 21 6499 00 902 5 23 N OT	SpEd Notice	273.00
108379	20150611	Hill Country Tire	199 34 6311 02 905 5 99 0 00	Flat Repairs	35.00
108380	20150611	Hunter Hobbs	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108381	20150611	Pamela Holcomb	240 35 6411 00 888 5 99 0 00	TASN Conf. Meals-6/21-25	136.00
108382	20150611	HPU Band Leadership	865 11 6399 00 001 5 00 B AN	Summer Leadership Camp Fee	500.00
108383	20150611	Interquest Detection	199 11 6219 00 001 5 11 D OG	Canine Detection	440.00
108384	20150611	Lance Jones	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108385	20150611	Brent Kelley	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108386	20150611	Gina Kiser	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108387	20150611	Roy Kiser	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108388	20150611	Laerdal Medical	199 11 6499 00 001 5 22 C NA	HOSA Classroom Supplies	647.02
108389	20150611	Colts Youth Organization	199 36 6499 00 001 5 99 B AN	Yamaha Mariba-Band	1,828.40

**Burnet CISD  
Check Register  
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Check No.	Check Date	Vendor Name	Account Code	Description	Amount
108389	20150611	Colts Youth Organization	865 11 6399 00 001 5 00 B AN	Yamaha Mariba-Band	2,296.60
108390	20150611	Longhorn International	199 34 6311 02 905 5 99 0 00	Parts for Repair	97.40
108391	20150611	Lowe's	199 51 6399 04 907 5 99 0 00	Indoor/Outdoor carpet	140.71
108391	20150611	Lowe's	199 51 6399 04 907 5 99 0 00	Clear Packing Tape	139.57
108392	20150611	Sara Ann Luther	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108393	20150611	Mccreary, Veselka, Bragg	199 00 2110 AF 000 5 00 0 00	Collection of Delinquent Taxes	4,201.14
108394	20150611	Andy Mchazlett	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108395	20150611	Jana Mchazlett	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108396	20150611	MRS Communications	199 23 6399 00 001 5 11 R AD	2 Radios/Batteries	852.33
108396	20150611	MRS Communications	199 52 6639 00 999 5 99 R AD	BCISD-Radio Upgrade	9,079.95
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	15.46
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	16.80
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.19
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	16.24
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.90
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	16.80
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	22.80
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	12.14
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.19
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	11.17
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	14.53
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108397	20150611	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108398	20150611	North Texas Tollway	199 34 6499 00 905 5 99 T OL	Toll Fees	9.47
108399	20150611	Perma Bound	199 12 6669 00 001 5 11 0 00	Library Books-BHS	857.04
108400	20150611	Cindy Roberts	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108401	20150611	School Comp	755 00 6429 00 000 5 00 0 00	Claims Cost-May	3,345.04
108402	20150611	Schoolmate	480 11 6399 00 999 5 11 0 00	AVID-RJR-Bertram-Planners	1,548.00
108402	20150611	Schoolmate	480 11 6399 00 999 5 11 0 00	AVID-RJR-Bertram-Planners	854.00
108402	20150611	Schoolmate	480 11 6399 00 999 5 11 0 00	AVID RJR-Dated Agenda	494.00
108402	20150611	Schoolmate	480 11 6399 00 999 5 11 0 00	AVID-Bertram-Planners	237.85
108403	20150611	Amanda Schwabe	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108404	20150611	Sharon Schwartz	199 41 6411 01 701 5 99 0 00	Mileage-4/14-6/3	20.75
108405	20150611	Steven Shipley	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108406	20150611	Kendall Simmons	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108407	20150611	Logan Skoog	461 36 6399 00 001 5 00 0 GB	Basketball Camp Worker	300.00
108408	20150611	Betty Sue Smallwood	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108409	20150611	Southern Floral	865 11 6399 00 041 5 00 G HS	Floral Supplies-Greenhouse	165.71
108410	20150611	Southwest Consortium	199 36 6219 00 001 5 99 0 DT	Student Drug Testing	994.00
108411	20150611	Crystal Syphrett	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108412	20150611	TABC	199 36 6495 00 001 5 91 0 00	Membership Fees	150.00
108412	20150611	TABC	199 36 6495 00 041 5 91 0 00	Membership Fees	30.00
108413	20150611	Texas Fleet Fuel	199 34 6311 01 905 5 99 0 00	Fuel	195.15
108414	20150611	Texas Girls Coaches	199 36 6495 00 001 5 91 0 00	Membership Fees	480.00
108414	20150611	Texas Girls Coaches	199 36 6495 00 041 5 91 0 00	Membership Fees	360.00
108415	20150611	Texas High School	199 36 6495 00 001 5 91 0 00	Membership Fees-Coaches	440.00
108416	20150611	Deana Thomas	480 13 6499 00 999 5 11 0 00	AVID Summer Conf. Meals	116.00
108418	20150611	Verizon Southwest	199 53 6299 00 805 5 99 0 LT	Telephone Service	2,879.92
108419	20150611	Walsh Gallegos Trevino	199 41 6211 00 701 5 99 0 00	Legal Services	285.48
108419	20150611	Walsh Gallegos Trevino	199 41 6211 00 701 5 99 0 ME	Legal Fees-Mediation	82.50
108420	20150611	Wells Fargo Visa	199 11 6399 00 902 5 24 D YS	Teaching Supplies	28.00
108420	20150611	Wells Fargo Visa	211 13 6219 00 901 5 24 0 00	Online Seminar	447.00
108420	20150611	Wells Fargo Visa	461 11 6399 00 102 5 00 0 00	Playstation Bundle-Top Reader	118.81
108420	20150611	Wells Fargo Visa	461 11 6399 00 102 5 00 0 00	Retirement Gifts	210.81
108420	20150611	Wells Fargo Visa	461 41 6399 00 750 5 00 0 00	Decorations-Retirement Recp	22.61
108421	20150611	Wells Fargo Visa	199 11 6412 00 902 5 23 0 LS	Bowling-Meals-Life Skills	205.87
108421	20150611	Wells Fargo Visa	199 12 6669 00 041 5 11 0 00	Library Books	34.76
108421	20150611	Wells Fargo Visa	199 36 6399 00 001 5 99 N HS	NHS Supplies	200.00

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Check No.	Check Date	Vendor Name	Account Code	Description	Amount
108421	20150611	Wells Fargo Visa	199 36 6411 00 001 5 91 0 00	Shipley's Induction Tickets	180.00
108421	20150611	Wells Fargo Visa	461 11 6399 00 101 5 00 0 00	Gatti Land AR Meals	192.64
108421	20150611	Wells Fargo Visa	461 11 6399 00 101 5 00 0 00	AR Meals	66.95
108421	20150611	Wells Fargo Visa	461 41 6399 00 750 5 00 0 00	Reception Supplies	4.99
108421	20150611	Wells Fargo Visa	865 11 6399 00 001 5 00 0 15	Clean Tablecloths	60.00
108421	20150611	Wells Fargo Visa	865 11 6399 00 001 5 00 N HS	NHS Supplies	84.60
108422	20150611	Wells Fargo Visa	461 11 6399 00 104 5 00 0 TE	Teacher Supplies	244.75
108422	20150611	Wells Fargo Visa	865 11 6399 00 041 5 00 G HS	Greenhouse Supplies	139.40
108423	20150611	Wells Fargo Visa	461 41 6399 00 750 5 00 0 00	Meeting Supplies	41.27
108424	20150611	Wells Fargo Visa	199 00 1310 49 000 5 00 0 00	Postage	19.99
108424	20150611	Wells Fargo Visa	199 11 6497 00 104 5 11 0 00	Pizza for AR Reader Awards	103.97
108424	20150611	Wells Fargo Visa	199 41 6219 05 750 5 99 0 00	Fees-Bank	52.26
108424	20150611	Wells Fargo Visa	199 41 6499 00 701 5 99 0 00	Meeting Supplies	205.69
108424	20150611	Wells Fargo Visa	199 41 6499 00 740 5 99 0 00	Supplies-Interview Team	28.30
108424	20150611	Wells Fargo Visa	461 11 6399 00 101 5 00 0 00	Student Meals	11.27
108424	20150611	Wells Fargo Visa	461 11 6399 00 999 5 00 0 SC	Pork for Fund Raiser	214.19
108425	20150611	Wells Fargo Visa	199 41 6499 00 701 5 99 0 00	Meeting Expense	13.04
108426	20150611	Wells Fargo Visa	199 41 6219 05 750 5 99 0 00	Bank Fees	39.00
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 00	Student Lunch-Field Trip	216.62
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 00	Museum Tickets	80.00
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 00	Movie Tickets/Lunch	203.50
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 00	Bowling-Field Trip	60.00
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 00	Fund Day Supplies/Rentals	203.82
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 TE	Teacher Appreciation Supplies	127.06
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 TE	Meeting Supplies	60.53
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 TE	Meeting Supplies	40.17
108426	20150611	Wells Fargo Visa	461 11 6399 00 041 5 00 0 TE	Teacher Supplies	70.00
108426	20150611	Wells Fargo Visa	865 11 6399 00 041 5 00 A VI	UMHB-Student Meals-49	343.00
108426	20150611	Wells Fargo Visa	865 11 6399 00 041 5 00 B AN	Paper sleeves	50.85
108427	20150611	XLR8	199 11 6399 00 003 5 24 0 00	Campus Shirts	61.97
108427	20150611	XLR8	199 36 6399 00 041 5 91 C RC	MS Cross Country Shirts/Shorts	350.00
108427	20150611	XLR8	199 36 6399 00 041 5 91 F TB	MS Cross Country Shirts/Shorts	25.00
108427	20150611	XLR8	461 11 6399 00 104 5 00 0 00	T-Shirts	6.00
108427	20150611	XLR8	461 36 6399 00 001 5 00 H IG	34 Pink Poms	345.10
108427	20150611	XLR8	865 11 6399 00 041 5 00 A VI	MS T-Shirts-AVID	1,490.50
108428	20150618	Apple Store	484 11 6399 00 999 5 11 0 00	PLTW VGA Adapter	225.00
108428	20150618	Apple Store	484 11 6399 00 999 5 11 0 00	2-IPAD Air 10 Pack-PLTW Elem.	8,480.00
108429	20150618	Atmos Energy	199 51 6258 00 907 5 99 0 00	Gas	40.43
108430	20150618	Radena Baladez	240 35 6411 00 888 5 99 0 00	Mileage-May	13.30
108431	20150618	Mendy Barrow	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108432	20150618	Hallie Behrens	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108433	20150618	BSN Sports	199 36 6399 00 001 5 91 B KG	Weight Lifting Bars	411.82
108433	20150618	BSN Sports	461 36 6399 00 041 5 00 B YS	5 Nike Free Trainers	360.00
108434	20150618	Burnet Central Appraisal	199 41 6213 00 703 5 99 0 00	3rd Qtr-2015 Collections	23,462.86
108434	20150618	Burnet Central Appraisal	199 99 6213 00 703 5 99 0 00	3rd Qtr-2015 Appraisals	66,778.90
108435	20150618	Burnet Trophies & Awards	199 23 6399 00 101 5 99 0 00	1st & 2nd Grade Awards	120.00
108436	20150618	David Cardona	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108437	20150618	Jill Castillo	199 11 6411 ML 041 5 24 0 HB	Mileage-5/19-21	8.00
108438	20150618	Cheerleading Company	461 36 6399 00 001 5 00 C HL	Megaphones-Cheer	376.32
108439	20150618	Julie Collins	199 31 6495 00 001 5 99 0 00	Counseling Assn-Dues-Reimb.	130.00
108440	20150618	D & W Printing	461 11 6399 00 101 5 00 0 TE	Writing Pads-Staff	160.00
108441	20150618	Linda Dyke	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108442	20150618	Brandon Evans	865 11 6399 00 001 5 00 F FA	Cow Calf Pair-FFA	4,500.00
108443	20150618	Mike Ferguson	199 34 6219 DP 905 5 99 0 00	Reimburse Drivers Physical	40.00
108444	20150618	Kim Grebe	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108445	20150618	Caitlyn Guenter	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108446	20150618	H E Butt Grocery	199 11 6399 00 001 5 22 C UL	Senior Picnic Supplies	254.16
108446	20150618	H E Butt Grocery	199 13 6399 00 901 5 99 0 00	Classroom/Meeting Supplies	39.08

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108446	20150618	H E Butt Grocery	240 35 6341 00 888 5 99 0 00	Food Supplies	476.78
108446	20150618	H E Butt Grocery	461 11 6399 00 041 5 00 0 00	Classroom/Meeting Supplies	65.23
108446	20150618	H E Butt Grocery	461 11 6399 00 041 5 00 0 TE	Classroom/Meeting Supplies	170.46
108446	20150618	H E Butt Grocery	461 11 6399 00 101 5 00 0 00	Classroom/Meeting Supplies	44.00
108446	20150618	H E Butt Grocery	461 11 6399 00 101 5 00 0 TE	Classroom/Meeting Supplies	23.11
108446	20150618	H E Butt Grocery	461 11 6399 00 102 5 00 0 00	Seaworld Tickets	45.47
108446	20150618	H E Butt Grocery	461 11 6399 00 102 5 00 0 00	Class Supplies/Student Supplies	200.00
108446	20150618	H E Butt Grocery	461 11 6399 00 102 5 00 0 TE	Teacher Supplies	212.36
108446	20150618	H E Butt Grocery	865 11 6399 00 001 5 00 F FA	FFA Banquet/EOC Supplies	636.12
108446	20150618	H E Butt Grocery	865 11 6399 00 041 5 00 A VI	AVID Supplies	198.29
108446	20150618	H E Butt Grocery	865 11 6399 00 041 5 00 O UT	Outdoor Adventure Supplies	177.85
108447	20150618	Trenton Hafley	461 36 6399 00 001 5 00 0 BB	Basketball Camp Worker	260.00
108448	20150618	Shirley Hall	240 35 6411 00 888 5 99 0 00	Mileage-May	38.00
108449	20150618	Herff Jones Yearbooks	199 11 6497 00 003 5 24 0 00	2015 Graduation Caps/Cords	2,078.00
108450	20150618	Nicki Hernandez	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Antonio	100.00
108451	20150618	Delilah Hibler	240 35 6411 00 888 5 99 0 00	Mileage-May	10.50
108452	20150618	Pamela Holcomb	240 35 6411 00 888 5 99 0 00	Mileage-May	68.95
108453	20150618	Christina Hughes	199 31 6411 00 902 5 23 M IL	Mileage-8/21-5/4	114.00
108454	20150618	Institute for the Adv.	199 13 6411 00 001 5 11 0 00	Summer Workshop-AP Chem	525.00
108455	20150618	Johnson and Wales Univ.	461 11 6399 00 999 5 00 0 SC	Scholarship (R. Hall)	1,100.00
108456	20150618	Derek Kiser	461 36 6399 00 001 5 00 0 BB	Basketball Camp Worker	260.00
108457	20150618	Kona Ice Hill Country	461 11 6399 00 101 5 00 0 00	Student Incentives	810.00
108458	20150618	Laerdal Medical	199 11 6499 00 001 5 22 C NA	Testing Supplies	51.50
108459	20150618	Lampasas ISD	461 36 6399 00 001 5 00 0 GF	Golf Entry Fee-Correction	75.00
108460	20150618	Lisa Landers	240 35 6399 00 888 5 99 0 00	Reimburse Supplies	7.31
108460	20150618	Lisa Landers	240 35 6411 00 888 5 99 0 00	Mileage-5/1-6/11	158.30
108461	20150618	Legends Golf Course	461 36 6399 00 001 5 00 0 GF	Golf Fees-MS-May 12	1,010.00
108462	20150618	Natalie Lyle	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108463	20150618	Teresa Mather	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108465	20150618	Keith McBurnett	199 41 6411 00 701 5 99 0 00	Mileage/Parking-SA-Austin	153.00
108466	20150618	Vickie L. McElroy	199 13 6411 00 901 5 99 0 CP	Meals/Mileage-PLTW Conf. 5 day	441.00
108467	20150618	Carrie McGinty	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108468	20150618	Melhart Music Center	865 11 6399 00 001 5 00 B AN	Classroom Supplies-HS Band	1,060.00
108469	20150618	Karen Melton	199 11 6411 ML 001 5 24 0 HB	Mileage-5/7-5/28-Homebound	19.20
108469	20150618	Karen Melton	199 11 6411 ML 001 5 24 0 HB	Mileage Homebound	38.40
108470	20150618	Lori Miller	240 35 6411 00 888 5 99 0 00	Mileage-May	35.85
108471	20150618	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	16.80
108471	20150618	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	16.80
108472	20150618	Jeanni Nelson	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108473	20150618	Jan Ray	480 13 6499 00 999 5 11 0 00	Meals for AVID Conf-San Ant	100.00
108474	20150618	RBC Music Co Inc	199 11 6399 00 001 5 11 B AN	Summer Music	260.00
108475	20150618	Shelley Reavis	480 13 6499 00 999 5 11 0 00	Meals/Mileage-AVID-San Ant.	193.80
108476	20150618	Jennifer Simpson	199 23 6411 00 102 5 99 0 00	Mileage-3/25-6/11	208.80
108477	20150618	Jennifer Simpson	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108478	20150618	Kathy Snider	199 11 6411 ML 041 5 24 0 HB	Mileage-5/28/15	16.00
108479	20150618	David Sorrells	461 36 6399 00 001 5 00 0 BB	Basketball Camp Worker	260.00
108480	20150618	Nanci Stobaugh	199 21 6411 00 902 5 23 M IL	Mileage-6/2-6/12	122.06
108480	20150618	Nanci Stobaugh	199 21 6411 00 902 5 23 M IL	Mileage-5/1-5/30	216.20
108481	20150618	Kim Stubblefield	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108482	20150618	Texas Assoc. School Bus	199 34 6411 00 905 5 99 0 00	Certification Classes-Josh	185.00
108483	20150618	Texas Assoc. for Public	199 34 6411 00 905 5 99 0 00	Conf. Fees/Membership Fees	535.00
108484	20150618	Texas Dept of Public	199 41 6219 00 740 5 99 0 BC	Background Checks	5.00
108485	20150618	Texas Fleet Fuel	199 11 6399 00 001 5 22 0 AG	Fuel	81.02
108485	20150618	Texas Fleet Fuel	199 34 6311 01 905 5 99 0 00	Fuel	839.31
108485	20150618	Texas Fleet Fuel	199 51 6311 00 907 5 99 0 00	Fuel	368.03
108486	20150618	RJ Vanwagenen	461 36 6399 00 001 5 00 0 BB	Basketball Camp Worker	260.00
108487	20150618	Jodi Wagner	240 35 6411 00 888 5 99 0 00	Mileage-May	28.00
108488	20150618	Sherry Weisinger	199 11 6411 ML 001 5 24 0 HB	Mileage-5/1-5/28-Homebound	155.20

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108489	20150618	Shannon Wendt	480 13 6499 00 999 5 11 0 00	Meals-AVID-San Antonio	100.00
108490	20150618	XLR8	461 36 6399 00 001 5 00 0 BB	81 Basketball Camp Shirts	445.50
108492	20150625	Allied Fire Protection-SA,	199 51 6219 00 907 5 99 0 00	Service Fire Alarms	1,200.50
108493	20150625	Atmos Energy	199 51 6258 00 907 5 99 0 00	Gas	577.11
108494	20150625	Stacy Barnett	199 13 6411 00 901 5 99 0 CP	Meals-PLTW-Aug. 4-7	92.00
108495	20150625	Bertram Hardware & Supply	199 51 6399 04 907 5 99 0 00	Hardware Supplies	19.48
108496	20150625	BSN Sports	199 36 6399 00 001 5 91 G TR	Girls Track Supplies	319.05
108497	20150625	Burnet Co. Tax Assessor	199 34 6249 00 905 5 99 L IC	Safety Inspections	30.00
108498	20150625	Burnet Trophies & Awards	199 11 6497 00 041 5 11 0 00	Awards/Ribbons/Plaques	293.15
108498	20150625	Burnet Trophies & Awards	461 11 6399 00 041 5 00 0 00	Awards/Ribbons/Plaques	820.10
108498	20150625	Burnet Trophies & Awards	461 11 6399 00 041 5 00 0 00	Principal Awards	111.00
108498	20150625	Burnet Trophies & Awards	865 11 6399 00 041 5 00 B AN	Engraving	10.00
108499	20150625	Jim Connor	199 13 6411 00 901 5 99 0 00	Meals-T-Tess Training	100.00
108500	20150625	Consolidated Water	199 51 6399 00 907 5 99 0 00	Monthly Water Supply for May	20.00
108501	20150625	Haley Ann Cook	461 36 6399 00 001 5 00 0 FB	Football Camp Worker	100.00
108502	20150625	Dealers Electrical Supply	199 51 6399 04 907 5 99 0 00	Connectors for BMS Auditorium	68.34
108503	20150625	Decker Equipment	199 51 6319 00 913 5 99 0 00	Desk Lifts	789.88
108504	20150625	Dramatists Play Service	199 11 6399 00 001 5 11 D RA	Drama Supplies	18.00
108505	20150625	Edgar Flower Shop	461 11 6399 00 041 5 00 0 00	Flowers	65.00
108505	20150625	Edgar Flower Shop	865 11 6399 00 041 5 00 N HS	Flowers	60.00
108506	20150625	Educational Products, Inc.	480 11 6399 00 999 5 11 0 00	AVID Supplies	277.50
108507	20150625	Elliott Electric Supply	199 51 6399 04 907 5 99 0 00	Materials for Wireless Access	45.00
108508	20150625	Ewald Kubota, Inc.,	199 51 6399 05 907 5 99 0 00	Tires for Mowers	339.00
108509	20150625	Fairway Supply	199 51 6399 04 907 5 99 0 00	Stock of locks and blank keys	821.75
108510	20150625	Ferguson Enterprises, Inc	199 51 6399 04 907 5 99 0 00	Sewer Line Repair Supplies	100.50
108510	20150625	Ferguson Enterprises, Inc	240 35 6249 00 888 5 99 0 00	Part to repair disposal @ Bert	101.74
108511	20150625	Fisher Scientific Education	199 13 6399 00 901 5 99 0 CP	PLTW Supplies	749.49
108512	20150625	Follett School Solutions	199 12 6669 00 101 5 11 0 00	Library Books	79.99
108512	20150625	Follett School Solutions	199 12 6669 00 101 5 24 0 AR	Library Books	234.47
108513	20150625	Hill Country Tire	199 34 6249 00 905 5 99 0 00	Tire Service	300.00
108514	20150625	Hobart Sales & Service	240 35 6249 00 888 5 99 0 00	Part for dish machine @ BHS	121.46
108515	20150625	Hoovers Builders & Supply	199 11 6399 00 001 5 22 0 AG	Shop Supplies	750.00
108515	20150625	Hoovers Builders & Supply	199 36 6399 00 001 5 91 A TR	Trainer Supplies	59.96
108515	20150625	Hoovers Builders & Supply	199 41 6399 00 750 5 99 0 00	Safety Raincoats	21.38
108515	20150625	Hoovers Builders & Supply	199 51 6399 04 907 5 99 0 00	Building Repairs	702.14
108515	20150625	Hoovers Builders & Supply	199 51 6399 05 907 5 99 0 00	Ground Supplies	2.18
108515	20150625	Hoovers Builders & Supply	199 53 6399 00 805 5 99 0 00	Masking Tape	16.88
108515	20150625	Hoovers Builders & Supply	240 35 6249 00 888 5 99 0 00	Equipment Repairs	32.82
108515	20150625	Hoovers Builders & Supply	461 11 6399 00 041 5 00 0 00	Student Supplies	32.75
108515	20150625	Hoovers Builders & Supply	865 11 6399 00 001 5 00 F FA	Shop Supplies	283.47
108515	20150625	Hoovers Builders & Supply	865 11 6399 00 041 5 00 G HS	Greenhouse Supplies	65.32
108516	20150625	Contessa Huffman	199 13 6411 00 901 5 99 0 00	Meals-T-Tess Training	100.00
108517	20150625	Kurt Jones	199 36 6411 00 001 5 91 M IL	Entry Fee/Milage	54.03
108517	20150625	Kurt Jones	199 36 6499 00 001 5 91 P LO	Mileage/Parking-State Meet	22.00
108518	20150625	Lance Jones	199 36 6411 00 001 5 91 M IL	Mileage-Angelo FB Clinic	189.30
108519	20150625	Wendy Keele	484 13 6411 00 999 5 11 0 00	Meals-PLTW-Aug. 4-7	92.00
108520	20150625	Bobbie Kuhn	199 13 6411 00 901 5 99 0 CP	Meals-PLTW-Aug. 4-7	92.00
108521	20150625	Lakeshore Basics	225 11 6399 00 901 5 23 0 00	Supplies for Pre-school	94.53
108522	20150625	Tonya Loving-Barnett	199 41 6219 00 740 5 99 0 BC	Reimburse Fingerprinting	45.70
108523	20150625	Julie Malina	199 13 6411 AT 902 5 99 5 04	Meals-Reg. 4 Training	52.58
108524	20150625	Phillip Malina	199 13 6411 AT 902 5 99 5 04	Meals-Reg. 4 Training/Mileage	240.86
108525	20150625	Marble Falls Glass	199 51 6219 00 907 5 99 0 00	Replace broken glass door	196.00
108526	20150625	Johnathan Maxwell	461 36 6399 00 001 5 00 0 BB	Basketball Camp worker	275.00
108527	20150625	Keith McBurnett	199 13 6411 00 901 5 99 0 00	Meals-T-Tess Training	100.00
108528	20150625	Momar Incorporated	199 34 6311 02 905 5 99 0 00	Tools for Mechanics	592.18
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.90
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.90
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	18.14

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108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.90
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	20.44
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	7.48
108529	20150625	MSB Services	199 34 6499 00 905 5 99 T OL	Toll Fees	8.90
108530	20150625	The Neff Company	199 36 6497 00 001 5 91 0 AW	Spring Letter Jackets (17)	850.00
108531	20150625	Pedernales Electric Coop	199 51 6257 00 907 5 99 0 00	Electricity-Bertram	4,698.03
108532	20150625	Shelley Reavis	199 13 6411 00 901 5 99 0 00	Meals-T-Tess Training	84.00
108533	20150625	Robert Madden Inc	199 51 6399 04 907 5 99 0 00	Replace control Board-CO	230.31
108534	20150625	Carie Shipley	461 36 6399 00 001 5 00 0 BA	Baseball Camp Coach	370.00
108535	20150625	Buffy Taylor	484 13 6411 00 999 5 11 0 00	Meals-PLTW-Aug. 4-7	92.00
108536	20150625	Texas A & M University	461 11 6399 00 999 5 00 0 SC	Scholarship- (D. Salinas)	1,100.00
108537	20150625	Texas Fleet Fuel	199 11 6399 00 001 5 11 0 00	Fuel	57.34
108537	20150625	Texas Fleet Fuel	199 34 6311 01 905 5 99 0 00	Fuel	602.50
108537	20150625	Texas Fleet Fuel	199 51 6311 00 907 5 99 0 00	Fuel	70.06
108538	20150625	Texas Girls Coaches Assn.	199 36 6495 00 001 5 91 0 00	Membership Fees	60.00
108539	20150625	Texas HS Coaches Assn.	199 36 6495 00 001 5 91 0 00	Coaches Membership Fees	825.00
108540	20150625	TxTag	199 34 6499 00 905 5 99 T OL	Toll Fees	2.56
108540	20150625	TxTag	199 34 6499 00 905 5 99 T OL	Toll Fees	15.13
108541	20150625	Wal-Mart	199 11 6399 00 101 5 11 0 00	Attendance Awards	202.65
108541	20150625	Wal-Mart	199 31 6399 00 001 5 99 0 00	Cards for Scholarships	117.28
108541	20150625	Wal-Mart	199 31 6399 00 001 5 99 0 00	Scholarship Night Supplies	121.09
108541	20150625	Wal-Mart	461 11 6399 00 041 5 00 0 TE	Classroom Supplies-Art	91.13
108541	20150625	Wal-Mart	461 11 6399 00 101 5 00 0 00	Student Supplies for Awards	284.65
108542	20150625	Cindy Walker	480 13 6499 00 999 5 11 0 00	Meals-AVID Summer Conf	100.00
108543	20150625	XLR8	461 36 6399 00 001 5 00 0 BA	34 Baseball Camp T-Shirts	204.00
108543	20150625	XLR8	461 36 6399 00 001 5 00 0 SB	62 Softball Camp T-Shirts	372.00
108543	20150625	XLR8	865 11 6399 00 041 5 00 B EL	Drill Team Uniforms	7,236.62
<b>Total</b>					<b><u>\$ 310,092.29</u></b>

**Burnet CISD**  
**American Express Register**  
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Check No.	Check Date	Vendor Name	Account Code	Description	Amount
002579	20150602	AHI Enterprises,LLC	199 11 6399 00 104 5 11 0 00	Classroom Supplies	676.92
002579	20150602	AHI Enterprises,LLC	199 23 6399 00 104 5 99 0 00	Classroom Supplies	78.77
002580	20150527	B & B Athletics	199 36 6399 00 001 5 91 B KG	Girls Basketball Uniforms	910.00
002581	20150527	Bound To Stay	199 12 6669 00 102 5 11 0 00	Library Books	534.16
002581	20150527	Bound To Stay	461 12 6399 00 102 5 00 0 00	Library Books	1,165.47
002582	20150602	Wiley.Com	199 31 6339 00 902 5 23 0 00	X-Bass cross-Battery Assessment	189.00
002583	20150602	Quill Corp	199 51 6399 00 907 5 99 0 00	Office supplies-Maint.	183.12
002584	20150602	Quill Corp	199 21 6399 00 902 5 23 0 00	Supplies for SpEd Department	260.41
002585	20150416	Quill Corp	199 00 1264 00 000 5 00 0 00	Moving Supplies	99.75
002586	20150528	Walgreens	865 11 6399 00 001 5 00 0 ST	Candy for Coronation	82.00
002587	20150527	Partymakers	865 11 6399 00 001 5 00 0 ST	Decorations for Coronation	155.56
002588	20150526	Partymakers	461 36 6399 00 001 5 00 0 FB	Ballons for College Signing	9.17
002589	20150528	University of Texas-Tyler	199 13 6219 00 901 5 99 0 CB	PLTW Training - Barnett	700.00
002590	20150602	Discount Two-Way Radio	199 23 6399 00 104 5 99 0 00	Two-Way Radio Batteries	120.84
002591	20150601	Carolina Biological Supply	199 13 6399 00 901 5 99 0 CP	BioKits/Forensics Class Kits	592.32
002592	20150529	Vex Robotics, Inc	199 13 6399 00 901 5 99 0 CP	Robotic Supplies-Classroom	167.72
002593	20150527	Vex Robotics, Inc	199 11 6399 00 001 5 22 E NG	Engineering Classroom Supplies	7,823.00
002594	20150428	Armadillo Clay	199 11 6399 00 104 5 11 M US	Glaze	85.00
002595	20150515	B&C Technologies	199 51 6399 04 907 5 99 0 00	Part for Athletic Washer @ BHS	47.75
002596	20150312	Amazon.Com	865 11 6399 00 041 5 00 A VI	Classroom Supplies	247.34
002597	20150529	Education Service Center	199 34 6411 00 905 5 99 0 00	Bus Refresher Class	100.00
002598	20150602	Shiffler Equipment	461 11 6399 00 102 5 00 0 MS	Repair Parts-Cafeteria Tables	265.88
002599	20150602	NAESP	461 11 6399 00 102 5 00 0 00	Award Pins/Certificates	101.00
002600	20150531	Oriental Trading	461 11 6399 00 102 5 00 0 00	Classroom Supplies	69.98
002601	20150601	V-Quest	199 41 6399 00 750 5 99 0 00	Cartridges-CO	50.96
002602	20150512	Sea World Of Texas	461 12 6399 00 102 5 00 0 00	Accelerated Readers Trip fees	1,025.00
002603	20150602	CEC Enterprises, Inc.	461 12 6399 00 102 5 00 0 00	Student Admission Fees	236.50
002604	20150601	Mel's Lone Star Bowling	199 11 6412 00 102 5 11 0 00	Student Admission-Bowling	246.00
002605	20150602	Dick Blick	199 11 6399 00 001 5 11 A RT	Classroom supplies	523.59
002606	20150508	Knox Company	199 51 6399 04 907 5 99 0 00	Knox Box - Bertram	357.00
002607	20150603	M&A Technology	199 51 6399 02 907 5 99 0 00	Laptop for new HVAC Tech	583.83
002608	20150603	M&A Technology	199 23 6399 00 041 5 99 0 00	Lenovo Thnk Pad Edge	583.83
002609	20150603	M&A Technology	461 11 6399 00 102 5 00 B DC	50 Google Chrome OS	1,346.50
002610	20150603	M&A Technology	199 11 6399 00 001 5 22 C UL	Mimio Projector Remote	30.89
002611	20150603	M&A Technology	199 13 6219 00 901 5 99 0 CB	10 FlexCat System/Flexmikes	14,047.45
002611	20150603	M&A Technology	270 11 6399 00 901 5 11 0 00	10 FlexCat System/Flexmikes	16,858.95
002612	20150603	M&A Technology	461 12 6399 00 101 5 00 0 00	Library Supplies	388.00
002613	20150603	School Specialty Inc.	225 11 6399 00 901 5 23 0 00	8 Compartment Storage	710.71
002614	20150603	School Specialty Inc.	461 11 6399 00 102 5 00 0 00	Classroom Supplies-GT	32.33
002615	20150603	School Specialty Inc.	199 11 6399 00 104 5 11 0 00	Classroom Supplies-RJR	362.00
002615	20150603	School Specialty Inc.	199 23 6399 00 104 5 99 0 00	Classroom Supplies-RJR	528.84
002616	20150603	School Specialty Inc.	199 11 6399 00 041 5 24 0 00	Classroom Supplies-MS	749.79
002617	20150603	School Specialty Inc.	199 12 6399 00 101 5 11 0 00	Library Supplies-BES	169.36
002618	20150603	School Specialty Inc.	199 11 6399 00 041 5 11 S CI	Classroom Supplies-MS	191.32
002619	20150603	School Specialty Inc.	199 11 6399 00 101 5 11 0 00	Classroom Teacher Supplies	1,277.71
002620	20150603	School Specialty Inc.	461 11 6399 00 102 5 00 0 00	2nd grade classroom materials	113.38
002621	20150603	School Specialty Inc.	199 11 6399 00 041 5 11 0 MA	Classroom Supplies-MS	669.17
002622	20150603	SHI Government Supply	199 53 6249 00 805 5 99 0 00	Backup Software	2,395.00
002623	20150603	Matera Paper	199 51 6319 00 913 5 99 0 00	Custodial Supplies	2,439.00
002624	20150515	Lakeshore Learning	225 11 6399 00 901 5 23 0 00	Supplies-Early Child SpEd	1,045.44
002625	20150604	Minute Man Rentals	199 51 6269 00 907 5 99 0 00	Excavator Rental for Sewer Leak	308.53
002626	20150529	Amazon.Com	199 13 6399 00 901 5 99 0 CP	Supplies for PLTW Classes	40.31
002628	20150609	Quill Corp	199 34 6399 00 905 5 99 0 00	Office Supplies-Transportation	148.45
002629	20150609	Quill Corp	240 35 6399 00 888 5 99 0 00	Binders/Dividers	67.08
002630	20150604	Legal Digest	199 13 6399 00 901 5 99 0 00	Texas Documentation Handbook	517.00

**Burnet CISD**  
**American Express Register**  
**June 2015**

Check No.	Check Date	Vendor Name	Account Code	Description	Amount
002631	20150609	Scholastic Books	461 12 6399 00 101 5 00 0 00	Student Book Fair-BES	4,425.67
002632	20150609	Curtain-Tracks.Com,Inc.	244 11 6399 00 001 5 22 C NA	HOSA Track Curtains	2,196.60
002633	20150609	Amazon.Com	461 11 6399 00 101 5 00 0 TE	Books for Teacher Appreciation	149.17
002634	20150608	Austin Business	199 11 6399 00 041 5 11 0 CC	10 Tables	1,604.99
002634	20150608	Austin Business	199 11 6399 00 041 5 24 0 00	Table-MS	37.19
002635	20150601	Amazon.Com	199 11 6399 00 805 5 11 0 IT	Technology Supplies/Repairs	2,910.00
002636	20150601	American Express	199 11 6399 00 001 5 22 C UL	Culinary Supplies	125.83
002637	20150506	Home Depot	199 51 6399 04 907 5 99 0 00	PVC Couplings	58.02
002638	20150604	GE Capital Information	199 41 6269 00 750 5 99 0 00	Copier Rentals	6,728.50
002639	20150608	Pearson Prentice Hall	410 11 6321 00 001 5 11 0 00	Exams/Testing	4,956.23
002640	20150610	Taylor Publishing	461 11 6399 00 102 5 00 0 YB	Final Yearbook Payment	830.06
002641	20150603	Amazon.Com	199 11 6399 00 001 5 22 0 00	Cisco Port Phone	37.40
002642	20150610	TASB	199 41 6219 00 740 5 99 T LS	TASB Localized Updates	499.62
002643	20150610	TASB	199 41 6219 00 740 5 99 T LS	Local District Updates	121.20
002644	20150610	Advanced Filtration	199 51 6219 00 907 5 99 0 00	90 day filter chng @ PDC	61.68
002645	20150610	Advanced Filtration	199 51 6219 00 907 5 99 0 00	90 day filter chng @ BHS	155.00
002646	20150610	Advanced Filtration	199 51 6219 00 907 5 99 0 00	90 day filter chng @ BMS	367.93
002647	20150523	Advanced Filtration	199 51 6219 00 907 5 99 0 00	90 day filter chng @ Quest	140.00
002648	20150610	Inter-State	461 11 6399 00 101 5 00 0 00	Yearbooks for Students	3,159.25
002648	20150610	School Health	199 11 6395 AT 902 5 11 5 04	Reading Pens for Struggling st	580.32
002648	20150610	School Health	199 11 6399 00 902 5 23 0 AT	Reading Pens for Struggling st	1,318.94
002651	20150610	Pro-Ed	199 11 6399 00 902 5 11 5 04	Edmark Reading Intervention	1,185.80
002652	20150529	Education Service Center	199 23 6411 00 041 5 99 0 00	Reg-Workshops-BMS	400.00
002653	20150522	HON Accessories	199 11 6399 00 041 5 24 0 00	File Cabinet Key	10.83
002654	20150615	Office Depot	199 21 6399 00 902 5 23 0 00	File cabinet for SpEd office	359.98
002656	20150611	Six Flags Fiesta Texas	865 11 6399 00 041 5 00 0 SC	Tickets-MS Student Council	6,419.91
002657	20150511	Frog Street Press	199 13 6411 00 101 5 11 0 00	Pre-K Conference	1,400.00
002658	20150608	Texas Engine Machine	199 34 6249 00 905 5 99 0 00	Grind Flywheel	50.00
002659	20150615	Time Warner Cable	199 53 6299 00 805 5 99 0 TW	Internet Service Lines	1,954.07
002660	20150522	Education Service Center	199 13 6411 00 902 5 23 0 00	Math Workshop	45.00
002661	20150529	Education Service Center	199 13 6411 00 901 5 99 0 00	GT Academy Workshops	800.00
002662	20150601	Education Service Center	199 13 6411 00 902 5 23 0 00	Star Workshops	255.00
002663	20150522	Education Service Center	199 13 6411 00 902 5 23 0 00	Beat the Heat Workshops	315.00
002664	20150610	La Quinta	865 11 6399 00 001 5 00 F FA	Hotel-State FFA Scholarship	32.10
002665	20150616	Time Warner Cable	199 53 6299 00 805 5 99 0 TW	Internet Service	390.80
002666	20150604	Education Service Center	199 13 6411 00 902 5 23 0 00	Math Shuffling Workshop	25.00
002667	20150615	Education Service Center	199 13 6411 00 902 5 23 0 00	Math Games Workshops	25.00
002668	20150501	Gaylord Texas	199 13 6411 00 101 5 11 0 00	2 Rms-Staff Dev. - Frog Street	714.16
002669	20150611	Education Service Center	199 53 6249 00 805 5 99 0 IA	Txed-Mar, April, May,June	4,220.00
002670	20150610	Quill Corp	199 41 6399 00 750 5 99 0 00	USB Drives/Tape	82.82
002671	20150618	Quill Corp	199 11 6399 00 001 5 11 0 00	Storage Boxes	71.32
002672	20150618	Napa Auto Parts	199 51 6399 04 907 5 99 0 00	Parts for Repairs-May	11.69
002673	20150618	Napa Auto Parts	199 34 6311 02 905 5 99 0 00	Parts for repair	1,609.05
002674	20150604	Amazon.Com	199 23 6399 00 104 5 99 0 00	Office Tech. Supplies	140.94
002675	20150608	Quill Corp	199 41 6399 00 750 5 99 0 00	Office Supplies	184.92
002676	20150515	Amazon.Com	461 11 6399 00 104 5 00 0 TE	School Decorations	134.76
002677	20150325	Texas Tech University	199 13 6411 00 001 5 11 A RT	Training for AP course - Timmons	530.00
002678	20150602	Four Seasons Hotel	199 23 6411 00 104 5 99 0 00	3 Ngts-Conf. Houston 3 teacher	1,035.45
002679	20150617	Master Teacher	199 41 6497 00 701 5 99 0 00	Awards-Employees of the Year	593.00
002679	20150617	Master Teacher	199 41 6497 00 702 5 99 0 00	Awards-Employees of the Year	40.68
002680	20150617	University of Texas-Tyler	199 13 6411 00 901 5 99 0 CP	PLTW Training	700.00
002681	20150618	Comfort Suites	199 36 6411 00 001 5 91 0 00	Angelo Clinic Hotel-6/16-18	233.26
002682	20150616	Jugs Sports, Inc.	199 36 6399 00 001 5 91 F TB	FB Cable Support-Passing Mach	36.00
002683	20150617	City Of Burnet	199 51 6255 00 907 5 99 0 00	Water	6,289.22
002683	20150617	City Of Burnet	199 51 6257 00 907 5 99 0 00	Electricity	65,347.19

**Burnet CISD**  
**American Express Register**  
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Check No.	Check Date	Vendor Name	Account Code	Description	Amount
002683	20150617	City Of Burnet	199 51 6259 00 907 5 99 0 00	Garbage/Sewer	8,096.08
002684	20150618	TASA	199 41 6411 00 701 5 99 0 00	TASA Conf. Registration	325.00
002684	20150618	TASA	199 41 6413 00 702 5 99 0 00	Board Training	975.00
002685	20150617	Wayfair Supply	199 41 6497 00 701 5 99 0 00	12 Rocking Chairs-Retirements	1,379.88
002686	20150601	Harbor Freight	199 13 6399 00 901 5 99 0 CP	PLTW Supplies	44.11
002687	20150617	Six Flags Fiesta Texas	461 11 6399 00 001 5 00 0 00	Fun Day Math Trip	37.92
002687	20150617	Six Flags Fiesta Texas	461 11 6399 00 001 5 00 M TH	Fun Day Math Trip	3,264.36
002688	20150617	RCS	199 34 6311 02 905 5 99 0 00	Grease and Lubricant Spray	699.00
002689	20150617	Imagery Graphics	461 11 6399 00 101 5 00 0 00	Variquest Postermaker/Supplies	4,145.00
002690	20150617	Alert Service	199 36 6399 00 001 5 91 A TR	First Aid Supplies-Athletics	3,302.23
002691	20150617	School Specialty Inc.	199 11 6399 00 102 5 11 0 00	Office /Classroom supplies	414.34
002693	20150610	Johnson Sewel	199 34 6311 02 905 5 99 0 00	Rods for repair	49.73
002694	20150521	B&C Technologies	199 51 6399 04 907 5 99 0 00	Parts for Washing Machine	204.23
<b>Total</b>					<b><u>\$ 211,752.51</u></b>

**UTILITY COST SUMMARY**  
**JUNE UTILITIES**

	2014						2015						% Cost Change
	Electricity	Gas	Water	Sewer	Garbage	Total Utility Cost	Electricity	Gas	Water	Sewer	Garbage	Total Utility Cost	
Athletics	2,476	66	775	287	216	3,821	3,330	58	828	147	306	4,669	22.2%
Bertram Elementary	5,470	196	101	126	581	6,474	4,652	150	116	132	667	5,717	-11.7%
Burnet Elementary	3,574	41	240	462	290	4,608	4,694	35	251	447	391	5,818	26.3%
Burnet High School	16,912	261	1,790	608	1,526	21,097	21,153	181	1,509	610	2,877	26,330	24.8%
Burnet Middle School	13,198	517	797	721	1,294	16,527	15,832	248	738	398	958	18,175	10.0%
Central Office	1,573	104	125	177	110	2,089	1,539	40	107	135	110	1,931	-7.5%
Facilities & Operations	593	161	74	94	120	1,042	531	71	70	76	122	870	-16.5%
Parent Resource Center	219				110	329	213				110	323	
Professional Development Center	400	85	38	37		559	456	37	41	35		569	1.8%
Quest	1,316	Included in Central Office				1,316	1,411	Included in Central Office				1,411	
RJ Richey Elementary	9,713	27	460	336	474	11,011	7,919	90	420	340	478	9,247	-16.0%
Shady Grove Elementary	1,233	(18)	73	70	474	1,833	1,171	40	76	33	62	1,382	-24.6%
Transportation	476		105	69	110	760	826		90	370	87	1,373	80.6%
	\$ 57,153	\$ 1,440	\$ 4,579	\$ 2,987	\$ 5,305	\$ 71,464	\$ 63,728	\$ 951	\$ 4,246	\$ 2,723	\$ 6,168	\$ 77,816	8.9%

**ELECTRICITY COMPARISON REPORT**  
**JUNE UTILITIES**

	2014			2015			% Cost Change
	KWH	Demand	Amount	KWH	Demand	Amount	
Athletics	24,757	37	\$2,476.06	27,650	40	\$ 3,330.32	34.5%
Bertram Elementary	51,114		\$ 5,469.87	46,821		\$ 4,652.20	-14.9%
Burnet Elementary	30,016	152	\$ 3,574.13	0	149	\$ 4,694.23	31.3%
Burnet High School	147,697	480	\$ 16,912.20	179,960	545	\$ 21,153.30	25.1%
Burnet Middle School	117,000	316	\$ 13,197.92	135,600	384	\$ 15,832.22	20.0%
Central Office	13,680	41	\$ 1,572.81	13,040	40	\$ 1,539.26	-2.1%
Facilities & Operations	4,740		\$ 592.56	4,088		\$ 530.51	-10.5%
Parent Resource Center	1,791		\$ 219.34	1,683		\$ 212.82	-3.0%
Professional Development Center	3,320		\$ 399.76	3,680		\$ 455.86	14.0%
Quest	11,141	49	\$ 1,315.72	11,626	49	\$ 1,411.28	7.3%
RJ Richey Elementary	86,025	231	\$ 9,713.37	66,001	286	\$ 7,918.74	-18.5%
Shady Grove Elementary	10,800	31	\$ 1,233.26	9,900	30	\$ 1,170.92	-5.1%
Transportation	3,689		\$ 476.30	6,449		\$ 825.85	73.4%
	505,770	1,337	\$ 57,153.30	506,498	1,523	\$ 63,727.51	11.5%

**GAS COMPARISON REPORT**  
**JUNE UTILITIES**

	2014		2015		% Cost Change
	MCF	Amount	MCF	Amount	
Athletics	30.0	\$ 66.09	26.0	\$ 57.96	-12.3%
Bertram Elementary	137.0	\$ 195.57	154.0	\$ 150.30	-23.1%
Burnet Elementary	2.0	\$ 40.99	148.0	\$ 34.80	-15.1%
Burnet High School	280.0	\$ 260.98	334.0	\$ 180.66	-30.8%
Burnet Middle School	509.0	\$ 516.75	302.0	\$ 248.10	-52.0%
Central Office	36.0	\$ 104.30	2.0	\$ 39.62	-62.0%
Facilities & Operations	102.0	\$ 161.20	120.0	\$ 71.45	-55.7%
Professional Development Center	11.0	\$ 84.69	6.0	\$ 37.45	-55.8%
Quest		Included in Central Office			
RJ Richey Elementary	297.0	\$ 27.07	119.0	\$ 90.39	233.9%
Shady Grove Elementary	0.0	\$ (17.71)	0.0	\$ 40.43	-328.3%
	1,404.0	\$ 1,439.93	1,185.0	\$ 951.16	-33.9%

2014 Consumptin charge adjustments were made to SGE & RJR to decrease billing amount.

# WATER COMPARISON REPORT

## JUNE UTILITIES

	2014		2015		% Cost Change
	Gallons	Amount	Gallons	Amount	
Athletics	53,740	\$ 775.38	61,410	\$ 827.65	6.7%
Bertram Elementary	10,600	\$ 101.23	12,800	\$ 115.69	14.3%
Burnet Elementary	4,700	\$ 240.42	6,400	\$ 251.08	4.4%
Burnet High School	158,100	\$ 1,789.70	107,540	\$ 1,509.47	-15.7%
Burnet Middle School	36,310	\$ 797.03	24,600	\$ 738.21	-7.4%
Central Office	10,260	\$ 124.76	7,260	\$ 107.40	-13.9%
Facilities & Operations	11,330	\$ 74.26	10,340	\$ 69.93	-5.8%
Professional Development Center	540	\$ 37.50	1,270	\$ 40.88	9.0%
Quest	Included in Central Office				
RJ Richey Elementary	15,560	\$ 460.28	10,240	\$ 420.29	-8.7%
Shady Grove Elementary	200	\$ 73.43	700	\$ 75.74	3.1%
Transportation	6,000	\$ 104.92	3,400	\$ 89.87	-14.3%
	<u>307,340</u>	<u>\$ 4,578.91</u>	<u>245,960</u>	<u>\$ 4,246.21</u>	<u>-7.3%</u>

**Burnet CISD Bond Financial Statement**  
**July 20, 2015**

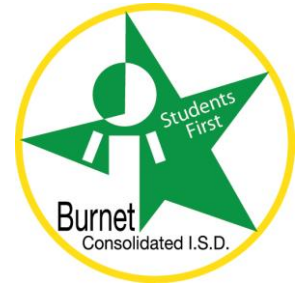
Location	Fund	Func	Object	SO	Org	FY	PIC	Detail	Description	Budget	Encumbrance	Expense	Balance
District	699	81	6119	20	999	5	99	F	EE Salaries-Project Manager	(130,000.00)	0.00	27,664.75	(102,335.25)
District	699	81	6141	20	999	5	99	F	EE Social Security/Medicare	0.00	0.00	356.45	356.45
District	699	81	6142	20	999	5	99	F	EE Group Health & Life Insurance	0.00	0.00	1,722.15	1,722.15
District	699	81	6143	20	999	5	99	F	EE Workers' Compensation	0.00	0.00	105.81	105.81
District	699	81	6145	20	999	5	99	F	EE Unemployment Compensation	0.00	0.00	58.10	58.10
District	699	81	6146	20	999	5	99	F	EE Teacher Retirement/TRS Care	0.00	0.00	567.15	567.15
District	699	81	6499	00	999	5	99	C	ON MISC-General Contingency	(284,246.00)	0.00	0.00	(284,246.00)
BHS	699	81	6499	20	001	5	99	F	EE Fees-Burnet High	(116,018.05)	6,053.00	28,805.75	(81,159.30)
Stadium	699	81	6499	20	002	5	99	F	EE Fees-Stadium	(151,888.32)	0.00	118,451.47	(33,436.85)
Quest	699	81	6499	20	003	5	99	F	EE Fees-Quest	(9,975.19)	0.00	0.00	(9,975.19)
BMS	699	81	6499	20	041	5	99	F	EE Fees-Burnet Middle	(366,992.99)	0.00	0.00	(366,992.99)
BES	699	81	6499	20	101	5	99	F	EE Fees-Burnet Elementary	(19,506.22)	0.00	18,227.93	(1,278.29)
Bertram	699	81	6499	20	102	5	99	F	EE Fees-Bertram	(163,951.70)	0.00	0.00	(163,951.70)
SGE	699	81	6499	20	103	5	99	F	EE Fees-Shady Grove	(828,100.05)	3,785.00	237,779.97	(586,535.08)
RJR	699	81	6499	20	104	5	99	F	EE Fees-RJ Richey	(182,359.67)	4,500.00	114,677.19	(63,182.48)
Admin	699	81	6499	20	750	5	99	F	EE Fees-Admin/PDC	(64,673.16)	0.00	0.00	(64,673.16)
District	699	81	6499	20	999	5	99	F	EE Fees-District-wide Projects	(172,014.65)	0.00	216.00	(171,798.65)
BES	699	81	6629	01	101	5	99	C	MR CM-Pkg 1-Burnet Elementary	(207,278.00)	0.00	0.00	(207,278.00)
RJR	699	81	6629	01	104	5	99	C	MR CM-Pkg 1-RJ Richey	(1,823,427.00)	0.00	0.00	(1,823,427.00)
SGE	699	81	6629	02	103	5	99	C	MR CM-Pkg 2-Shady Grove	(8,698,458.00)	0.00	0.00	(8,698,458.00)
RJR	699	81	6629	02	104	5	99	C	MR CM-Pkg 2-RJ Richey	(66,250.00)	0.00	0.00	(66,250.00)
BHS	699	81	6629	03	001	5	99	C	MR CM-Pkg 3-Burnet High	(1,074,340.00)	0.00	0.00	(1,074,340.00)
BMS	699	81	6629	03	041	5	99	C	MR CM-Pkg 3-Burnet Middle	(3,718,225.00)	0.00	0.00	(3,718,225.00)
Bertram	699	81	6629	03	102	5	99	C	MR CM-Pkg 3-Bertram	(1,586,977.00)	0.00	0.00	(1,586,977.00)
Admin	699	81	6629	03	750	5	99	C	MR CM-Pkg 3-Admin/PDC	(607,901.00)	0.00	0.00	(607,901.00)
BHS	699	81	6629	10	001	5	99	C	ON Contingency-Burnet High	(123,285.00)	0.00	0.00	(123,285.00)
Stadium	699	81	6629	10	002	5	99	C	ON Contingency-Stadium	(161,402.00)	0.00	0.00	(161,402.00)
Quest	699	81	6629	10	003	5	99	C	ON Contingency-Quest	(10,600.00)	0.00	0.00	(10,600.00)
BMS	699	81	6629	10	041	5	99	C	ON Contingency-Burnet Middle	(389,980.00)	0.00	0.00	(389,980.00)
BES	699	81	6629	10	101	5	99	C	ON Contingency-Burnet Elementary	(20,728.00)	0.00	0.00	(20,728.00)
Bertram	699	81	6629	10	102	5	99	C	ON Contingency-Bertram	(174,221.00)	0.00	0.00	(174,221.00)
SGE	699	81	6629	10	103	5	99	C	ON Contingency-Shady Grove	(879,969.00)	0.00	0.00	(879,969.00)
RJR	699	81	6629	10	104	5	99	C	ON Contingency-RJ Richey	(193,782.00)	0.00	0.00	(193,782.00)
Admin	699	81	6629	10	750	5	99	C	ON Contingency-Admin/PDC	(68,724.00)	0.00	0.00	(68,724.00)
District	699	81	6629	10	999	5	99	C	ON Contingency-District-wide Proj	(182,789.00)	0.00	0.00	(182,789.00)
Stadium	699	81	6629	40	002	5	99	C	SP CSP-Other-Stadium	(25,000.00)	0.00	436.04	(24,563.96)
Bertram	699	81	6629	4A	102	5	99	D	IS District-Other-Bertram	(55,900.00)	0.00	0.00	(55,900.00)
Bertram	699	81	6629	4B	102	5	99	D	IS District-OtherB-Bertram	(22,270.00)	0.00	0.00	(22,270.00)
RJR	699	81	6629	4C	104	5	99	D	IS District-OtherC-RJ Richey	(21,684.00)	0.00	0.00	(21,684.00)
SGE	699	81	6629	4D	103	5	99	D	IS District-OtherD-Shady Grove	(1,960.00)	0.00	0.00	(1,960.00)
BMS	699	81	6629	4E	041	5	99	D	IS District-OtherE-Burnet Middle	(13,248.00)	0.00	0.00	(13,248.00)
BHS	699	81	6629	4F	001	5	99	D	IS District-OtherBurnet High	(19,250.00)	0.00	0.00	(19,250.00)
Quest	699	81	6629	50	003	5	99	C	MR CM-Roofing-Quest	(106,000.00)	0.00	0.00	(106,000.00)

Location	Fund	Func	Object	SO	Org	FY	PIC	Detail	Description	Budget	Encumbrance	Expense	Balance
Stadium	699	81	6629	60	002	5	99	C	SP CSP-Security-Stadium	(70,000.00)	0.00	0.00	(70,000.00)
BMS	699	81	6629	60	041	5	99	C	SP CSP-Security-Burnet Middle	(25,000.00)	0.00	0.00	(25,000.00)
Bertram	699	81	6629	6A	102	5	99	D	IS District-Security-Bertram	(26,736.00)	0.00	0.00	(26,736.00)
Bertram	699	81	6629	6B	102	5	99	D	IS District-SecurityB-Bertram	(10,000.00)	0.00	0.00	(10,000.00)
BMS	699	81	6629	6C	041	5	99	D	IS District-Security-BurnetMiddle	(15,000.00)	0.00	0.00	(15,000.00)
BMS	699	81	6629	6D	041	5	99	D	IS DistrictSecurityDBurnetMiddle	(34,326.00)	0.00	0.00	(34,326.00)
BHS	699	81	6629	6E	001	5	99	D	IS District-Security-Burnet High	(42,640.00)	0.00	0.00	(42,640.00)
Admin	699	81	6629	6F	750	5	99	D	IS District-Security-Admin/PDC	(10,000.00)	0.00	0.00	(10,000.00)
RJR	699	81	6629	7A	104	5	99	D	IS District-Sitework-RJ Richey	(26,463.00)	0.00	0.00	(26,463.00)
SGE	699	81	6629	7B	103	5	99	D	IS District-Sitework-Shady Grove	(39,267.00)	0.00	0.00	(39,267.00)
BMS	699	81	6629	7C	041	5	99	D	IS District-Sitework-BurnetMiddle	(20,000.00)	0.00	0.00	(20,000.00)
BMS	699	81	6629	7D	041	5	99	D	IS DistrictSiteworkDBurnetMlddle	(74,000.00)	0.00	0.00	(74,000.00)
BHS	699	81	6629	7E	001	5	99	D	IS District-Sitework-Burnet High	(96,623.00)	0.00	0.00	(96,623.00)
Stadium	699	81	6629	7F	002	5	99	D	IS District-Sitework-Stadium	(145,562.00)	0.00	0.00	(145,562.00)
Stadium	699	81	6629	7G	002	5	99	D	IS District-SiteworkG-Stadium	(60,700.00)	0.00	0.00	(60,700.00)
Stadium	699	81	6629	7H	002	5	99	D	IS DIS-Other Stadium	(40,000.00)	36,225.00	0.00	(3,775.00)
Admin	699	81	6629	7H	750	5	99	D	IS District-Sitework-Admin/PDC	(69,334.00)	0.00	0.00	(69,334.00)
District	699	81	6629	7I	999	5	99	D	IS District-Sitework-DistwideProj	(56,171.00)	0.00	0.00	(56,171.00)
District	699	81	6629	7J	999	5	99	D	IS District-SiteworkJDistwideProj	(64,722.00)	0.00	0.00	(64,722.00)
Bertram	699	81	6629	7K	102	5	99	D	IS District-Sitework-Bertram	(40,328.00)	0.00	0.00	(40,328.00)
District	699	81	6629	8E	999	5	99	D	IS District-Tech-DistwideE Proj	(37,000.00)	0.00	0.00	(37,000.00)
Stadium	699	81	6629	90	002	5	99	C	SP CSP-Track/Turf-Stadium	(1,272,754.00)	0.00	433,675.00	(839,079.00)
District	699	81	6631	4G	999	5	99	D	IS District-Bus Purchases	(1,000,000.00)	0.00	0.00	(1,000,000.00)
SGE	699	81	6639	8A	103	5	99	D	IS District-Technology-ShadyGrove	(60,000.00)	0.00	0.00	(60,000.00)
District	699	81	6639	8B	999	5	99	D	IS District-Tech-DistrictwideProj	(24,000.00)	0.00	10,757.53	(13,242.47)
District	699	81	6639	8C	999	5	99	D	IS District-Tech-DistwideC Proj	(390,000.00)	0.00	167,839.06	(222,160.94)
District	699	81	6639	8D	999	5	99	D	IS District-Tech-DistwideD Proj	(36,000.00)	0.00	37,837.43	1,837.43
District	699	81	6639	8F	999	5	99	D	IS District-Tech-DistwideF Proj	(120,000.00)	0.00	0.00	(120,000.00)
District	699	81	6639	8G	999	5	99	D	IS District-Tech-DistwideG Proj	(100,000.00)	0.00	0.00	(100,000.00)
										(26,750,000.00)	50,563.00	1,199,177.78	(25,500,259.22)

**Burnet CISD**  
**Bond Program Check Register**  
**For the Month June 2015**

Check No.	Check Date	Vendor Name	Account Code	Description	Amount
000411	20150602	Wells Fargo -4602	699 81 6499 20 104 5 99 F EE	Packing/Moving Supplies-RJR	760.13
000411	20150602	Wells Fargo -4602	699 81 6499 20 104 5 99 F EE	Legal Ad-Paving Notice	106.00
000412	20150604	City of Burnet	699 81 6499 20 101 5 99 F EE	Building Permit-BES	880.00
000412	20150604	City of Burnet	699 81 6499 20 104 5 99 F EE	Building Permit-RJR	4,620.00
000413	20150604	Dell Marketing, L.P.	699 81 6639 8C 999 5 99 D IS	Network Refresh/BHS	120,763.99
000414	20150604	Kelly-Moore Paint	699 81 6499 20 104 5 99 F EE	RJR Move-cover gym floor	938.49
000415	20150615	Highland Lakes	699 81 6499 20 002 5 99 F EE	Legal AD-Paving Bids-Stadium	173.00
000415	20150615	Highland Lakes	699 81 6499 20 999 5 99 F EE	Legal AD-Paving Bids	216.00
000416	20150615	Insight Public Sector, Inc	699 81 6639 8B 999 5 99 D IS	Catalyst-Network Switch	4,473.00
000417	20150615	Pfluger Associates,LP	699 81 6499 20 001 5 99 F EE	Architect Fees-High School	28,805.75
000417	20150615	Pfluger Associates,LP	699 81 6499 20 002 5 99 F EE	Architect Fees-Stadium	100,093.89
000417	20150615	Pfluger Associates,LP	699 81 6499 20 101 5 99 F EE	Architect Fees-Burnet Elem	4,041.92
000417	20150615	Pfluger Associates,LP	699 81 6499 20 101 5 99 F EE	Architect Fees-Burnet Elem	11,506.01
000417	20150615	Pfluger Associates,LP	699 81 6499 20 103 5 99 F EE	Architect Fees-Shady Grove	233,279.97
000417	20150615	Pfluger Associates,LP	699 81 6499 20 104 5 99 F EE	Architect Fees-RJR	37,271.54
000417	20150615	Pfluger Associates,LP	699 81 6499 20 104 5 99 F EE	Architect Fees-RJR	42,630.48
000417	20150615	Pfluger Associates,LP	699 81 6499 20 104 5 99 F EE	Architect Fees-RJR	25,040.42
000418	20150615	Symmetry Turf	699 81 6629 90 002 5 99 C SP	Stadium Turf Project-Pay App 2	168,150.00
000419	20150625	Steven Warner Womack,	699 81 6499 20 103 5 99 F EE	Topographic Survey-SGE	4,500.00
108491	20150625	Accu-Tech	699 81 6639 8B 999 5 99 D IS	CAT6 Cable	600.00
108491	20150625	Accu-Tech	699 81 6639 8C 999 5 99 D IS	CAT6 Cable	1,700.00
<b>Total</b>					<b>\$ 790,550.59</b>

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Information**  
**Department: Bond Construction**



**Agenda Item #6B (Communications & Reports)**

**Report on 2014 Bond**

**Summary**

**This report will provide updated information for the Board to consider. Technology bond update will be made by the Technology Department.**

**Project Status Sheets with current photos on the following projects:**

**Stadium Turf and Track Improvement Project**

(Photos)

**Burnet Elementary School – CMR, Package One**

(Photos)

**RJ Richey Elementary School – CMR, Package One**

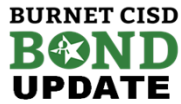
(Photos)

**Burnet High School – CMR, Package Two**

(Photos)

**Respectfully Submitted by:**

**Mario S. Alaniz, Architect**  
**Construction Project Manager**



# Burnet Consolidated Independent School District

Students First

## 2014 Bond Program

Keith McBurnett, Superintendent of Schools  
208 E. Brier  
Burnet, Texas 78611

July 20, 2015

### Project Information - CSP

#### Bulldog Stadium

Project Delivery Method	CSP
A/E Firm:	Pfluger Architects
Contractor:	Symmetry Turf Installations, Inc.
Financial Status:	
Construction Budget:	\$1,297,754.00
Project Contingency:	\$129,775.00
Adjustments: Prog Contingency	\$117,441.00
<b>Contract amount:</b>	<b>\$1,544,970.00</b>
Payments to date:	891,337.50
Balance:	\$653,632.50

#### Scope of Work

Add artificial turf at football field, convert 7 lane track to an 8 lane track, iron fencing, rock wall at home/visitor's bleachers, addition of bleachers at visitors side

#### Current Status

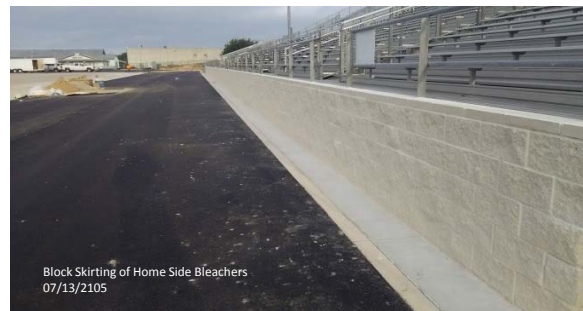
On February 26, 2015, BCISD received a total of four bids. All bids were evaluated and a recommendation for award of contract was made to the Board of Trustees on March 23, 2015. The Board of Trustees approved the award of contract to Symmetry Turf Installations, Inc. Construction started on April 6, 2015 in lieu of April 20, 2015. BCISD graduation ceremonies were held at the Stadium May 29, 2015. All fill material has been completed. Split-faced block skirting is being completed. Concrete slab for new bleachers has been completed. Shock Pad and Turf are being installed and to be completed week of July 20. Uttilies are being connected.

Project to be completed by August 23, 2015.

#### Project Schedule

A/E Start:	
Bid Date:	Feb 26, 2015 @ 2pm
Construction Start:	April 6, 2015
Substantially Complete:	August 2, 2015
Complete	August 23, 2015

### Photos





# Burnet Consolidated Independent School District

Students First

## 2014 Bond Program

Keith McBurnett, Superintendent of Schools  
208 E. Brier  
Burnet, Texas 78611

July 20, 2015

### Project Information - CM@R

#### Burnet Elem School - Package One

Project Delivery Method	CM @ Risk
A/E Firm:	Pfluger Architects
Contractor:	American Constructors
Financial Status:	
Construction Budget:	\$207,278.00
Contingency:	\$20,728.00
<b>Contract amount:</b>	<b>\$358,841.00</b>
Payments to date:	37,670.35
Balance:	\$321,170.65

### Scope of Work

Simplified HVAC Controls, plumbing renovations for ADA upgrades, lighting upgrades and roof replacement to the Administration Building. Add ADA access upgrades to existing buildings.

### Current Status

Project Architect has given the Construction Documents to the CM@R. Contractor to provide a GMP (Guaranteed Maximum Price) to BCISD by April 2015 and will be presented to the Board of Trustees on May 4, 2015 for award. On April 9, 2015, American Constructors received bids and BCISD reviewed all bids on April 15, 2015. Board of Trustees awarded construction contract on May 4, 2015 in the amount of \$358,841 for Burnet ES. Anticipated move in date for BCISD is August 4, 2015.

**Note:** Related project for Package One - RJ Richey Elementary School.

### Project Schedule

A/E Start:	
Bid Date:	April 9, 2015 @ 2pm
Construction Start:	June 1, 2015
Substantially Complete:	August 2, 2015
Complete	August 23, 2015

### Photos



Burnet Elementary School Campus Improvements



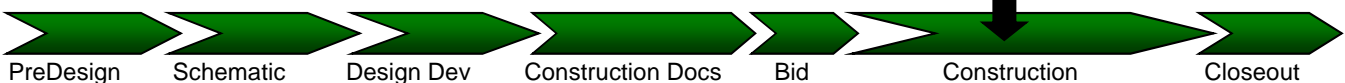
New Student Restroom Entry



Boys Restroom



Girls Restroom



**Project Information - CM@R**

**RJ Richey Elem Schl - Package One**

Project Delivery Method	CM @ Risk
A/E Firm:	Pfluger Architects
Contractor:	American Constructors
Financial Status:	
Construction Budget:	\$1,889,677.00
Contengency:	\$193,782.00
<b>Contract amount:</b>	<b>\$1,861,472.00</b>
Payments to date:	<b>367,377.35</b>
Balance:	\$1,494,094.65

**Scope of Work**

ADA upgrades, new ceilings-new HVAC-new lighting in Classroom Bldg, plumbing upgrades in RR, new HVAC Controls-Intercom-Fire Alarms through out all bldgs, ext. bldg sealer, repair/replace wdws, minor renovations on painting-carpet-VCT, roof repairs, insulation at underside of roof deck at Classrm Bldg, card readers and video surveillance, grading and drainage, rework drive/parking

**Current Status**

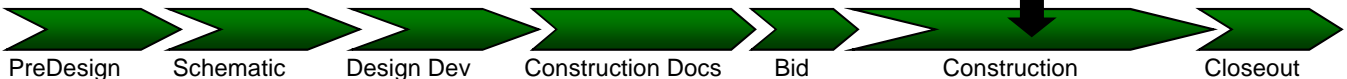
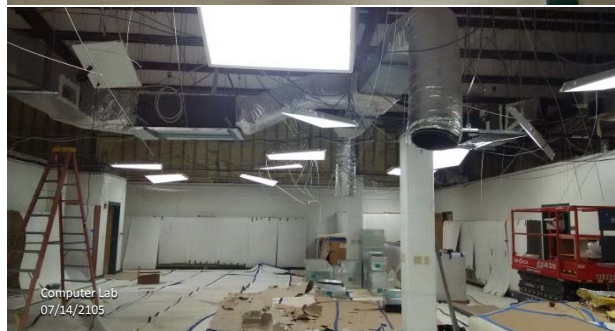
Project Architect has given the Construction Documents to the CM@R. Contractor to provide a GMP (Guaranteed Maximum Price) to BCISD by April 2015 and will be presented to the Board of Trustees on May 4, 2015 for award. On April 9, 2015, American Constructors received bids and BCISD reviewed all bids on April 15, 2015. Board of Trustees awarded construction contract on May 4, 2015 in the amount of \$1,861,472. Contractor has begun demolition of ceiling. Existing HVAC Units are being removed. Anticipated move in dates for BCISD are Aug 3 for Segment B and August 7, 2015 for Segment A.

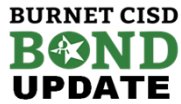
**Note:** Related project for Package One - Burnet Elem. School.

**Project Schedule**

A/E Start:	
Bid Date:	April 9, 2015 @ 2pm
Construction Start:	June 1, 2015
Substantially Complete:	August 2, 2015
Complete	August 23, 2015

**Photos**





# Burnet Consolidated Independent School District

Students First

## 2014 Bond Program

Keith McBurnett, Superintendent of Schools  
208 E. Brier  
Burnet, Texas 78611

July 20, 2015

### Project Information - CM@R

#### Burnet High School - Package Two

Project Delivery Method	CM @ Risk
A/E Firm:	Pfluger Architects
Contractor:	American Constructors
Financial Status:	
Construction Budget:	\$1,232,853.00
Contingency:	\$123,285.00
Contract amount:	
Payments to date:	0.00
Balance:	\$1,356,138.00

### Scope of Work

Upgrades to HVAC Controls, add AC to MDF room, lighting, AC to existing Ag bldg, security, retaining walls at courtyard and AG bldg, grading at Courtyard, remodel Art rooms, modesty wall at teachers lounge, new multi-purpose shop

### Current Status

A kick-off meeting was held on April 8, 2015. Consultants met with BCISD staff on April 17, 2015. Anticipated Construction Documents complete by July 15, 2015. A 95% design review was held on July 8, 2015 with BCISD Construction Project Manager and all design disciplines. Contractor was authorized by BCISD to remove a common wall between two classrooms at the art suite. A new door opening was also cut into the existing exterior wall for future work in Package 2. Anticipated move in date for BCISD is August 4, 2015.

**Note:** Related project for Package Two - Shady Grove Elementary School.

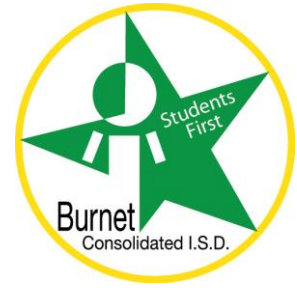
### Project Schedule

A/E Start:	April 8, 2015
Bid Date:	TBD
Construction Start:	TBD
Substantially Complete:	August 2, 2016
Complete	August 23, 2016

### Photos



**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Information**  
**Department: Transportation**



**Agenda Item #6C (Communications and Reports)**

**Report on Transportation White and Bus Fleets**

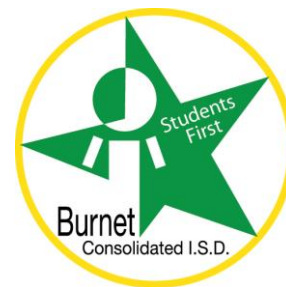
**Summary**

**A report on the white and bus fleet will be presented along with the recommended use of the current year M&O budget and bus replacement schedule utilizing bond funds.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Superintendent's Office**



**Agenda Item #7A (Consent Agenda)**

**Board Minutes**

**Recommendation**

**Discussion and Possible Action regarding approval of Board Minutes**

**Summary**

**The Board Minutes from the June 15th meeting are attached for your review and consideration.**

**Respectfully Submitted by:**

**Sharon Schwartz**  
**Administrative Assistant**

## Minutes of Regular Meeting

### The Board of Trustees BURNET CONSOLIDATED I.S.D.

---

A Regular Meeting of the Board of Trustees of BURNET CONSOLIDATED I.S.D. was held Monday, June 15, 2015, beginning at 6:30 PM in the BCISD Board Room, 208 E. Brier, Burnet, Texas 78611.

**Board Members Present:**

Andy Feild, President	Jim Luther, Jr., Vice President
Charles Williams, Secretary	Robby Robertson
Craig Barefoot	Angela Moore
Mary Ann Jones (left after officer election)	

**Board Member Absent:**

Jeff Hullum

**School Personnel Present:**

Keith McBurnett, Superintendent	Sarah Cervi, Director of Business and Finance
Adam Hermes, Technology Director	Contessa Huffman, Director of Human Resources
Shelley Reavis, Elem. Curriculum Dir.	Jim Connor, Secondary Curriculum Dir.
Mark Kincaid, Principal	Kurt Jones, Athletic Director
Mario Alaniz, Bond Project Manager	Jerry Blizzard, Maintenance and Facilities Director

**Visitors:**

James Walker	Connie Swinney
Rodney McGee	Craig Lindholm

**1. INVOCATION**

Rodney McGee, Senior Pastor of Hill Country Fellowship provided the invocation.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American and Texas flags was recited.

**3. CALL TO ORDER**

Mr. Feild called the meeting to order at 6:35 p.m. He stated that a quorum of Board members was present and that the meeting had been duly called under Texas Government Code, Section 551.

**4. ATTENDANCE (Sign In)**

Mr. Feild asked everyone to sign the visitors' sheet and to sign an open forum form if they wished to speak during this section of the agenda.

**5. OPEN FORUM**

Any interested citizen may use not more than three (3) minutes to present any subject that may affect the school district. However, if the subject is not on the agenda, no action or

discussion can or will be taken. The item may be placed on the agenda for consideration at the next regular Board meeting upon request of the Board President. A total of 30 minutes will be allotted for this portion of the agenda.

No one signed in to speak under open forum.

## 8. COMMUNICATIONS AND REPORTS

A. Recognition of Connie Swinney, News Reporter for KBEY-FM, for being named to the TASB Media Honor Roll (McBurnett)  
Superintendent Keith McBurnett recognized Connie Swinney, News Reporter for KBEY-FM, for being named to the 2015 TASB Media Honor Roll and presented her with a special framed certificate.

B. Report on SRO Status (Nelson)  
Burnet Police Chief Paul Nelson reviewed the highlights from the February-May SRO report and then the 2014-15 school year SRO Report. Chief Nelson stated that he remains proud of the success of the program and the rapport Officer Lamb has with the students.

C. Financial Reports (Cervi)  
Monthly Financial Statement, Fund Balance Report, Investment Report, Tax Collection Report, Extra-Curricular Trip Report, Check Register, Credit Card Report, Utility Reports, Attorney Invoices, and Bond Financial Report  
Sarah Cervi, Business and Finance Director, provided the highlights of the financial reports.

D. Report on Athletic Program (Jones)  
Athletic Director Kurt Jones reviewed a PowerPoint presenting information on the 2015-2016 school year athletic program. A copy of the presentation is included with the Board minutes.

## 6. SWEAR IN NEW BOARD MEMBERS

Recently elected Board members Angela Moore and Robby Robertson recited the Statement of Elected Official and took the Oath of Office. Jeff Hullum was not in attendance.

## 7. ELECT BOARD OFFICERS (Board discussion could be held in Executive Session Under Texas Government Code, Section 551.074)

Motion by Robby Robertson, seconded by Jim Luther, Jr., nominating Andy Feild as Board President. There were no other nominations. MC/u.

Motion by Robby Robertson, seconded by Charles Williams, nominating Jim Luther, Jr. as Board Vice-President. There were no other nominations. MC/u.

Motion by Craig Barefoot, nominating Charles Williams as Board Secretary. There were no other nominations. MC/u.

## 8. COMMUNICATIONS AND REPORTS

E. Report on 2014 Bond Program (Alaniz)  
Bond Construction Manager Mario Alaniz provided an update on the Bond program projects. A copy of the PowerPoint presentation and the handouts that were provided are included with the Board minutes.

F. Report on Preliminary Assessment Scores and Evaluation of Accelerated Instruction

Services (Reavis)

Elementary Curriculum Director Shelley Reavis and Secondary Curriculum Director Jim Connor reviewed a PowerPoint presentation which provided in-depth information on the 2015 preliminary STAAR assessment scores and evaluation of accelerated instruction service.

G. Report on HB 5 Student and Community Engagement (Reavis)

Mrs. Reavis provided an overview of the HB 5 Student and Community Engagement Report for BCISD campuses.

9. CONSENT AGENDA

Information on these items has been sent to the Board of Trustees for review prior to the meeting. Any Board member may pull any item from the Consent Agenda (without a second) for deliberation prior to consideration. Any item pulled will be considered with the action items on the agenda.

Motion by Craig Barefoot, seconded by Angela Moore, to approve items A & B on the Consent Agenda. MC/u.

A. Board Minutes

B. Purchases in Excess of \$25,000.00

10. BUSINESS ITEMS

A. Discussion and Possible Action regarding approval of Resolution to adopt ESC-20 Benefits Cooperative Shared Service Arrangement Interlocal Agreement for the 2015/2016 school year (Huffman)

Motion by Robby Robertson, seconded by Charles Williams, to approve the Resolution to adopt ESC-20 Benefits Cooperative Shared Service Arrangement Interlocal Agreement for the 2015/2016 school year. MC/u.

B. Discussion and Possible Action regarding the Approval of 2015-2016 Salary Schedules and Equity Adjustments and Midpoint General Pay Increases for all eligible staff paid within approved pay ranges – 2% for Teachers, Librarians, & Nurses (RN); 2% for Administrative/Professional; 2% for Clerical/Paraprofessional; and 2.5% for Auxiliary

Motion by Craig Barefoot, seconded by Charles Williams, to approve 2015-2016 Salary Schedules and Equity Adjustments and Midpoint General Pay Increases for all eligible staff paid within approved pay ranges – 2% for Teachers, Librarians, & Nurses (RN); 2% for Administrative/Professional; 2% for Clerical/Paraprofessional; and 2.5% for Auxiliary personnel. MC/u.

C. Discussion and Possible Action regarding Approval of Textbook Recommendations (Reavis)

Motion by Jim Luther, Jr., seconded by Craig Barefoot, to approve the textbook recommendations as presented. MC/u.

D. Discussion and Possible Action regarding Approval of Selection of Contractor and Award of Contract for the Stadium Paving Repairs (Alaniz)

Motion by Craig Barefoot, seconded by Angela Moore, to award the stadium paving repair project to Smith Paving, Inc. in the amount of \$208,700.00. MC/u.

E. Personnel (Huffman)

Board discussion could be held in Executive Session Under Texas Government Code, Section 551.074

1. Employment of Professional Personnel

Mrs. Huffman stated that an updated personnel action sheet had been placed at each Board member’s place. Motion by Jim Luther, Jr., seconded by Angela Moore, to approve the hiring of professional personnel: Winette Hillger, Ginger Kassell, Devlon Goodman, and Mike Erickson.

2. Report on professional staff resignations and transfers and at-will staff hirings, resignations, and transfers.

Mrs. Huffman reported on the professional transfers and resignations. The at-will staff transfer and resignations are included in the personnel report.

3. Superintendent's Formative Evaluation

At 8:45, Mr. Feild stated that the Board would go into Executive Session under Texas Government Code, Section 551.074.

Mr. Feild reconvened the Board into Open Session at 9:59 p.m.

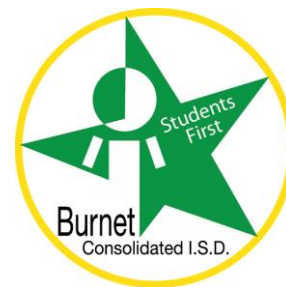
The meeting was adjourned at 10:00 p.m.

DATE APPROVED: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #7B (Consent Agenda)**

**Purchases in excess of \$25,000.**

**Recommendation**

**Approval of purchases in excess of \$25,000 is recommended.**

**Summary**

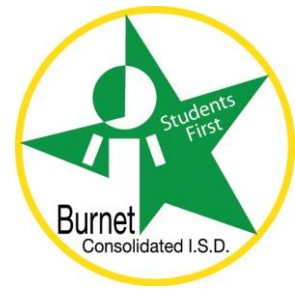
**According to Policy CH (Local), any purchase that costs or aggregates to a cost of \$25,000 or greater shall require Board approval. The following purchases are presented for approval:**

<b>Requested by</b>	<b>Vendor</b>	<b>Description</b>	<b>Budget Source</b>	<b>Amount</b>
<b>Business Office</b>	<b>City of Burnet Utilities</b>	<b>June 2015 Utilities</b>	<b>General Fund</b>	<b>\$71,255.48</b>
<b>Business Office</b>	<b>The Brokerage Store, Inc.</b>	<b>Student accident insurance</b>	<b>General Fund</b>	<b>\$29,218.00</b>
<b>Curriculum</b>	<b>Springboard</b>	<b>BHS &amp; BMS ELA Curriculum</b>	<b>Fickett Foundation Grant</b>	<b>\$25,924.25</b>

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8A (Business Items)**

**Discussion and Possible Action regarding Approval of Board Resolution Approving Conveyance of Real Property without Warranty to the Bethel Community Cemetery Association.**

**Recommendation**

**Approval of resolution is recommended.**

**Summary**

**In 1874, two tracts of land were deeded to what is now Burnet Consolidated ISD. Both tracts are located around 700 County Road 202 in Burnet County upon which property the Bethel Cemetery is located and maintained. This property is not necessary to meet the current and foreseeable needs of the District for educational purposes. Therefore, the administration recommends conveyance of this property without warranty to the Bethel Cemetery Association at no cost.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**THE BOARD OF TRUSTEES OF BURNET CONSOLIDATED INDEPENDENT  
SCHOOL DISTRICT**

**RESOLUTION AUTHORIZING CONVEYANCE OF REAL PROPERTY**

WHEREAS, the Board of Trustees of the Burnet Consolidated Independent School District (“District”) has determined that the real property described below (“Property”) is not necessary to meet the current and foreseeable needs of the District for educational purposes:

The surface only and any improvements thereto described in two tracts as follows:

Being that certain 3 acre tract, more or less, out of the Frederick Tell Survey No. 868, being the same property described in deed from A. R. Johnson and T. E. Hammond to Thomas Glimp, J G W Howard, Trustees, dated July 11, 1874, recorded in Book I, Page 320, Deed Records of Burnet County, Texas; and

Being that certain 3 acre tract, more or less, out of the Frederick Tell Survey No. 868, being the same property described in deed from A. R. Johnson and T. E. Hammond to Thomas Glimp, C H Hahn, and J Howard, Trustees, dated December 10, 1874, recorded in Book I, Page 456, Deed Records of Burnet County, Texas;

both such tracts are located on or around 700 County Road 202, Burnet, Burnet County, Texas, upon which property the Bethel Community Cemetery is located and maintained.

WHEREAS, the Property conveyed to the Trustees (impliedly Trustees of the Bethel Common School District) in the above referenced deeds was conveyed with the restriction that the Trustees shall immediately proceed to erect or cause to be erected a good and substantial school house upon or near the premises, and that such school house shall be used only for educational or religious purposes;

WHEREAS, there are no school facilities, or other facilities, located upon the Property;

WHEREAS, the Bethel Common School District was consolidated with the Burnet Independent School District on or around 1946;

WHEREAS, the Property, according to a survey prepared by Willis-Sherman Associates, Inc. dated June 18, 2009, indicates the location of the two tracts is on County Road 202 in the same vicinity as the Bethel Community Cemetery (such survey is attached hereto as Exhibit A);

WHEREAS, the Burnet County Tax Appraisal District online map also shows the District as owning a 3 acre tract of land out of the Frederick Tell Survey, Abstract 876 on or around the location of 700 County Road 202, in Burnet County, Texas (see map attached hereto as Exhibit B);

WHEREAS, according to various historical records, the first recorded burial at this site was in 1875. Since that time, the site has been used as the Bethel Community Cemetery, and several veterans of the Civil War to World War II, as well as many of the area's early settlers and their descendants are buried at this site;

WHEREAS, the Bethel Community Cemetery Association, Burnet County, Inc., an active non-profit corporation authorized to transact business in the State of Texas, has been providing caretaking services to the Bethel Community Cemetery since 1934;

WHEREAS, pursuant to Section 711.035 of the Texas Health and Safety Code, property that has been dedicated as a cemetery cannot be used for any other purpose, unless the dedication is removed by a district court, or the cemetery is enjoined or abated as a nuisance;

WHEREAS, the Bethel Community Cemetery has not been abated as a nuisance, or otherwise been declared abandoned or otherwise enjoined by a District Court, and has meaningful, historical significance to the Burnet community and to the families of the departed who are buried at the site;

WHEREAS, the Board has determined that the Property, as described in the two deeds referenced above, and as depicted on the survey plat attached hereto, is currently being used as a dedicated cemetery, and therefore has no marketable value for any other use than its current purpose as a dedicated cemetery, nor is there any potential property tax benefit that the District would receive by conveyance of this property to a third party;

WHEREAS, the Bethel Community Cemetery Association, Burnet County, Inc. has indicated to the Board of Trustees that it would like to own the property and continue maintaining the cemetery in accordance with Texas Health and Safety Code, and other applicable laws and ordinances;

WHEREAS, the Board of Trustees has determined that the Property should be conveyed to the Bethel Community Cemetery Association, Burnet County, Inc. by a deed without warranties, with the stated reservation by the District of any and all oil, gas, and mineral interests as may be owned by the District.

**NOW THEREFORE BE IT**

**RESOLVED** that the findings and recitals in the preamble of this Resolution are hereby found to be true and correct and are hereby approved and adopted.

**RESOLVED**, that the Board of Trustees authorizes the President of the Board of Trustees to execute a deed without warranties to the Bethel Community Cemetery Association, Burnet County, Inc., siting a reservation of all oil, gas and minerals owned by the District, if any;

**RESOLVED**, that it is hereby found, determined and declared that sufficient written

notice of the date, time, place and subject of the meeting of the Board of Trustees of the Burnet Consolidated Independent School District at which this Resolution was adopted was posted at a place convenient and readily accessible at all times to the general public for the time required by law preceding this meeting, as required by chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Trustees further ratifies, approves and confirms such written notice and posting thereof.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Andy Feild, President, Board of Trustees

ATTEST:

\_\_\_\_\_  
Charles Williams, Secretary, Board of Trustees

**CERTIFICATE FOR RESOLUTION**

I hereby certify that the foregoing Resolution was presented to the Board of Trustees of the Burnet Independent School District during a meeting on \_\_\_\_\_, 2015. A quorum of the Board of Trustees being then present, it was then duly moved and seconded that the Resolution be adopted, and such Resolution was then adopted according to the following vote:

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_

To certify which, witness my hand and the official seal of the District this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Andy Feild,  
President of the Board of Trustees

THE STATE OF TEXAS  
COUNTY OF BURNET

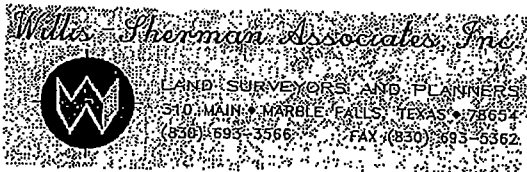
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ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this day personally appeared Andy Feild, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the President of the Board of Trustees of the Burnet Independent School District; that he was authorized to execute such instrument pursuant to Resolution of the Board of Trustees adopted on \_\_\_\_\_, 2015; and that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes expressed therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public, State of Texas



TRACT 1

STATE OF TEXAS:  
COUNTY OF BURNET:

Field notes to accompany a Survey Plat of Tract 1, 2.99 acres being the same called 3.0 acres out of the Frederick Tell Survey No. 868, Abstract No. 868, Abstract No. 876 conveyed to School Trustees recorded in Book I, Page 320 of the Burnet County Deed Records. The basis of bearing for this survey is the Texas Lambert Grid, Central Zone, NAD 83. Distances shown are grid distances. Surface distances can be obtained using a surface adjustment factor of 1.00012. ( ) denotes record information.

Beginning at a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Southeast corner of this Tract 1 in the West line of 93.98 acres conveyed to Judy Kate Field Westphal recorded in Volume 550, Page 251 of the Official Public Records of Burnet County, Texas (O.P.R.B.C.T.) and the Northeast corner of 3.0 acres conveyed to School Trustees recorded in Book I, Page 456 of the Burnet County Deed Records (B.C.D.R.).

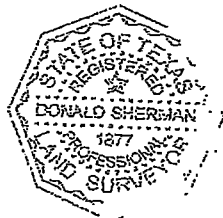
Thence along the South line of this Tract 1 and the North line of said 3.0 acres recorded in Volume I, Page 456 B.C.D.R. S68°20'15"W; 361.07' (S71°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Southwest corner hereof and the Northwest corner of said 3.0 acres recorded in Volume I, Page 456 B.C.D.R.;

Thence along the West line of this Tract 1 and the East line of 158.00 acres conveyed to Carolyn Word by Will recorded in Probate #7221 deed reference Volume 92, Page 348 of the Burnet County Deed Records N21°39'45"W, 361.07' (N19°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northwest corner hereof in the South line of said 93.98 acres from which a 3 inch metal fence post being the most Westerly Southwest corner of said 93.98 acres bears S68°20'15"W 42.49';

Thence along the North line of this Tract 1 and the South line of said 93.98 acres N68°20'15"E, 361.07' (N71°00'00"E, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northeast corner hereof and an ell corner of said 93.98 acres;

Thence along the East line of this Tract 1 and the West line of said 98.93 acres S21°39'45"E, 361.07' (S19°00'00"E, 361.11') to the Place of Beginning.

EXHIBIT "A" PAGE 1 OF 3



I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF BETHEL CEMETERY ASSOCIATION.

*Donald Sherman*

DATE 6/16/09

DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 12718  
JOB NO. 12718 OFFICE D.WILLIS FIELD J.MARTINKA



TRACT 2

STATE OF TEXAS:  
 COUNTY OF BURNET:

Field notes to accompany a Survey Plat of Tract 2, 2.99 acres being the same called 3.0 acres out of the Frederick Tell Survey No. 868, Abstract No. 876 conveyed to School Trustees recorded in Book I, Page 456 of the Burnet County Deed Records. The basis of bearing for this survey is the Texas Lambert Grid, Central Zone, NAD 83. Distances shown are grid distances. Surface distances can be obtained using a surface adjustment factor of 1.00012. Q denotes record information.

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Thence along the East line of this Tract 2, the West line of said 93.98 acres then within the fenced right of way of Burnet County Road No. 202 S21°39'45"E, 361.07' (S19°00'00"E, 361.11') to a mag nail set in pavement with washer stamped 1877 being the Southeast corner hereof in the fenced right of way of said County Road and the Northeast corner of 158.00 acres conveyed to Carolyn Word by Will recorded in Probate #7221 deed reference Volume 92, Page 348 of the Burnet County Deed Records;

Thence along the South line of this Tract 2 and the North line of said 158.00 acres S68°20'15"W, passing a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 in the West fence of said County Road at 13.71' and, in all 361.07' (S71°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Southwest corner hereof being an ell corner of said 158.00 acres;

Thence along the West line of this Tract 2 and the East line of said 158.00 acres N21°39'45"W, 361.07' (N19°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northwest corner hereof and the Southwest corner of said 3.0 acres recorded in Volume I, Page 320 B.C.D.R.;

Thence along the North line of this Tract 2 and the South line of said 3.0 acres recorded in Volume I, Page 320 B.C.D.R. N68°20'15"E, 361.07' (N71°00'00"E, 361.11') to the Place of Beginning.

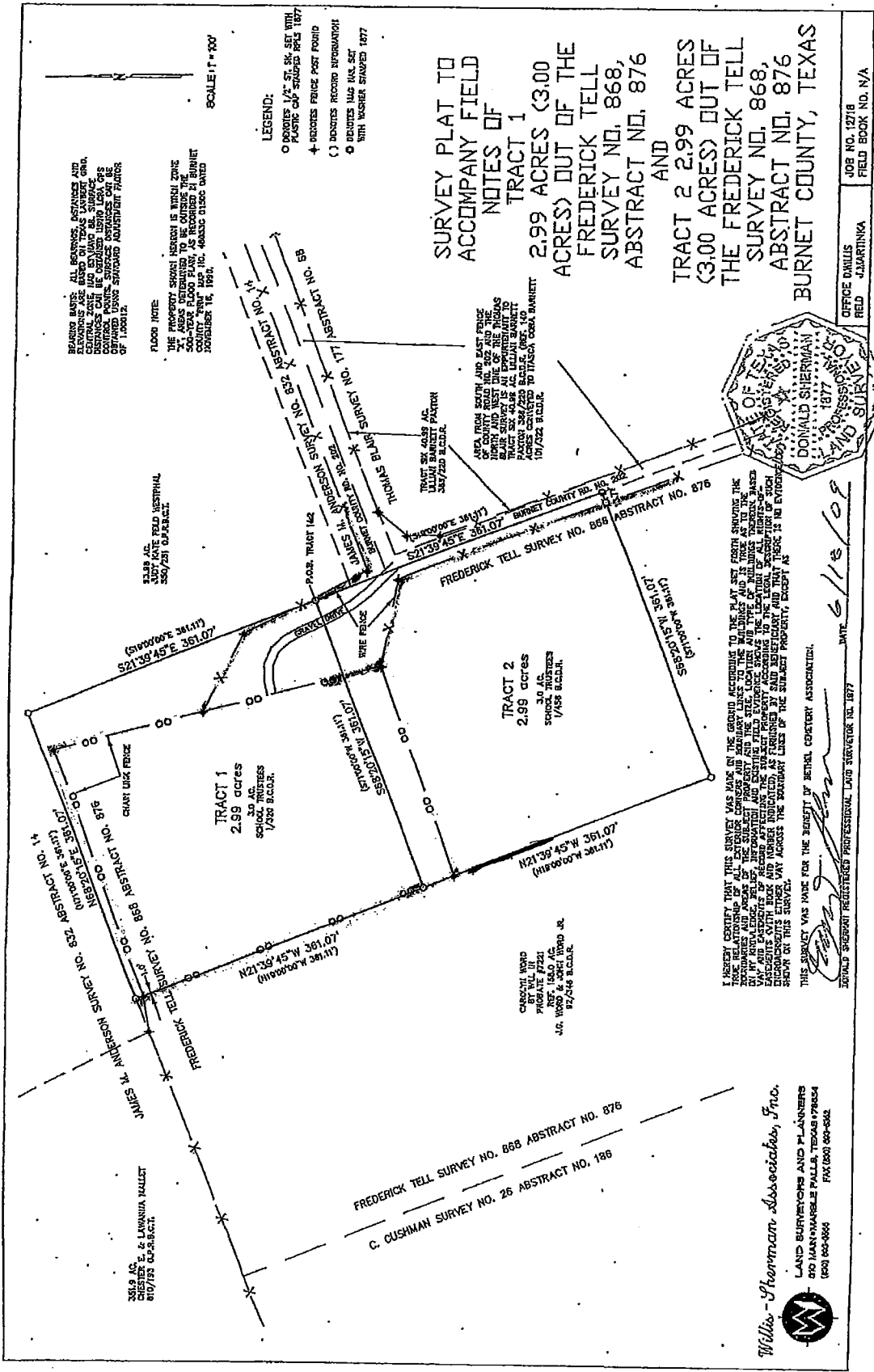
EXHIBIT "A" PAGE 2 OF 3



I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF BETHEL CEMETERY ASSOCIATION.

*Donald Sherman*  
 DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877  
 JOB NO. 12718 OFFICE D.WILLIS FIELD J.MARTINKA  
 DATE 6/18/09



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DEED WITHOUT WARRANTY

**Date:** \_\_\_\_\_, 2015

**Grantor:** BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

**Grantor's Mailing Address (including County):** 208 E. Brier Lane  
Burnet, Texas 78611

**Grantee:** BETHEL COMMUNITY CEMETERY ASSOCIATION, BURNET COUNTY, INC., a Texas non-profit corporation

**Grantee's Mailing Address (including County):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ County

**Consideration:** TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

**Property (including improvements):** Being all that certain property described by metes and bounds attached hereto as Exhibit A.

**Reservations from Conveyance:** For Grantor and Grantor's successors and assigns forever, a reservation of all oil, gas and other minerals in and under and that may be produced from the Property. Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor and any and all rights to disturb the surface of the Property in any manner in connection with development, exploration and/or exploitation of the portion of the mineral estate owned by Grantor.

**Exceptions to Conveyance and Warranty:** Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters arising from and existing by reason of any Burnet County water or utility district; and taxes for 2015, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

The property described herein is sold in its present “as is” condition. Grantor makes no warranties or representations, expressed or implied, as to the quality, quantity, or condition of the property or the improvements situated upon the property. Grantee herein, in accepting this Deed, acknowledges that it has inspected the property, is fully cognizant of the property's condition, and accepts it in its “as is” condition. Grantee acknowledges that there is no obligation of any kind upon Grantor to make any repairs to, restoration of, or maintenance of the property or the improvements.

Grantor, for the consideration and subject to the reservations from conveyance and exceptions to conveyance and warranty, grants, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, their heirs, beneficiaries, successors and assigns forever. This conveyance is expressly made without warranty of title, either express or implied.

When the context requires, singular nouns and pronouns include the plural.

BOARD OF TRUSTEES OF THE BURNET  
CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_  
Andy Feild, President  
Board of Trustees

THE STATE OF TEXAS  
COUNTY OF BURNET

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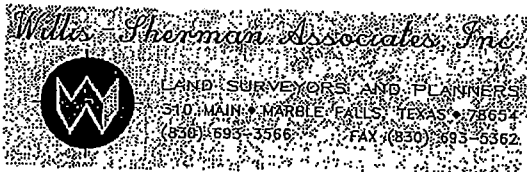
ACKNOWLEDGMENT

BEFORE ME, a Notary Public, on this day personally appeared Andy Feild, known to me to be the person whose name is subscribed to the foregoing instrument, and having been sworn, upon his oath stated that he is the President of the Board of Trustees of the Burnet Consolidated Independent School District; that he was authorized to execute such instrument pursuant to resolution of the Board of Trustees adopted on \_\_\_\_\_, 2015; and acknowledged that said instrument is executed as the free and voluntary act and deed of such governmental unit for the purposes and consideration expressed therein.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

Return to Grantee's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



TRACT 1

STATE OF TEXAS:  
COUNTY OF BURNET:

Field notes to accompany a Survey Plat of Tract 1, 2.99 acres being the same called 3.0 acres out of the Frederick Tell Survey No. 868, Abstract No. 868, Abstract No. 876 conveyed to School Trustees recorded in Book I, Page 320 of the Burnet County Deed Records. The basis of bearing for this survey is the Texas Lambert Grid, Central Zone, NAD 83. Distances shown are grid distances. Surface distances can be obtained using a surface adjustment factor of 1.00012. ( ) denotes record information.

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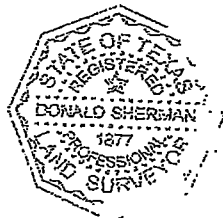
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Thence along the West line of this Tract 1 and the East line of 158.00 acres conveyed to Carolyn Word by Will recorded in Probate #7221 deed reference Volume 92, Page 348 of the Burnet County Deed Records N21°39'45"W, 361.07' (N19°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northwest corner hereof in the South line of said 93.98 acres from which a 3 inch metal fence post being the most Westerly Southwest corner of said 93.98 acres bears S68°20'15"W 42.49';

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EXHIBIT "A" PAGE 1 OF 3



I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF BETHEL CEMETERY ASSOCIATION.

*Donald Sherman*

DATE 6/16/09

DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877  
JOB NO. 12718 OFFICE D.WILLIS FIELD J.MARTINKA



TRACT 2

STATE OF TEXAS:  
COUNTY OF BURNET:

Field notes to accompany a Survey Plat of Tract 2, 2.99 acres being the same called 3.0 acres out of the Frederick Tell Survey No. 868, Abstract No. 876 conveyed to School Trustees recorded in Book I, Page 456 of the Burnet County Deed Records. The basis of bearing for this survey is the Texas Lambert Grid, Central Zone, NAD 83. Distances shown are grid distances. Surface distances can be obtained using a surface adjustment factor of 1.00012. Q denotes record information.

Beginning at a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northeast corner of this Tract 2 in the West line of 93.98 acres conveyed to Judy Kate Field Westphal recorded in Volume 550, Page 251 of the Official Public Records of Burnet County, Texas (O.P.R.B.C.T.) and the Southeast corner of 3.0 acres conveyed to School Trustees recorded in Book I, Page 320 of the Burnet County Deed Records (B.C.D.R.).

Thence along the East line of this Tract 2, the West line of said 93.98 acres then within the fenced right of way of Burnet County Road No. 202 S21°39'45"E, 361.07' (S19°00'00"E, 361.11') to a mag nail set in pavement with washer stamped 1877 being the Southeast corner hereof in the fenced right of way of said County Road and the Northeast corner of 158.00 acres conveyed to Carolyn Word by Will recorded in Probate #7221 deed reference Volume 92, Page 348 of the Burnet County Deed Records;

Thence along the South line of this Tract 2 and the North line of said 158.00 acres S68°20'15"W, passing a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 in the West fence of said County Road at 13.71' and, in all 361.07' (S71°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Southwest corner hereof being an ell corner of said 158.00 acres;

Thence along the West line of this Tract 2 and the East line of said 158.00 acres N21°39'45"W, 361.07' (N19°00'00"W, 361.11') to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northwest corner hereof and the Southwest corner of said 3.0 acres recorded in Volume I, Page 320 B.C.D.R.;


Thence along the North line of this Tract 2 and the South line of said 3.0 acres recorded in Volume I, Page 320 B.C.D.R. N68°20'15"E, 361.07' (N71°00'00"E, 361.11') to the Place of Beginning.

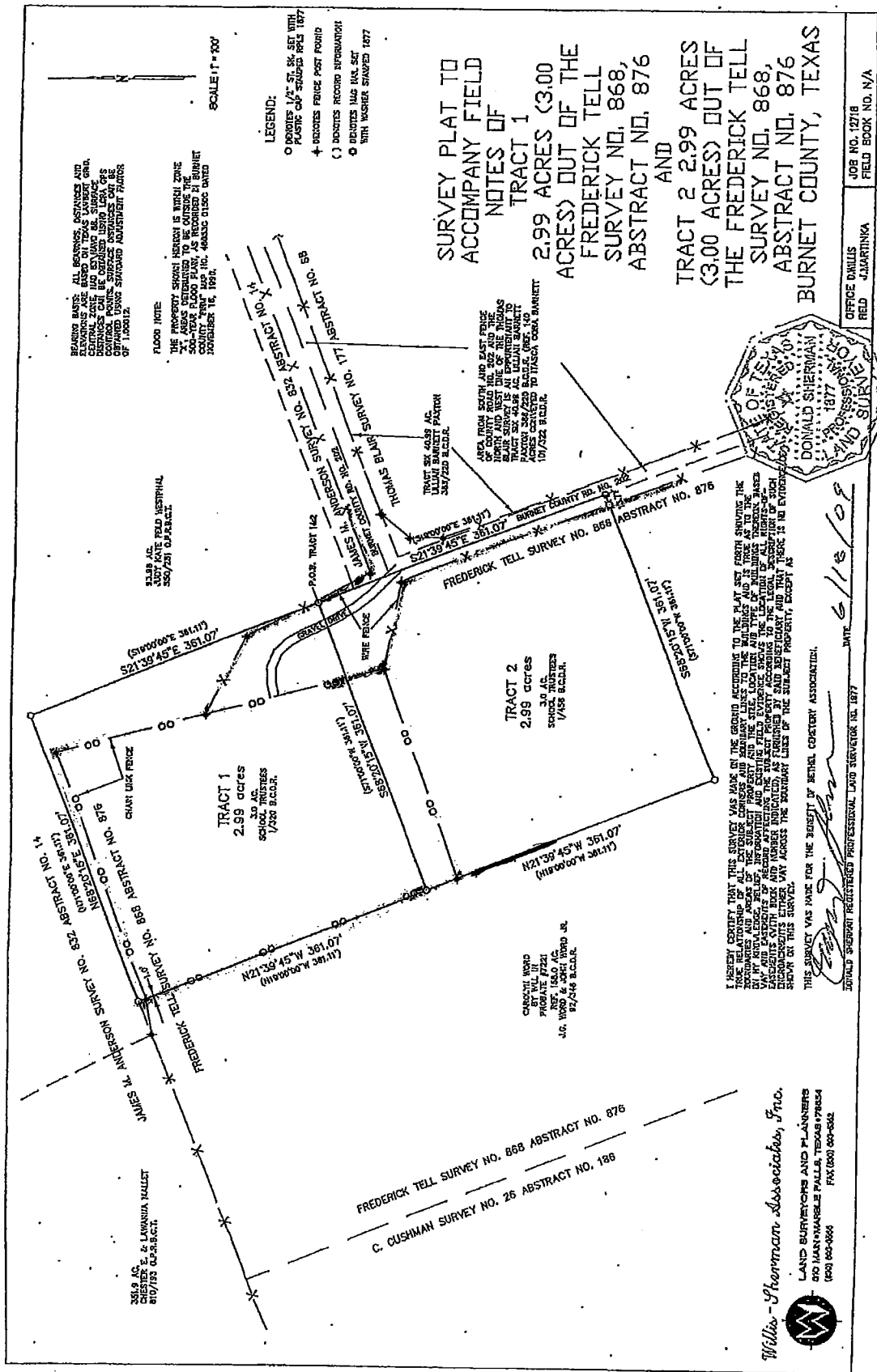
EXHIBIT "A" PAGE 2 OF 3



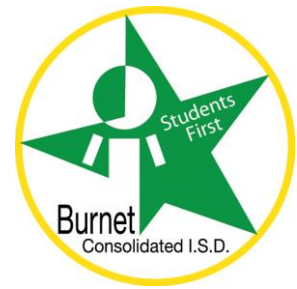
I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF BETHEL CEMETERY ASSOCIATION.

  
DATE 6/18/09  
DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877  
JOB NO. 12718 OFFICE D.WILLIS FIELD J.MARTINKA



**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8B (Business Items)**

**Discussion and Possible Action regarding approval of the sale of property acquired by the Burnet Central Appraisal District.**

**Recommendation**

**Approval of the resolution is recommended**

**Summary**

**Lots 1, 2, 3 & 4, Block 37 and Lot 3, Block 38, Vanderveer/Alexander Addition, City of Burnet, Burnet County, Texas, was foreclosed on due to delinquent taxes. The Burnet County Central Appraisal District put this land up for sale and did not receive a sufficient bid, so it was assigned to the Burnet Central Appraisal District, Trustee, pursuant to the Assignment of Tax Sale Trusteeship.**

**The Burnet Economic Development Corporation has come forward with a bid for \$2,000 to purchase the property. The property will be used for the MyTown Housing Program which is an initiative of multiple programs to encourage job creation through residential development.**

**Since the bid is less than the taxes due, the Board of Trustees of BCISD must approve the sale. If approved, Burnet CISD will receive \$1,154 of the \$2,000.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**RESOLUTION PROVIDING FOR THE SALE  
OF PROPERTY ACQUIRED BY THE BURNET CENTRAL APPRAISAL DISTRICT  
AT DELINQUENT TAX SALE**

**WHEREAS**, Lots 1, 2, 3 & 4, Block 37 and Lot 3, Block 38, Vanderveer/Alexander Addition, City of Burnet, Burnet County, Texas, being that property more particularly described in Volume 1227, Page 638 of the Deed Records of Burnet County, Texas was offered for sale by the Sheriff at Burnet County, Texas at public auction pursuant to judgments of foreclosure for delinquent taxes by the District Court; and

**WHEREAS**, no sufficient bid was received and the property was struck off to the Burnet Central Appraisal District or Lake LBJ Municipal Utility District, Trustee, and thereafter assigned to the Burnet Central Appraisal District, Trustee, pursuant to the "ASSIGNMENT OF TAX SALE TRUSTEESHIP" from the Lake LBJ Municipal Utility District to the Burnet Central Appraisal District of record in the Official Public Records of Burnet County, Texas File No. 011690 in Volume 1277, Page 264, pursuant to TEX.PROP.TAX CODE Section 34.01(c); and

**WHEREAS**, TEX.PROP.TAX CODE Section 34.05(a) provides that we may accept a sufficient bid. A bid of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) has been made by BURNET ECONOMIC DEVELOPMENT CORPORATION, said bid being less than the taxes due, and

**THEREFORE, BE IT HEREBY RESOLVED** by the Board of Trustees of the Burnet Consolidated Independent School District, that the President of the Board of Trustees of the Burnet Consolidated Independent School District is hereby authorized to convey Lots 1, 2, 3 & 4, Block 37 and Lot 3, Block 38, Vanderveer/Alexander Addition, City of Burnet, Burnet County, Texas to BURNET ECONOMIC DEVELOPMENT CORPORATION, for the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) payable to the Chief Appraiser of Burnet Central Appraisal District for distribution as provided by law.

**PASSED, APPROVED AND ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
C. Andy Feild  
President, Board of Trustees  
BURNET CONSOLIDATED INDEPENDENT SCHOOL  
DISTRICT

**MCCREARY, VESELKA, BRAGG & ALLEN, P.C.**  
**ATTORNEYS AT LAW**  
 223 South Pierce  
 Burnet, Texas 78611  
 (512) 756-8291

July 2, 2015

Mr. Stan Hemphill, Chief Appraiser  
 Burnet Central Appraisal District  
 P.O. Box 908  
 Burnet, TX 78611

RE: Distribution of Funds: Cause No. 36,261; Burnet Central Appraisal District vs. Joseph Murray et al; Lots 1, 2, 3 & 4, Block 37 and Lot 3, Block 38, Vanderveer/Alexander Addition, City of Burnet, Burnet County, Texas Account Number 71146 (2014 Assessed Value = \$108,338)

Dear Mr. Hemphill:

A bid of \$2,000.00 has been made by Burnet Economic Development Corporation to purchase the property, the subject of the above-referenced suit. The money should be disbursed as follows:

CAUSE NO. 36,261

FEES:	AMOUNT:	TO WHOM:
Deed Recording Fee:	\$ 28.00	Burnet Co. Clerk
Due to Burnet Central Appraisal District		
Burnet County	\$ 288.52	Burnet CAD
Burnet County Special	\$ 27.41	
Water Conservation District	\$ 9.29	
City of Burnet	\$ 492.78	
Burnet CISD	<u>\$ 1,154.00</u>	
<b>TOTAL MONIES DISBURSED</b>	<b>\$ 2,000.00</b>	

Please contact me if you have any questions or need further information.  
 Sincerely,

Darby Howell  
 Legal Assistant

DH/jb

**RECEIVED**

JUL 01 2015

**CHIEF APPRAISER**  
Burnet Central Appr. Dist.

**Bid for Property Held in Trust**  
(return to BCAD, PO Box 908, Burnet, TX 78611)  
(512) 756-8291

**Name (as it should appear on deed):**

Burnet Economic Development Corporation

**Address (mailing address):**

PO Box 1369

Burnet, Texas 78611

**Phone number:** 512-715-3217

**Property Account number:** 71146

**Property Description:**

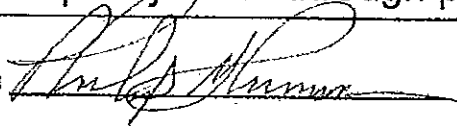
S8450 Vanderveer/Alexander Lot 1,2,3,4 Block 37 & Lot 3 Block 38

**Bid Amount:** \$ 2,000

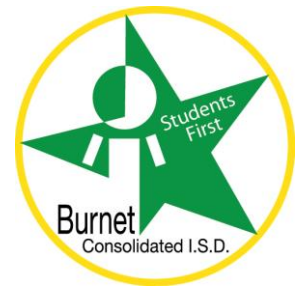
**Other information for entities to consider (optional):**

This property would be used for the MyTown Housing program  
which is an initiative that encompasses multiple programs to  
encourage job creation through residential development and  
improve quality of life through property beautification.

**Signature:**



**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Superintendent's Office**



**Agenda Item #8C (Business Items)**

**Possible approval of an interlocal agreement with the City of Burnet to provide a School Resource Officer.**

**Recommendation**

**Discussion and Possible Action regarding the approval of an interlocal agreement with the City of Burnet to provide a School Resource Officer.**

**Summary**

**After a second successful year, the administration wishes to continue to have a School Resource Officer (SRO) in the District for the 2015-2016 school year. The administration has worked with Police Chief Paul Nelson and City Manager David Vaughn to develop the interlocal agreement. The officer would primarily be assigned at the high school and middle school, but would also have a presence at Quest and the City of Burnet elementary campuses. Bertram elementary will be provided additional police presence under a separate agreement with the Bertram Police Department.**

**The District will pay for nine months of the cost of the officer which is \$60,760.24. This is approximately \$805.93 more than last year. The reason for the increase is the BCISD portion of a pay raise for Officer Lamb. The cost of the SRO is included in the BCISD 2015-2016 budget proposal.**

**The interlocal agreement has been approved by the Burnet City Council. A copy of the interlocal agreement has been attached for your review.**

**Respectfully Submitted by:**

**Keith McBurnett**  
**Superintendent of Schools**

## INTERLOCAL AGREEMENT

### BETWEEN BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF BURNET

This Agreement is made this \_\_\_\_ day of July, 2015, between the Burnet Consolidated Independent School District ("District") and the City of Burnet ("City").

Pursuant to the authority granted by the "Texas Interlocal Cooperation Act", Chapter 791 Texas Government code providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Section 791 of the Texas Government Code; and,

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental function hereunder shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this agreement; furthermore, the governing bodies find that the performance of this contract is in the common interest of both parties; and that the division of cost fairly compensates the performing party.

#### **WITNESSETH:**

*NOW THEREFORE*, in consideration of the foregoing premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. City will provide a Burnet Police Department (BPD) police officer to the District to serve as a School Resource Officer (SRO) on campuses located within the City of Burnet, in accordance with Exhibit "A" and under the policies and procedures of the City and the District as amended from time to time.
2. The Term of this Agreement is from August 25, 2015 through May 27, 2016 (Term).
3. District shall pay to City the amount of Sixty Thousand Seven Hundred Sixty Dollars and 24/100's (\$60,760.24) for Compensation Reimbursement of all salaries, benefits, training, and vehicle expenses of said officer during the Term

of this agreement, payable in nine equal installments of Six Thousand Seven Hundred Fifty One dollars and 14/100's (\$6,751.14) payable by the last day of each month, beginning in September 2015.

4. City and District agree that City in performing this Agreement shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. District, acting through its designated administrator, will have the right to allocate the officer's time amongst District's various facilities as it sees fit, however City will control assignment of specific officers to those positions and will maintain supervisory control over all officers in the performance of their duties as peace officers. SRO's shall not work more than forty (40) hours per week without prior authorization by the City.
5. District agrees that its Board of Trustees will, pursuant to Section 37.081 of the Texas Education Code, designate officers of BPD as District peace officers. The Parties further recognize that the officers shall remain City employees, and shall wear the uniform and equipment of the BPD.
6. The City reserves the right to temporarily reassign the SRO, when, in the sole judgment of the City, their services are required in response to a citywide or major emergency.
7. In the event of an extended period of leave, or time-off, by the SRO during the school year, the City and the District shall cooperate in good faith to provide a temporary replacement SRO, as BPD staffing levels allow.
8. Nothing herein shall be deemed in any manner to constitute a waiver of sovereign, governmental, or any other immunity or affirmative defense that may be asserted by District or City, nor shall this Agreement be in any manner construed to create a cause of action for the benefit of any person not a party to this Agreement, or to create any rights for the benefit of any person not a party to this Agreement not otherwise existing at law.
9. No assignment by a party hereto of any rights under or interests in this Agreement will be binding on another party hereto without the written consent of the other party.
10. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, however if any provision of this Agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without

invalidating the remainder of such provision or the remaining provisions of this Agreement.

11. Formal notices, demands, and communications between Parties shall be sufficiently given if dispatched by registered or certified mail, postage prepaid, to the principal offices of the Parties and addressed to:

City of Burnet  
Attn: City Manager  
P.O. Box 1369  
Burnet, Texas 78611

BCISD  
Attn: Superintendent  
208 E. Brier  
Burnet, Texas 78611

12. This Agreement may be terminated for convenience at any time by either party upon sixty (60) days written notice, at which time all parties shall be relieved of their obligations under this Agreement.
13. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
14. This Agreement and all obligations created hereunder shall be performable in Burnet County, Texas.

In witness whereof, the parties have hereunto set their hands and signatures on the date first above mentioned.

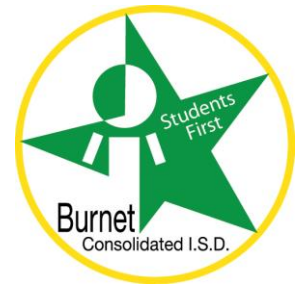
Burnet Consolidated Independent School District,

By: \_\_\_\_\_  
Keith McBurnett, Superintendent

City of Burnet,  
A Texas Municipal Corporation

By: \_\_\_\_\_  
David Vaughn, City Manager

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Human Resources**



**Agenda Item # 8D (Business Items)**

**Discussion and Possible Action regarding adoption of TASB Policy Update 102**

**Recommendation**

**Adoption of TASB Policy Update 102**

**Summary**

**All local policies included in Update 102 have been reviewed by administration in conjunction with a discussion regarding the District's current practices.**

**Update 102 addresses several recent changes in state and federal law, including amendments to the Texas Administrative Code on special education services, community and student engagement, and community-based fine arts programs. The update also encompasses a review of the legal and local policies addressing bonds and investments, as well as a reorganization of the DEA series of policies addressing compensation to focus the series on the primary component—the board-adopted compensation plan.**

**The local policies found in Update 102 for review are as follows:**

- CDA(LOCAL): OTHER REVENUES - INVESTMENTS**
- DBB(LOCAL): EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES**
- DEA(LOCAL): COMPENSATION AND BENEFITS - COMPENSATION PLAN**
- DEAA(LOCAL): COMPENSATION PLAN - INCENTIVES AND STIPENDS**
- DEAB(LOCAL): COMPENSATION PLAN - WAGE AND HOUR LAWS**
- DEE(LOCAL): COMPENSATION AND BENEFITS - EXPENSE REIMBURSEMENT**
- DFFA(LOCAL): REDUCTION IN FORCE - FINANCIAL EXIGENCY**
- DHE(LOCAL): EMPLOYEE STANDARDS OF CONDUCT - SEARCHES AND ALCOHOL/DRUG TESTING**
- FNC(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT CONDUCT**
- FO(LOCAL): STUDENT DISCIPLINE**

**CDA(LOCAL) OTHER REVENUES – INVESTMENTS**

**Changes include:**

- At **SAFETY**, stating that the primary goal of the investment program is to ensure safety of principal, maintain liquidity, and maximize financial results aligns the standards set by the investment policy with statutory text and the goals of the investment program.
- A new paragraph addresses the statutory requirement for the written investment policy to address the quality and capability of **INVESTMENT MANAGEMENT**. The policy text requires the investment management to be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.
- At **MONITORING MARKET PRICES**, a revision adds a requirement for the investment officer to keep the board informed of any significant “changes” in the market value of the district’s investment portfolio, not just declines in the value.
- A new sentence was added to better address the requirement that District must have a written investment strategy for each fund or group of funds under the board’s control and describe the investment objectives for each fund by prioritizing six factors listed in law. At each of the fund types listed in the policy, text has been added to indicate the primary objectives.
- New provisions have been added to highlight the statutory requirements for the board to perform an **ANNUAL REVIEW** and for the district to perform an **ANNUAL AUDIT**.

**DBB(LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES**

A board is authorized by statute to adopt a policy to place an educator on temporary disability leave (TDL) if the educator’s condition interferes with the performance of regular duties. However, any such policy must allow the educator the right to present testimony or other information relevant to the educator’s fitness to continue the performance of regular duties. To comply with this policy requirement, a recommended change at **PLACEMENT ON TEMPORARY DISABILITY, BY BOARD AUTHORITY** permits an employee who the board has placed on TDL to follow the existing DGBA complaint process to present relevant testimony or other information to the board.

**DEA(LOCAL) COMPENSATION AND BENEFITS - COMPENSATION PLAN**

- Provisions on the Fair Labor Standards Act (FLSA) have been moved to DEAB, Wage and Hour Laws, except for a provision on assigning supplemental duties, which has been moved to DEAA, Incentives and Stipends.
- Because this local policy focuses on the board’s and the administration’s roles regarding compensation, we have moved text regarding wages and hours to DEAB.
- Recommended changes to the first paragraph clarify that the board reviews and approves the annual compensation plan, which should support the district’s goals for hiring and retaining highly qualified employees. In

addition, the policy makes the board responsible for determining the superintendent's compensation.

- **PAY ADMINISTRATION** outlines the superintendent's role, which includes implementing the annual compensation plan and establishing procedures for plan administration. In classifying jobs within the plan, a recommended revision requires the superintendent to consider the market value of the position in addition to the employee qualifications and duties, as required by the existing language. Due to the superintendent's overall authority to administer the plan, a sentence referring to the superintendent's responsibility to determine pay for new employees and employees reassigned to different positions is recommended for deletion as it is unnecessary.
- Text at **ANNUALIZED SALARY** has been added to reflect the common practice of paying all salaried employees over 12 months.
- The first sentence at **MID-YEAR PAY INCREASES** addresses the circumstances when a contract employee's pay may be increased in light of the constitutional prohibition against increasing an employee's compensation after performance on the contract has begun. To prevent a gift of public funds, the text permits increases if authorized by the compensation plan or if the employee's assignment or duties have changed. Any changes in pay that do not conform with the compensation plan require board approval.
- Recommended to replace your current provisions addressing disaster pay, the text at **PAY DURING CLOSING** continues to reflect that the district will pay employees during an emergency closure. The text clarifies that the board must authorize by resolution or other board action the public purpose served by the expenditure in order to avoid an improper use of public funds and other details regarding the continued payment.

#### **DEAA(LOCAL) COMPENSATION PLAN - INCENTIVES AND STIPENDS**

- Due to lack of funding for a master teacher program, provisions on master teacher stipends are recommended for deletion.
- We have recommended a new sentence to require the superintendent to include a **STIPEND** pay schedule as part of the compensation plan described at DEA.
- Moved from DEA is the provision authorizing the superintendent to assign non-contractual supplemental duties to exempt employees.
- In response to changes in state incentive programs, specifically the Educator Excellence Innovation Program, we have revised the relevant policy text giving the superintendent the authority to submit plans and grant applications for incentive and "innovation" programs and submit those documents to TEA "or other granting organizations."

#### **DEAB(LOCAL) COMPENSATION PLAN - WAGE AND HOUR LAWS**

Provisions on the Fair Labor Standards Act (FLSA), except for a provision on assigning supplemental duties, have been moved from DEA to this new local policy on wage and hour laws with the following revisions.

At **COMPENSATORY TIME, ACCRUAL**, the current policy text states that nonexempt employees may not accrue compensatory time over the number of hours stated in policy. If an employee exceeds that number of hours, the district will require the employee to use the compensatory time, or the district can decide to pay the employee for the compensatory time. For consistency in this paragraph and at **USE**, we have revised the text to refer to “compensatory time” rather than “overtime.” At **USE**, we have changed a reference from “fiscal” year to “duty” year for consistency within the paragraph. The policy requires an employee to use any compensatory time within the duty year in which it is earned. The district must pay the employee for any unused compensatory time remaining at the end of the “duty” year, previously “fiscal” year.

**DEE(LOCAL) COMPENSATION AND BENEFITS - EXPENSE REIMBURSEMENT**  
**TASB Policy Service** has text available to permit per diem expense reimbursement for meals associated with authorized overnight travel that is not related to a state or federal grant. Receipts will not be required for these expenses.

**DFFA(LOCAL) REDUCTION IN FORCE - FINANCIAL EXIGENCY**

As a result of the reorganization of material at the **DEA** series, we have changed two cross references at **PLAN TO REDUCE PERSONNEL COSTS** from **DEAB** to **DEA**.

**DHE(LOCAL) EMPLOYEE STANDARDS OF CONDUCT - SEARCHES AND ALCOHOL/DRUG TESTING**

This local policy addressing searches, including drug and alcohol testing, has been reorganized based on U.S. Department of Transportation (DOT) guidelines for employers, which require policies to clearly delineate between the items and actions that are required by DOT and that are required by the district. As a result, we have revised margin notes to distinguish between the **FEDERALLY REQUIRED DOT TESTING PROGRAM** guidelines and **DISTRICT-IMPOSED CONSEQUENCES**. Regarding the federal DOT program provisions, we have made the following revisions:

- Moved up in the policy the provision requiring the district to disseminate relevant information to employees covered by the testing program.
- Added an affirmative statement that employees who commit **DRUG-RELATED VIOLATIONS** will not be reinstated as drivers.
- Moved up in the policy the DOT requirement that a driver who has **ALCOHOL RESULTS BETWEEN 0.02 AND 0.04** must be suspended from driving for 24 hours and added a cross reference to **DISTRICT IMPOSED CONSEQUENCES** for subsequent test results within this concentration. Deleted the provision indicating that the suspension would be “without pay” because this is not required by federal law.

- Deleted provisions on participating in consortiums because there is no requirement to address this issue in board policy, even though participation remains an option for districts.
- Clarified that an employee who has a second or subsequent test result with an alcohol concentration between 0.02 and 0.04 is subject to district-imposed discipline.
- At REASONABLE SUSPICION SEARCHES not related to the DOT testing program (see the first paragraph of this policy), we have changed terminology from “reasonable cause” to “reasonable suspicion” to reflect the more common term and have added a sentence to explain that searches that reveal a violation of the district’s standards of conduct may result in disciplinary action as provided at DH(LOCAL).

**FNC(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT CONDUCT**

This local policy is recommended for deletion. The provisions on rules of conduct have been moved to FO, Student Discipline, where extracurricular standards of behavior are also addressed in more detail. The material on harassment is currently addressed at FFH, Freedom from Harassment, and the Student Code of Conduct.

**FO(LOCAL) STUDENT DISCIPLINE**

An important revision recommended at PHYSICAL RESTRAINT clarifies that a district employee can re-strain a student who receives special education services only in accordance with the specific laws that apply to these students. The rules are found at FOF(LEGAL).

Other recommendations reorganize the material so that the general provisions on the Student Code of Conduct that establish the rules of discipline are at the beginning of the policy. To emphasize its importance, we have moved text previously at EXTRACURRICULAR STANDARDS OF BEHAVIOR to the beginning of the policy and broadened the statement to indicate that rules of conduct and discipline shall not have the effect of discriminating against students based on legally protected categories.

Respectfully Submitted by:

**Contessa Huffman**  
**Director of Human Resources & Admin Services**

# Vantage Points

## A Board Member's Guide to Update 102

**Please note:** *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**

This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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, e-mail us at [policy.service@tasb.org](mailto:policy.service@tasb.org), or call us at 800-580-7529 or 512-467-0222.

For further information about Policy Service, check out our website at <http://policy.tasb.org>.

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Update 102 addresses several recent changes in state and federal law, including amendments to the Texas Administrative Code on special education services, community and student engagement, and community-based fine arts programs. The update also encompasses a review of the legal and local policies addressing bonds and investments, as well as a reorganization of the DEA series of policies addressing compensation to focus the series on the primary component—the board-adopted compensation plan.

## **Accountability**

At AIB(LEGAL), regarding district and campus performance reporting, new Commissioner rules provide guidance on the process for evaluating student and community engagement and for performance and compliance reporting. The rules clarify that a district must post the results of the performance and compliance evaluation on its website and require a local committee to determine the criteria to be used for the district’s evaluation. Also added at AIB(LEGAL) is information related to the required dissemination of a federal report card. Review the policy and TEA’s website at [http://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/NCLB\\_and\\_ESEA/NCLB-ESEA\\_Resources/Federal\\_Report\\_Card/](http://tea.texas.gov/About_TEA/Laws_and_Rules/NCLB_and_ESEA/NCLB-ESEA_Resources/Federal_Report_Card/) for more information.

## **Bonds and Investments**

TASB Policy Service engaged an outside law firm with expertise in the area of investments and bond issues to ensure that the policy manual continues to address all relevant legal material. Changes at CCA(LEGAL), addressing bond issues, include a reference to the 50 cent debt test, additional details about bond elections, and references to existing state and federal law relating to the issuance of bonds. At CDA(LEGAL), addressing investments, changes include clarification regarding required quarterly reports and the board’s ability to specify if any of the statutorily authorized investments are not suitable for the district.

### ***CDA(LOCAL) POLICY CONSIDERATIONS***

Based on the review by the outside law firm, several recommendations are being made regarding this policy on authorized investments. New provisions are recommended to address quality and capability of investment management and to highlight the statutory requirements for the board to annually review and audit the district’s investments. Recommended revisions to existing text are to clarify the primary goals of a district’s investment program, to more closely mirror terms used in statute, and to conform to industry best practices.

## Personnel Issues

### Compensation

The D section table of contents has been modified due to the reorganization of the series of legal and local policies dealing with employee compensation. Policy code DEA has been renamed Compensation Plan, with subtitled policies on Incentives and Stipends at DEAA and Wage and Hour Laws at DEAB. The legally referenced policy at DEA now houses various salary and compensation provisions previously at DEAB(LEGAL), while text formerly at DEA(LEGAL) regarding wage and hour laws has been moved to the newly retitled DEAB(LEGAL). No changes were made to the text at DEAA(LEGAL) regarding incentives and stipends, with the exception of the updated title to reflect the reorganization of the DEA series.

#### ***DEA, DEAA, AND DEAB (LOCAL) POLICY CONSIDERATIONS***

Several revisions are recommended at DEA(LOCAL) and DEAA(LOCAL), in addition to a new recommended policy at DEAB(LOCAL), to coincide with the reorganization and renaming of these policy codes.

DEA(LOCAL) places more emphasis on the district's compensation plan and focuses on the board's and the administration's roles regarding compensation. Recommended changes clarify that the board reviews and approves the annual compensation plan and outline the superintendent's role in implementing and establishing procedures to administer the plan. Additional revisions include clarifying language regarding when a contract employee's pay can be increased after performance on the contract has begun.

For districts that address annualized pay of salaried employees at DEA(LOCAL), recommended revisions simplify that text; detailed provisions regarding how salaried employees will be paid when they are not employed for a full 12-month period are recommended for deletion, as these provisions are no longer required by IRS rules. For districts that do not currently address annualized pay, text is recommended to reflect the common practice of paying salaried employees over 12 months regardless of the number of months that employees are expected to work.

To avoid an improper use of public funds, new text at DEA(LOCAL) is recommended—for districts that do not currently address the issue—to explain that if the board chooses to pay employees during an emergency closure, the board must authorize the action by resolution or other board action that reflects the public purpose served by the expenditure. A sample resolution from TASB is structured to authorize payments during future closings once the board has adopted the resolution. See the Explanatory Notes for more information regarding your district's specific policy.

In addition to a change in title, recommended revisions at DEAA(LOCAL) concern the interrelationship between incentives and stipends and the dis-

trict's compensation plan. Due to lack of funding, provisions on master teacher stipends are recommended for deletion.

Recommended for inclusion in the manual is a new policy at DEAB(LOCAL), regarding wage and hour laws. Much of the text included in this recommended policy was moved and revised from provisions formerly at DEA(LOCAL). The policy revisions clarify payment provisions for nonexempt salaried employees who work less than a 40-hour workweek and the accrual and use of compensatory time earned by nonexempt employees.

***DFFA(LOCAL) POLICY CONSIDERATIONS***

As a result of the reorganization of material in the DEA series, we have adjusted two cross-references in this policy addressing reduction in force due to financial exigency.

**Employee Leave**

***DBB(LOCAL) POLICY CONSIDERATIONS***

Because state law requires a district's policy to allow an employee to present testimony or other information to the board when the board places an employee on involuntary temporary disability leave, changes are recommended for this local policy to explicitly state that employees are to follow the complaint process in DGBA in these circumstances. If the district expands eligibility for temporary disability to employees not eligible by law, the district should review DEC(LOCAL) to ensure that the text addressing eligible employees is accurate.

**Expense Reimbursement**

DEE(LEGAL), addressing expense reimbursement, has been revised to remove outdated references to the Administrative Code reflecting the classroom supply reimbursement program. The statutory provision from the Education Code, however, remains.

***DEE(LOCAL) POLICY CONSIDERATIONS***

For districts that specifically referenced a per diem practice of expense reimbursement for meals associated with overnight travel not related to a grant, this local policy is included in the update to offer TASB-recommended lan-

guage for the board's consideration. The update does not include recommendations for this policy if the district's policy currently requires receipts for all expenses, including meals.

## **Searches and Alcohol/Drug Testing**

Existing provisions from the federal Department of Transportation (DOT) rules have been added for clarification at DHE(LEGAL), addressing employee searches and drug and alcohol testing. For employees subject to DOT testing, the added text explains that the district has the option of permitting an employee to return to work after a failed drug or alcohol test if the employee follows the protocols required by the rules. The district's decision should be reflected at DHE(LOCAL).

### ***DHE(LOCAL) POLICY CONSIDERATIONS***

Several revisions are being recommended for this local policy on searches and drug and alcohol testing of employees.

For districts with employees who are subject to DOT testing, the recommended revisions to this policy focus on the distinction between the federal DOT testing program and district-imposed consequences, as required by DOT guidance. In addition to reordering existing provisions and deleting others that are no longer relevant for local policy, we have added an affirmative statement regarding whether or not the district allows for return-to-duty testing after a failed drug or alcohol test. This statement is based on the existing language a district has in its local policy.

For districts that considered a drug violation to be *any level* of alcohol concentration, revisions are recommended since a concentration below 0.02 is considered a negative result by DOT rules and, further, many breath testing devices used for DOT testing do not measure concentrations below 0.02.

If your district has employees subject to DOT testing but your current DHE(LOCAL) does not have any language regarding DOT testing, the district should contact its TASB policy consultant for assistance.

Unrelated to the DOT testing provisions, we recommend the addition of a statement near the beginning of the policy that reasonable suspicion searches that reveal a violation of the district's standards of conduct may result in disciplinary action as outlined at DH(LOCAL).

## Student Issues

### Students Receiving Special Education Services

Revisions to the EHBA series of policies, addressing special education, were prompted by revised State Board of Education (SBOE) and Commissioner rules, both effective January 1, 2015. The changes include revised descriptions by the SBOE on instructional arrangements at EHBA(LEGAL); streamlining identification, evaluation, and eligibility for special education services at EHBA(LEGAL); admission, review, and dismissal (ARD) committee responsibilities at EHBAB(LEGAL); transition planning requirements at EHBAD(LEGAL); and notice requirements and dispute resolution options at EHBAE(LEGAL).

### Graduation

At EIF(LEGAL), provisions regarding graduation have been revised based on recently effective Commissioner rules related to student eligibility for community-based fine arts programs. In addition, significantly revised in this policy are the graduation options for students with disabilities receiving special education services. The Commissioner rules prompting these changes, effective January 1, 2015, clarify graduation options under the foundation program for students receiving special education services. Of note is that the rules specify that to earn an endorsement under the foundation program, a student who receives special education services must not have received any modified curriculum in the endorsement area and must pass all relevant state assessments. The rules related to graduation for students receiving special education services prior to the 2014–15 school year did not change substantively.

EJ(LEGAL), addressing the academic guidance program, has been revised to reflect the current statutory requirements for counselors to provide information on postsecondary opportunities to students each year of high school.

### Discipline

Revised Commissioner rules prompted changes at FOF(LEGAL) to require that disciplinary actions for students with disabilities be determined in accordance with certain federal and state laws and to clarify how the use of confinement, seclusion, and time-out provisions from the Education Code apply to peace officers.

#### ***FNC AND FO (LOCAL) POLICY CONSIDERATIONS***

Related to the changes at FOF(LEGAL) mentioned above, an important revision regarding the use of physical restraint is recommended at FO(LOCAL), addressing student discipline. A new recommended sentence clarifies that a district employee may restrain a student who receives special education services only in accordance with the specific laws that apply to these students. Other recommended changes reorganize the material to group the general provisions regarding the Student Code of Conduct and extracurricular standards of behavior at the beginning of the policy and to emphasize that disci-

pline must be applied in a nondiscriminatory manner. If the district uses corporal punishment as a disciplinary management technique and the guidelines associated with this use are reflected in policy, the district is encouraged to review these guidelines to confirm that the policy still reflects district practice.

FNC(LOCAL), addressing student conduct, is recommended for deletion at this update. The material in this local policy is either already addressed in more detail at other codes, or, as in the case of provisions related to rules of conduct, is recommended for relocation to FO(LOCAL).

***More  
Information***

For further information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district’s policies—and the policies themselves, found in your district’s localized update packet.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

District: Burnet CISD

A25 (INDEX) CROSS-INDEX

The cross-index, shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*, has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2013.

Please bear in mind that the cross-index is “generic” and presents a structure that serves all these manuals; your policy manual may not address some of the topics shown and may not include some of the policies indicated. This cross-index is also a key element used in searching Policy On Line.

AIB (LEGAL) ACCOUNTABILITY  
PERFORMANCE REPORTING

New commissioner rules, effective June 25, 2014, provide guidance on the process for evaluating community and student engagement and the LOCAL PERFORMANCE AND COMPLIANCE REPORTING. The rules specify that this evaluation requirement does not apply to budgeted, DAEP, or JJAEP campuses or to facilities operated by the Texas Juvenile Justice Department. The rules also clarify that a district:

- Must post the results of the performance and compliance evaluation on its website;
- May assign a rating of Not Applicable for a community and student engagement program or performance category if the district determines that the program or category is not applicable to the district or campus but may not assign a rating of Not Applicable for the overall performance rating for a campus or the district or for the compliance indicator;
- Must require the local committee to determine the criteria for the overall performance rating for each campus and the district; and
- Must require the local committee to determine the criteria for the reporting and policy compliance evaluation.

We have added provisions from the No Child Left Behind Act that were previously postponed through state waivers. These provisions require districts receiving Title I funding to prepare and disseminate an annual FEDERAL REPORT CARD. The report card must include data about campuses and the district and must be disseminated to parents.

BBG (LEGAL) BOARD MEMBERS  
COMPENSATION AND EXPENSES

A Note has been added to this legally referenced policy to reference TEA guidance on board member expense reimbursement and income tax issues in the Financial Accountability System Resource Guide.

CCA (LEGAL) LOCAL REVENUE SOURCES  
BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bond issues to provide legal review of this legally referenced policy to ensure that the policy addresses all relevant legal material. As a result of that review, we have reordered several provisions within the policy, adjusted provisions to better reflect statutory language, and made a number of other revisions, including:

# Explanatory Notes

## TASB Localized Policy Manual Update 102

- Clarifying at BONDS AND BOND TAXES, on page 1, that bonds may be issued only if approved in a bond election;
- Adding detail regarding the ELECTION ORDER and NOTICE OF ELECTION;
- Referencing the 50 CENT TEST FOR NEW DEBT, for which the district must demonstrate compliance to the attorney general before issuing bonds;
- At GUARANTEE OF BONDS BY THE PERMANENT SCHOOL FUND, adding the procedures to re-apply if the district does not receive approval for the guarantee;
- Adding existing Administrative Code provisions that prohibit a district from representing bonds as being guaranteed or approved for credit enhancement before approval by the commissioner; and
- Adding references at FEDERAL SECURITIES LAW to the requirement for a district to prepare an official disclosure statement prior to publically offering bonds and outlining the district's liability under the antifraud provisions.

A Note at the end of the policy provides some best practice guidance on preparing the official statement based on SEC materials.

### CDA (LEGAL) OTHER REVENUES INVESTMENTS

TASB Policy Service engaged an outside law firm with expertise in the area of investments to provide legal review of this legally referenced policy to ensure that the policy meets legal requirements and industry best practices. As a result of that review, we have made several revisions to the policy.

We have clarified that the required QUARTERLY REPORTS cover investment transactions for the preceding reporting period. See page 4.

At AUTHORIZED INVESTMENTS, we added existing statutory text explaining that the board may specify that any of the statutorily authorized investments are not suitable for the district and have deleted the definition of corporate bond in favor of the statutory citation.

### CDA (LOCAL) OTHER REVENUES INVESTMENTS

As mentioned at CDA(LEGAL), an outside law firm with expertise in the area of investments provided legal review of this local policy to ensure that the policy continues to meet legal requirements and industry best practices. Several recommended policy changes resulted from that review:

- A change at SAFETY, stating that the primary goal of the investment program is to ensure safety of principal, maintain liquidity, and maximize financial results aligns the standards set by the investment policy with statutory text and the goals of the investment program.
- A new paragraph addresses the statutory requirement for the written investment policy to address the quality and capability of INVESTMENT MANAGEMENT. The policy text requires the investment management to be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.
- At MONITORING MARKET PRICES, a revision adds a requirement for the investment officer to keep the board informed of any significant "changes" in the market value of the district's investment portfolio, not just declines in the value.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

- As required by law, board policy must include a written investment strategy for each fund or group of funds under the board's control and describe the investment objectives for each fund by prioritizing six factors listed in law. A new sentence, added to better address this requirement, emphasizes that the strategies for the investment of each fund type listed in the policy must be based on these factors. Likewise, at each of the fund types listed in the policy, text has been added to indicate the *primary* objectives. See FUNDS/STRATEGIES.
- New provisions have been added to highlight the statutory requirements for the board to perform an ANNUAL REVIEW and for the district to perform an ANNUAL AUDIT.

**Please note:** A district that qualifies as an issuer of corporate bonds may invest in those bonds if, among other requirements, it amends its investment policy to authorize corporate bonds as an eligible investment. See CCF(LEGAL) in your policy manual to determine if your district qualifies as an issuer. If your district meets these criteria and will permit investment of district funds in corporate bonds, please contact your policy consultant for appropriate text.

### D (LEGAL) PERSONNEL

Update 102 includes a reorganization of the DEA series of policies addressing compensation to focus the series on the primary component—the board-adopted compensation plan. As a result, DEA, the overarching policy in the series, has been renamed Compensation Plan, with subtitled policies on Incentives and Stipends at DEAA and Wage and Hour Laws at DEAB.

### DBB (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

A board is authorized by statute to adopt a policy to place an educator on temporary disability leave (TDL) if the educator's condition interferes with the performance of regular duties. However, any such policy must allow the educator the right to present testimony or other information relevant to the educator's fitness to continue the performance of regular duties.

To comply with this policy requirement, a recommended change at PLACEMENT ON TEMPORARY DISABILITY, BY BOARD AUTHORITY permits an employee who the board has placed on TDL to follow the existing DGBA complaint process to present relevant testimony or other information to the board.

Because districts define which employees are eligible for TDL at DEC(LOCAL), a cross reference to that policy has been added, along with policy language to clarify that only "eligible" employees may be placed on TDL.

**Please note:** If your district requires a tuberculosis test of all new employees prior to employment, please contact your policy consultant for an adjustment to this policy.

### DEA (LEGAL) COMPENSATION AND BENEFITS COMPENSATION PLAN

As part of the reorganization of the DEA series, the subtitle of this policy has been changed to Compensation Plan.

The legally referenced text addressing various salary and compensation issues, previously at DEAB, has been moved unaltered to this code.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

### DEA (LOCAL) COMPENSATION AND BENEFITS COMPENSATION PLAN

Provisions on the Fair Labor Standards Act (FLSA) have been moved to DEAB, Wage and Hour Laws, except for a provision on assigning supplemental duties, which has been moved to DEAA, Incentives and Stipends.

Because this local policy focuses on the board's and the administration's roles regarding compensation, we have moved text regarding wages and hours to DEAB. Recommended changes to the first paragraph clarify that the board reviews and approves the annual compensation plan, which should support the district's goals for hiring and retaining highly qualified employees. In addition, the policy makes the board responsible for determining the superintendent's compensation.

PAY ADMINISTRATION outlines the superintendent's role, which includes implementing the annual compensation plan and establishing procedures for plan administration. In classifying jobs within the plan, a recommended revision requires the superintendent to consider the market value of the position in addition to the employee qualifications and duties, as required by the existing language. Due to the superintendent's overall authority to administer the plan, a sentence referring to the superintendent's responsibility to determine pay for new employees and employees reassigned to different positions is recommended for deletion as it is unnecessary.

Text at ANNUALIZED SALARY has been added to reflect the common practice of paying all salaried employees over 12 months. If your district's practice does not match the text, please contact your policy consultant to adjust this policy.

The first sentence at MID-YEAR PAY INCREASES addresses the circumstances when a contract employee's pay may be increased in light of the constitutional prohibition against increasing an employee's compensation after performance on the contract has begun. To prevent a gift of public funds, the text permits increases if authorized by the compensation plan or if the employee's assignment or duties have changed. Any changes in pay that do not conform with the compensation plan require board approval.

Recommended to replace your current provisions addressing disaster pay, the text at PAY DURING CLOSING continues to reflect that the district will pay employees during an emergency closure. The text clarifies that the board must authorize by resolution or other board action the public purpose served by the expenditure in order to avoid an improper use of public funds and other details regarding the continued payment. TASB Policy Service has developed a sample resolution to assist the board in addressing the public purpose for these payments and other relevant details, such as which employees will be eligible for payment and the duration of payments. After the board has adopted the resolution, it may remain in effect on an ongoing basis and serve as authorization during future closings for employee payments that fall within the parameters of the resolution. A copy of the resolution is available at <https://www.tasb.org/Services/Policy-Service/Resources/u102.aspx>.

We have retained your unique provisions addressing premium pay for hourly employees who are required to work during an emergency closure for FEDERALLY DECLARED DISASTERS.

For further information on mid-year pay increases and payments during closings, see the TASB eSource articles at <https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Personnel/Compensation-and-Leaves-of-Absence.aspx#compensation>.

### DEAA (LEGAL) COMPENSATION PLAN INCENTIVES AND STIPENDS

As part of the reorganization of the DEA series, the title of this policy has been changed to Compensation Plan, with the subtitle remaining Incentives and Stipends.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

### DEAA (LOCAL) COMPENSATION PLAN INCENTIVES AND STIPENDS

As part of the reexamination of the DEA series, we have recommended several changes to this local policy on incentives and stipends:

- Due to lack of funding for a master teacher program, provisions on master teacher stipends are recommended for deletion.
- We have recommended a new sentence to require the superintendent to include a STIPEND pay schedule as part of the compensation plan described at DEA.
- Moved from DEA is the provision authorizing the superintendent to assign noncontractual supplemental duties to exempt employees.
- In response to changes in state incentive programs, specifically the Educator Excellence Innovation Program, we have revised the relevant policy text giving the superintendent the authority to submit plans and grant applications for incentive and “innovation” programs and submit those documents to TEA “or other granting organizations.”
- Any locally developed incentive programs must be addressed in the district’s compensation plan.

### DEAB (LEGAL) COMPENSATION PLAN WAGE AND HOUR LAWS

As part of the reorganization of the DEA series, the title of this policy has been changed to Compensation Plan, and the subtitle has been changed to Wage and Hour Laws.

The legally referenced text on wage and hour laws, previously at DEA, has been moved unaltered to this code.

### DEAB (LOCAL) COMPENSATION PLAN WAGE AND HOUR LAWS

Provisions on the Fair Labor Standards Act (FLSA), except for a provision on assigning supplemental duties, have been moved from DEA to this new local policy on wage and hour laws with the following revisions.

Some NONEXEMPT employees paid on a salary basis are scheduled to work less than a 40-hour work week. For example, it is common for some salaried employees to work 37.5 hours per week. However, as the revised policy text clarifies, the salary is intended to cover any time worked “up to and including” 40 hours in a week without obligating the district to pay the employee additional compensation if the employee works 40 hours or less that week. If an employee works more than 40 hours in a week, FLSA overtime provisions will apply.

# Explanatory Notes

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At COMPENSATORY TIME, ACCRUAL, the current policy text states that nonexempt employees may not accrue compensatory time over the number of hours stated in policy. If an employee exceeds that number of hours, the district will require the employee to use the compensatory time, or the district can decide to pay the employee for the compensatory time. For consistency in this paragraph and at USE, we have revised the text to refer to “compensatory time” rather than “overtime.” Contact your policy consultant if the policy provisions do not match the maximum number of compensatory hours an employee may accrue in your district.

At USE, we have changed a reference from “fiscal” year to “duty” year for consistency within the paragraph. The policy requires an employee to use any compensatory time within the duty year in which it is earned. The district must pay the employee for any unused compensatory time remaining at the end of the “duty” year, previously “fiscal” year. Contact your policy consultant for a policy adjustment if this does not match your district’s practice.

DEE (LEGAL) COMPENSATION AND BENEFITS  
EXPENSE REIMBURSEMENT

This legally referenced policy has been amended to:

- Delete expired Administrative Code provisions on CLASSROOM SUPPLY REIMBURSEMENT;
- Move to the beginning of the policy the general provision permitting a district employee engaged in official business to participate in the comptroller’s contract for TRAVEL SERVICES; and
- Add a Note at the beginning of the policy to point to TEA resources on expense reimbursement and income tax issues in the Financial Accountability System Resource Guide.

DEE (LOCAL) COMPENSATION AND BENEFITS  
EXPENSE REIMBURSEMENT

TASB Policy Service has text available to permit per diem expense reimbursement for meals associated with authorized overnight travel that is not related to a state or federal grant. Receipts will not be required for these expenses. Please contact your policy consultant for an adjustment to your policy if your district does not require receipts for all business expenses.

TEA resources on expense reimbursement and income tax issues can be found in the Financial Accountability System Resource Guide, Module 1: Financial Accounting and Reporting, Section 1.9.2.2 at [http://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_Accountability\\_System\\_Resource\\_Guide/](http://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/).

DFFA (LOCAL) REDUCTION IN FORCE  
FINANCIAL EXIGENCY

As a result of the reorganization of material at the DEA series, we have changed two cross references at PLAN TO REDUCE PERSONNEL COSTS from DEAB to DEA.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

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

We have added existing provisions from federal Department of Transportation (DOT) rules to this legally referenced policy addressing drug and alcohol testing. For employees subject to federal DOT drug and alcohol testing requirements, the rules explain that the district has the option of permitting an employee to return to work after a failed drug or alcohol test. If the district permits the employee to return to work, the district must ensure that the employee is evaluated by a substance abuse professional (SAP), complies with the SAP's recommendations, and passes a return-to-duty test. The district's decision is reflected in DHE(LOCAL), see below.

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

This local policy addressing searches, including drug and alcohol testing, has been reorganized based on U.S. Department of Transportation (DOT) guidelines for employers, which require policies to clearly delineate between the items and actions that are required by DOT and that are required by the district. As a result, we have revised margin notes to distinguish between the FEDERALLY REQUIRED DOT TESTING PROGRAM guidelines and DISTRICT-IMPOSED CONSEQUENCES.

Regarding the federal DOT program provisions, we have made the following revisions:

- Moved up in the policy the provision requiring the district to disseminate relevant information to employees covered by the testing program.
- Added an affirmative statement that employees who commit DRUG-RELATED VIOLATIONS will not be reinstated as drivers.
- Moved up in the policy the DOT requirement that a driver who has ALCOHOL RESULTS BETWEEN 0.02 AND 0.04 must be suspended from driving for 24 hours and added a cross reference to DISTRICT-IMPOSED CONSEQUENCES for subsequent test results within this concentration, since consequences based on such results beyond suspension for 24 hours are not governed by federal rules.
- Also at ALCOHOL RESULTS BETWEEN 0.02 AND 0.04, deleted the provision indicating that the suspension would be "without pay" because this is not required by federal law. Existing text at DISTRICT-IMPOSED CONSEQUENCES authorizes the district to suspend an employee without pay as appropriate in accordance with the district's DF series policies.
- Deleted provisions on participating in consortiums because there is no requirement to address this issue in board policy, even though participation remains an option for districts.

At DISTRICT-IMPOSED CONSEQUENCES, a revision clarifies that an employee who has a second or subsequent test result with an alcohol concentration between 0.02 and 0.04 is subject to district-imposed discipline. If the district imposes consequences more severe than the DOT guidelines, those consequences are more appropriately conveyed here.

At REASONABLE SUSPICION SEARCHES not related to the DOT testing program (see the first paragraph of this policy), we have changed terminology from "reasonable cause" to "reasonable suspicion" to reflect the more common term and have added a sentence to explain that searches that reveal a violation of the district's standards of conduct may result in disciplinary action as provided at DH(LOCAL).

Additional information on the DOT testing program can be found at <http://www.dot.gov/sites/dot.gov/files/docs/ODAPC%20EmployerGuidelinesOctober012010.pdf>.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

### EHBA (LEGAL) SPECIAL PROGRAMS SPECIAL EDUCATION

Changes to this legally referenced policy are prompted by revised State Board of Education rules on special education services effective January 1, 2015.

The rules provide that INSTRUCTIONAL ARRANGEMENTS AND SETTINGS must include the items listed in the rules. In addition, item 9, vocational adjustment class/program, was clarified to encompass services to a student who is placed on a paid or unpaid job. Districts can also deliver special education and related services to a student through OTHER PROGRAM OPTIONS, such as contracts with other districts and TEA-approved programs.

A definition of EXTENDED SCHOOL YEAR SERVICES was added on page 3. Citations have also been updated.

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

Amended commissioner rules on special education services, effective January 1, 2015, resulted in reorganization and several other changes to this legally referenced policy:

- To correspond with SB 816 from the 83rd Legislative Session, the rules require a written response from the district within 15 school days of a written PARENTAL REQUEST for a full individual and initial evaluation. See REQUESTS AND REFERRALS FOR EVALUATION beginning on page 1.
- At TIME FRAME FOR COMPLETION OF WRITTEN REPORT, beginning on page 3, the rules define when a student is considered absent and define "school day" for purposes of complying with relevant time lines.
- New provisions at TRANSFER STUDENTS beginning on page 4 address the time line for completing an evaluation that was in progress in a previous district when a student enrolls in a new district and require the new district to coordinate with the previous district to complete the evaluation by the deadlines established in law, with certain exceptions.
- As reflected on page 5 at DETERMINATION OF INITIAL ELIGIBILITY, the ARD committee must make decisions about initial eligibility, the IEP, and placement within 30 calendar days of the completed initial evaluation report or, if the 30th day falls during the summer, by the first day of the following school year unless the evaluation indicates that services are needed during the summer. Special deadlines for the ARD committee to meet apply when a report is provided to a parent by June 30.

Wording was adjusted throughout the policy to align with the rules.

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

Based on changes to the commissioner rules on special education services, effective January 1, 2015, wording and citations have been adjusted throughout this legally referenced policy to align with the rules.

Beginning on page 1, the rules clarify that the ARD COMMITTEE MEMBERS must include a representative of any participating agency likely to be responsible for providing transition services (item 11). As a result of these changes, a more detailed provision on membership for transition meetings has been deleted from the policy.

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The amended rules include procedures and deadlines to provide special education services to TRANSFER STUDENTS from within the state and from other states. The previous district must furnish the new district with the student's records within ten working days of receiving the request. See TRANSFER OF RECORDS.

If the ARD committee determines that the student is in need of extended school year services, the INDIVIDUALIZED EDUCATION PROGRAM (IEP) must include the goals and objectives that will be addressed in those services. See item 10.

Revisions at COLLABORATIVE PROCESS provide more detail about the TEN-DAY RECESS of the ARD committee when a parent is not in agreement with all required elements of the IEP. If agreement is not reached after the recess, the parent who disagrees must be offered an opportunity to provide a written statement of disagreement.

Districts must ensure appropriate TEACHER ACCESS TO IEPs for teachers with specific responsibilities and ensure that these teachers can request assistance regarding IEP implementation.

EHBAD (LEGAL) SPECIAL EDUCATION  
TRANSITION SERVICES

Based on amended commissioner rules addressing special education services, effective January 1, 2015, we have replaced the text from federal law at INDIVIDUAL TRANSITION PLANNING with the more comprehensive provisions from state rules.

Citations within the text at GRADUATION have been adjusted to refer to updated graduation options.

EHBAE (LEGAL) SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

A revision at PRIOR NOTICE AND CONSENT on page 3 requires a district to provide notice of at least five school days before the district proposes to initiate or change or refuses to initiate or change an IEP or the provision of free appropriate public education (FAPE). A parent can agree to a shorter time frame. The text is similar to a previous provision that was deleted as part of the amended commissioner rules on special education services, effective January 1, 2015.

New provisions outlining the possible options for resolving disputes between a parent and the district have been added at DISPUTE RESOLUTION on page 5.

Wording and citations have been adjusted throughout the policy to align with the rules.

EHBC (LEGAL) SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

This legally referenced policy addressing compensatory services has been revised by adding existing statutory text. The new text clarifies that a district may use compensatory education funds to provide an accelerated reading instruction program or a program for treatment of students with dyslexia to (1) students who otherwise meet the state definition of at risk of dropping out of school or (2) students who meet local eligibility criteria for at risk of dropping out of school. See page 1 at USE.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

### EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

A new commissioner rule effective December 28, 2014, addressing COMMUNITY-BASED FINE ARTS PROGRAMS resulted in revisions beginning on page 9. The rules outline the requirements for earning credit through participation in these programs and, for on-campus programs, require the district to obtain criminal history record information on instructors. The district's decision as to whether to award state graduation credit in fine arts to a student for participation in a community-based fine arts program is included in EIF(LOCAL), which is not included in Update 102.

Amended commissioner rules on special education services, effective January 1, 2015, resulted in the changes to this legally referenced policy at Section VI, GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

Beginning on page 15, new DEFINITIONS explain that MODIFIED CURRICULUM AND CONTENT refers to any reduction of the amount or complexity of the TEKS but that substitutions that are specifically authorized in rule or statute must not be considered modified curriculum or modified content. EMPLOYABILITY AND SELF-HELP SKILLS are skills directly related to the preparation of students for employment, including general skills needed.

Students graduating under these provisions must be given a SUMMARY OF ACADEMIC ACHIEVEMENT AND EVALUATION as described in the policy.

Students entering grade 9 in or after the 2014–15 school year have two options to satisfy graduation requirements. The first option requires the student to:

- Demonstrate mastery of state standards (or district standards if greater);
- Meet credit requirements under the foundation program applicable to students in general education; and
- Have satisfactory performance on state assessments, unless the ARD committee determines satisfactory performance is not necessary for graduation.

The second option requires a student to complete the above requirements except that one or more of the courses required under the foundation program contains modified curriculum. In addition, the student must complete his or her IEP and meet one of the following conditions:

- Obtain full-time employment in addition to mastering sufficient self-help skills to enable the student to maintain employment;
- Demonstrate mastery of employability and self-help skills;
- Have access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program; or
- No longer meet age eligibility requirements.

An endorsement can be earned if the student completes the foundation program and the additional math, science, and elective courses with or without modified curriculum, completes courses for the endorsement without any modified curriculum, and performs satisfactorily on all state assessments.

For a course to count for both foundation credit and endorsement credit, the course content cannot be modified.

## Explanatory Notes

### TASB Localized Policy Manual Update 102

For students entering grade 9 before the 2014–15 school year, the graduation requirements were changed to incorporate the previous graduation option of aging out into the list of conditions that a student must satisfy if the student is graduating by completing his or her IEP. Students who entered grade 9 before the 2014–15 school year can switch to the foundation program if they meet certain requirements.

#### EJ (LEGAL) ACADEMIC GUIDANCE PROGRAM

This legally referenced policy has been updated to include the requirements from HB 5, 83rd Legislative Session, for the school counselor to provide information to the student and the student's parent during each year that the student is enrolled in high school. The information must include the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement.

For resources to satisfy this requirement, see <http://tea.texas.gov/communications/brochures.aspx>.

#### EL (LEGAL) CHARTER CAMPUS OR PROGRAM

Additional detail from existing statutory provisions has been added to this legally referenced policy on charter programs:

- At VOLUNTARY ENROLLMENT, text clarifies that a student's parent or guardian may choose to enroll the student in a campus or program charter.
- Provisions on page 2 explain that a school board may grant a DISTRICT CHARTER one or more campuses serving not more than 15 percent of the district's student enrollment for the preceding school year, as long as the percentage limit does not prevent a district from granting a charter to at least one feeder pattern of schools. The board may also grant a district charter to a campus that has received the lowest performance rating under Subchapter C of Chapter 39.
- The school board is required to enter into a PERFORMANCE CONTRACT with the principal of a campus or program charter and specify the authority given to the principal to achieve the academic goals. If such goals are not substantially met, as determined by the board, the charter will expire after ten years.
- A school board may designate a campus or program charter as a NEIGHBORHOOD SCHOOL. In this case, certain funding provisions apply.

#### FEA (LEGAL) ATTENDANCE COMPULSORY ATTENDANCE

We have revised this legally referenced policy on compulsory attendance to delete an outdated Administrative Code provision and to update citations.

# Explanatory Notes

## TASB Localized Policy Manual Update 102

FEB (LEGAL) ATTENDANCE  
ATTENDANCE ACCOUNTING

Prompted by amendments to State Board of Education rules, effective December 31, 2014, we have adjusted language to match the rules throughout this legally referenced policy and updated citations. At RECORDS, new text requires the district to maintain attendance records as required by the commissioner.

FNC (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT

This local policy is recommended for deletion. The provisions on rules of conduct have been moved to FO, Student Discipline, see explanatory note below, where extracurricular standards of behavior are also addressed in more detail. The material on harassment is currently addressed at FFH, Freedom From Harassment, and the Student Code of Conduct.

FO (LOCAL) STUDENT DISCIPLINE

An important revision recommended at PHYSICAL RESTRAINT clarifies that a district employee can restrain a student who receives special education services only in accordance with the specific laws that apply to these students. The rules are found at FOF(LEGAL).

Other recommendations reorganize the material so that the general provisions on the Student Code of Conduct that establish the rules of discipline are at the beginning of the policy. To emphasize its importance, we have moved text previously at EXTRACURRICULAR STANDARDS OF BEHAVIOR to the beginning of the policy and broadened the statement to indicate that rules of conduct and discipline shall not have the effect of discriminating against students based on legally protected categories.

This policy also includes the district's general discipline guidelines, including provisions reflecting the district's use of corporal punishment as a disciplinary management technique. Although these provisions are not recommended for revision with this update, please confirm that the policy still reflects district practice, and contact your policy consultant if you need an adjustment.

If you would like to insert in this policy a hyperlink to the district's Student Code of Conduct, please contact your policy consultant.

FOF (LEGAL) STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

Due to amended commissioner rules on special education services, effective January 1, 2015, a new Administrative Code provision has been added to page 1 requiring disciplinary actions for students with disabilities to be determined in accordance with certain federal and state laws. See STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

The amended rules also clarified that Education Code 37.0021, regarding use of confinement, seclusion, restraint, and time-out, does not apply to juvenile probation, detention, or corrections personnel. See EXCEPTIONS on page 7.

## (LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

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

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

To see these same annotations in Word format, where you can further modify the text or alter the presentation of tracked changes themselves, see “(LOCAL) Policy Comparison (Word docs/Zip),” also found online in Local Manual Updates.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
AUTHORITY

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be ~~settled~~~~executed~~ on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL) **under AUTHORIZED INVESTMENTS,** the Board shall permit investment of District funds in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

~~SAFETY AND  
INVESTMENT  
MANAGEMENT~~

The ~~primary~~~~main~~ goal of the investment program is to ensure ~~its~~ safety **of principal, to maintain liquidity,** and **to** maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

**INVESTMENT  
MANAGEMENT**

**In accordance with Government Code 2256.005(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.**

LIQUIDITY AND  
MATURITY

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

DIVERSITY

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

MONITORING MARKET  
PRICES

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant ~~changes~~~~declines~~ in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial ~~advisers~~~~advisors~~, and representatives/~~advisers~~~~advisors~~ of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

MONITORING RATING  
CHANGES

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

FUNDS / STRATEGIES

Investments of the following fund categories shall be consistent with this policy and in accordance with the **applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.**~~strategy defined below.~~

OPERATING FUNDS

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives <b>preservation and safety of principal</b> , investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
AGENCY FUNDS	Investment strategies for agency funds shall have as their <b>primary</b> objectives <b>preservation and safety of principal</b> , investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
DEBT SERVICE FUNDS	Investment strategies for debt service funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
CAPITAL PROJECT FUNDS PROJECTS	Investment strategies for capital project funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
SAFEKEEPING AND CUSTODY	The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.
BROKERS / DEALERS	Prior to handling investments on behalf of the District, brokers/dealers must submit required written documents in accordance with law. [See SELLERS OF INVESTMENTS, CDA(LLEGAL)] Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).
SOLICITING BIDS FOR CD'S	In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.
INTEREST RATE RISK	To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.  The District shall monitor interest rate risk using weighted average maturity and specific identification.
INTERNAL CONTROLS	A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee

error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

**ANNUAL REVIEW**

**The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.**

**ANNUAL AUDIT**

**In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.**

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

EXAMINATIONS  
DURING  
EMPLOYMENT

The Superintendent or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The District may designate the physician to perform the examination. If the District designates the physician, the District shall pay the cost of the examination. The District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the Superintendent or designee shall determine whether the employee has an impairment. If so, the Superintendent or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Superintendent or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Superintendent or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

PLACEMENT ON  
TEMPORARY  
DISABILITY  
AT EMPLOYEE'S  
REQUEST

The Superintendent or designee shall have authority to place an **eligible** employee on temporary disability leave at the employee's request, as appropriate, when the employee's condition interferes with the performance of regular duties.

BY BOARD  
AUTHORITY

Based on the Superintendent's recommendation that an **eligible** employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the Board determines, in consultation with the physician who performed the medical examination, that the **employee's educator's**

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

condition interferes with the performance of regular duties. **[For employees who are eligible for temporary disability leave, see DEC(LOCAL)]**

**In accordance with DGBA, an employee may file a complaint disputing placement on temporary disability leave. As part of the complaint process, the employee may present testimony or other relevant information to the Board regarding the employee's fitness to perform regular duties.**

~~[See DEC(LEGAL)]~~

OTHER  
REQUIREMENTS

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]

COMPENSATION AND BENEFITS  
**COMPENSATION PLAN**~~WAGE AND HOUR LAWS~~

DEA  
(LOCAL)

	<p>The Superintendent shall recommend <b>an annual</b><del>to the Board for approval</del> compensation <b>plan</b><del>plans</del> for all District employees. <b>The compensation plan</b><del>Compensation plans</del> may include wage and salary structures, stipends, benefits, and incentives. <b>[See also DEAA]</b> <b>The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]</b></p>
PAY ADMINISTRATION	<p>The Superintendent shall <b>implement</b><del>administer</del> the compensation <b>plan and establish procedures for plan administration</b><del>plans</del> consistent with the budget <del>approved by the Board</del>. The Superintendent or designee shall classify each job title within the compensation <b>plan</b><del>plans</del> based on the qualifications, <del>and</del> duties, <b>and market value</b> of the position.</p>
<b>ANNUALIZED SALARY</b>	<p><b>The District</b><del>Within these classifications, the Superintendent or designee</del> shall <del>determine appropriate</del> pay <b>all salaried</b><del>for new</del> employees <b>over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried</b> <del>and</del> employees <b>hired during the school year shall be paid in accordance with administrative regulations</b><del>reassigned to different positions.</del></p>
<del>ANNUAL</del> -PAY INCREASES	<p>The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine <b>pay adjustments</b><del>annual increases</del> for individual employees, within <b>the approved budget following established procedures.</b> <del>budgeted amounts.</del></p>
MID-YEAR PAY INCREASES	<p>A contract employee's pay <del>may</del><b>shall not</b> be increased after performance on the contract has begun <b>only if authorized by the compensation plan of the District</b> <del>unless</del> there is a change in the employee's job assignment or duties <b>during the term of the contract</b> that warrants additional compensation. Any such changes in pay <b>that do not conform with the compensation plan</b> <del>during the term of the contract</del> shall require Board approval. [See <b>DEA(LEGAL)DEAB</b> for <b>provisions on pay increases and</b> public hearing requirements]</p>
<b>NON-CONTRACT</b> <del>NON-CONTRACT</del> EMPLOYEES	<p>The Superintendent may grant a pay increase to a noncontract employee after duties have begun <b>because of</b><del>only when there is</del> a change in the employee's job assignment or <b>to address pay equity</b><del>duties, or when an adjustment in the market value of the job warrants additional compensation.</del> The Superintendent shall report any such pay increases to the Board at the next regular meeting.</p>

COMPENSATION AND BENEFITS  
**COMPENSATION PLAN**~~WAGE AND HOUR LAWS~~

DEA  
(LOCAL)

~~DISASTER PAY~~  
~~THE EMERGENCY~~  
~~CLOSING OF~~  
~~SCHOOLS DURING~~  
**CLOSING**

~~a disaster for any cause shall be at the discretion of the Superintendent.~~ During an emergency closing for which the workdays are not scheduled to be made up at a later date, all employees shall continue to be paid for their regular duty schedule regardless of whether the employees are required to report to work. **The Board shall, by resolution or other Board action, set the parameters for payment during closings and reflect the purpose served by the expenditure. [See EB for the authority to close schools]**

FEDERALLY  
DECLARED  
DISASTERS

Hourly employees who are required to work during an emergency closing for a federally declared disaster shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. **[See DEAB]** The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

~~CLASSIFICATION OF~~  
~~POSITIONS~~

~~The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).~~

~~EXEMPT~~

~~The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.~~

~~An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the District's complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.~~

~~The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the District's compensation plans.~~

~~NONEXEMPT~~

~~Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.~~

COMPENSATION AND BENEFITS  
**COMPENSATION PLAN** ~~WAGE AND HOUR LAWS~~

DEA  
(LOCAL) |

	<del>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</del>
<del>WORKWEEK DEFINED</del>	<del>For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday.</del>
<del>COMPENSATORY TIME ACCRUAL</del>	<del>At the District's option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.</del>  <del>Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to use compensatory time or, at the District's option, will receive overtime pay.</del>
<del>USE</del>	<del>An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a fiscal year, the employee shall receive overtime pay.</del>  <del>Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.</del>

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COMPENSATION ~~PLAN AND BENEFITS~~  
INCENTIVES AND STIPENDS

DEAA  
(LOCAL)

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STIPEND  
~~THE SUPERINTENDENT SHALL RECOMMEND A STIPEND PAY SCHEDULE AS PART OF MASTER TEACHER STIPENDS~~

~~At the annual compensation plan~~ of the District. [See DEA]  
The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DK(LOCAL)] The ~~employees~~ school year, a master teacher shall be compensated ~~paid the stipend~~ for these assignments according to ~~any month in which the compensation plan of teacher performed the District.~~ prescribed duties for more than ten days. [See DBA]

~~If the number of master teachers exceeds the grants allocated, the District shall first fund the stipends for master teachers in their second or third year in the master program, as required by law. The District shall distribute the remaining funds among newly assigned master teachers based on:~~

LOCAL CRITERIA

- ~~1.Length of time teaching in the subject area.~~
- ~~2.Seniority in the District, as measured from the employee's most recent date of hire.~~

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EDUCATOR  
INCENTIVE AND  
INNOVATION  
PROGRAMS

The Superintendent shall have authority to submit ~~incentive~~ plans and grant applications for incentive **and innovation** programs to TEA **or other granting organizations**, on behalf of the Board. ~~Incentive~~ ~~The incentive~~ plans shall address teacher eligibility, including any exclusions.

**Locally developed incentive programs, if any, shall be addressed in the compensation plan of the District.** [See also DEA regarding stipends for noncontractual supplemental duties.]

DATE ISSUED: ~~5/15/2015~~ 4/22/2007  
UPDATE 10280  
DEAA(LOCAL)-A

ADOPTED:

1 of 1

COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LOCAL)

CLASSIFICATION OF POSITIONS	The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).
EXEMPT	<p>The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District’s attention, through the District’s complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
NONEXEMPT	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for up to and including a 40-hour workweek.</p> <p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
WORKWEEK DEFINED	For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.
COMPENSATORY TIME	At the District’s option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.
ACCRUAL	Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time, or at the District’s option, the District shall pay the employee for the compensatory time.
USE	An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the District shall pay the employee for the compensatory time.

Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

PLAN TO REDUCE  
PERSONNEL COSTS

If the Superintendent determines that there is a need to reduce personnel costs, the Superintendent shall develop, in consultation with the Board as necessary, a plan for reducing costs that may include one or more of the following:

- Salary reductions [see ~~DEA~~]; ~~DEAB~~]
- Furloughs, if the District has received certification from the Commissioner of a reduction in funding under Education Code 42.009 [see CBA and ~~DEA~~]; ~~DEAB~~]
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the Commissioner [see CEA and provisions at REDUCTION IN FORCE DUE TO FINANCIAL EXIGENCY, below];}]
- Reductions in force of contract personnel due to program change [see DFFB]; or}]
- Other means of reducing personnel costs.

A plan to reduce personnel costs may include the reduction of personnel employed pursuant to employment arrangements not covered at APPLICABILITY, below.

- See DCD for the termination at any time of at-will employment.
- See DFAB for the termination of a probationary contract at the end of the contract period.
- See DFCA for the termination of a continuing contract.
- See DCE for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code.

REDUCTION IN FORCE  
DUE TO FINANCIAL  
EXIGENCY  
APPLICABILITY

The following provisions shall apply when a reduction in force due to financial exigency requires:

1. The nonrenewal or termination of a term contract;
2. The termination of a probationary contract during the contract period; or
3. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

DEFINITIONS

Definitions used in this policy are as follows:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.
2. "Discharge" shall mean termination of a contract during the contract period.

GENERAL GROUNDS A reduction in force may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency. [See CEA] A determination of financial exigency constitutes sufficient reason for nonrenewal or sufficient cause for discharge.

EMPLOYMENT AREAS When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.
6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other **District-wide**~~Districtwide~~ programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. Combined or adjusted (e.g., “elementary programs” and “compensatory education programs” can be combined to identify an employment area of “elementary compensatory education programs”); and/or
2. Applied on a **District-wide**~~Districtwide~~ or campus-wide basis (e.g., “the counseling program at [named elementary campus]”).

The Board shall determine the employment areas to be affected.

CRITERIA FOR  
DECISION

The Superintendent or designee shall apply the following criteria to the employees within an affected employment area when a reduction in force will not result in the nonrenewal or discharge of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, highly qualified status, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by:
  - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent or designee at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee’s most recent date of hire.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

SUPERINTENDENT RECOMMENDATION	The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.
BOARD VOTE	<p>After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.</p> <p>If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).</p> <p>If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].</p>
NOTICE	<p>The Superintendent or designee shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:</p> <ol style="list-style-type: none"><li data-bbox="561 949 1091 974">1. The proposed action, as applicable;</li><li data-bbox="561 1003 1334 1029">2. A statement of the reason for the proposed action; and</li><li data-bbox="561 1058 1393 1121">3. Notice that the employee is entitled to a hearing of the type determined by the Board.</li></ol>
CONSIDERATION FOR AVAILABLE POSITIONS	<p>An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.</p> <p>If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:</p> <ol style="list-style-type: none"><li data-bbox="561 1465 1393 1528">1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.</li><li data-bbox="561 1558 1432 1654">2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.</li></ol>
HEARING REQUEST NONRENEWAL: TERM CONTRACT	An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

DISCHARGE: CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.
DISCHARGE: NON- CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.
FINAL ACTION HEARING REQUESTED	If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.
NO HEARING REQUESTED	If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

REASONABLE  
SUSPICION  
SEARCHES

The District reserves the right to conduct searches when the District has reasonable ~~suspicion~~~~cause~~ to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. **Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]**

**Note:** The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**FEDERALLY  
REQUIRED  
DOT DEPARTMENT OF  
TRANSPORTATION  
TESTING PROGRAM**

**In accordance with DOT rules, the** District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

**The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.**

DRUG-RELATED  
VIOLATIONS

The following constitute drug-related violations **under the DOT rules**:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or **controlled substances**~~drug~~ test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a **post-accident**~~postaccident~~ test.
4. Testing positive for controlled substances in a **post-accident**~~postaccident~~ test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.

8. Testing positive for controlled substances in a reasonable suspicion test.

**An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible to designate a District official who shall be responsible for reinstatement as ensuring that information is disseminated to employees regarding prohibited driver.**

ALCOHOL RESULTS BETWEEN 0.02 AND 0.04

**In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.**

**[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at DISTRICT-IMPOSED CONSEQUENCES, below.]**

CONSORTIUM

~~With specific Board approval, the Superintendent may contract on behalf of the District with outside consultants and contractors and work with a consortium of other local governments to secure the testing services, educational materials, and other component elements needed for this program.~~

~~Under such contract, the consortium shall be responsible for implementing, directing, administering, and managing the alcohol and controlled substances program within the U.S. Department of Transportation guidelines. The consortium shall serve as the principal contact with the laboratory and for collection activities in assuring the effective operation of the testing portion of the program.~~

REASONABLE SUSPICION DOT TESTING

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

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EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

**DISTRICT-IMPOSED  
CONSEQUENCES  
OF POSITIVE TEST  
RESULTS**

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, **including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04**, shall be subject to District-imposed discipline, as determined by his or her supervisor~~(s)~~ and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

**ALCOHOL RESULTS  
BETWEEN 0.02 AND  
0.04**

~~A driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended without pay from driving duties for 24 hours. A subsequent violation may subject the driver to termination in accordance with Board policy.~~

DATE ISSUED: ~~5/15/2015~~ ~~6/7/2006~~  
UPDATE ~~10278~~  
DHE(LOCAL)-A2

ADOPTED:

3 of 3

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT CONDUCT

FNG  
(LOCAL)

~~STUDENT HANDBOOK  
—STUDENT CODE OF  
CONDUCT~~

~~The District's rules of conduct and discipline, maintained in the student handbook and/or the Board-adopted Student Code of Conduct, are established to achieve and maintain order in the schools, and to teach respect toward others and responsible behavior. [See FO series]~~

~~EXTRACURRICULAR  
ACTIVITIES:  
STANDARDS OF  
BEHAVIOR~~

~~With the approval of the principal and Superintendent, a sponsor or a coach of an extracurricular activity may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. [See FO]~~

~~PROHIBITED  
HARASSMENT~~

~~A student shall not engage in prohibited harassment, including sexual harassment, of:~~

- ~~1. Another student, as defined at FFH.~~
- ~~2. A District employee, as defined at DIA.~~

~~While subject to the disciplinary control of the District, a student shall not engage in prohibited harassment, including sexual harassment, of another person, including a Board member, vendor, contractor, volunteer, or parent.~~

~~A student who violates this prohibition shall be subject to appropriate discipline in accordance with the Student Code of Conduct.~~

~~BEHAVIORAL  
STANDARDS~~

~~The following specific policies address student conduct in the areas of:~~

- ~~1. Use of District technology resources — CQ~~
- ~~2. Attendance — FEC~~
- ~~3. Bullying — FFI~~
- ~~4. School-sponsored publications — FMA~~
- ~~5. Appropriate attire and grooming — FNCA~~
- ~~6. Damage to school property — FNCB~~
- ~~7. Prohibited organizations and hazing — FNCC~~
- ~~8. Tobacco use — FNCD~~
- ~~9. Use of personal telecommunications devices and other electronic devices — FNCE~~
- ~~10. Drug and alcohol use — FNCF~~
- ~~11. Weapons — FNCG~~
- ~~12. Assault — FNCH~~
- ~~13. Disruptions — FNCI, GKA~~

STUDENT CODE OF CONDUCT

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. **Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.**

REVISIONS

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

EXTRACURRICULAR STANDARDS OF BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

**'PARENT' DEFINED**

Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

**GENERAL DISCIPLINE  
GUIDELINES**

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
  - a. The seriousness of the offense;
  - b. The student's age;
  - c. The frequency of misconduct;
  - d. The student's attitude;
  - e. The potential effect of the misconduct on the school environment;
  - f. Requirements of Chapter 37 of the Education Code; and
  - g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

~~STUDENT CODE OF  
CONDUCT~~

~~At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:~~

1. ~~Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and~~
2. ~~Made available on the District's Web site and/or as hard copy to students, parents, teachers, administrators, and to others on request.~~

~~REVISIONS~~

~~Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.~~

~~'PARENT' DEFINED~~

~~Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.~~

STUDENT DISCIPLINE

FO  
(LOCAL)

CORPORAL  
PUNISHMENT

Corporal punishment may be used as a discipline management technique in accordance with this policy and the Student Code of Conduct.

Corporal punishment shall not be administered to a student whose parent has submitted to the principal a signed statement for the current school year prohibiting the use of corporal punishment with his or her child. The parent may reinstate permission to use corporal punishment at any time during the school year by submitting a signed statement to the principal.

GUIDELINES

Corporal punishment shall be limited to spanking or paddling the student and shall be administered in accordance with the following guidelines:

1. The student shall be told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by the principal or designee.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students.

DISCIPLINARY  
RECORDS

The disciplinary record reflecting the use of corporal punishment shall include any related disciplinary actions, the corporal punishment administered, the name of the person administering the punishment, the name of the witness present, and the date and time of punishment.

PHYSICAL RESTRAINT

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Control an irrational student.
5. Protect property from serious damage.

**A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]**

~~EXTRACURRICULAR  
STANDARDS OF  
BEHAVIOR~~

~~With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. Extracurricular behavioral standards shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.~~

~~A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.~~

~~Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.~~

~~A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.~~

VIDEO AND AUDIO  
MONITORING

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

USE OF  
RECORDINGS

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

ACCESS TO  
RECORDINGS

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

DISTRICT  
PERFORMANCE  
REPORT — TAPR

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

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

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

Supplemental information to be included in the reports shall be determined by the board.

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

PUBLIC HEARING

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board.

The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district.

*Education Code 39.306(c); 19 TAC 61.1022(c)*

ACCOUNTABILITY  
PERFORMANCE REPORTING

AIB  
(LEGAL)

PUBLICATION	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(d), (f)</i></p>
REPORT USES	<p>The information in the TAPR shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i></p>
CAMPUS PERFORMANCE REPORT — SRC	<p>Each school year, TEA shall distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.</p>
DISTRIBUTION	<p>The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.</p> <p>The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.</p> <p>The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>
WEBSITE NOTICES	<p>Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet website shall make the following information available:</p> <ol style="list-style-type: none"><li>1. The information in the most recent campus report card for each campus in the district;</li></ol>

2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on Commissioner rule.

*Education Code 39.362*

LOCAL  
PERFORMANCE AND  
COMPLIANCE  
REPORTING

A district shall use criteria developed by a local committee to evaluate the performance of the district and each campus in:

1. Community and student engagement; and
2. Compliance with statutory reporting requirements and policy requirements.

The district shall assign performance ratings for the community and student engagement indicators and compliance status to the district and all campuses in the district, except for budgeted campuses, DAEP campuses, and juvenile justice alternative education program (JJAEP) campuses. Districts are not required to assign performance ratings for the community and student engagement indicators and compliance status to facilities operated by the Texas Juvenile Justice Department.

Annually, by August 8, the district shall report each rating to TEA. The district shall post the locally determined performance ratings and compliance status for the district and each campus on the district website no later than August 8 of each year. For campuses that operate on a year-round calendar, the district shall post the locally determined performance ratings and compliance status on the district website no later than the last day of August of each year.

*Education Code 39.0545(a); 19 TAC 61.1023(f), (h)*

COMMUNITY AND  
STUDENT  
ENGAGEMENT  
CATEGORIES

For purposes of the community and student engagement ratings, the district shall assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable for both overall performance and each of the following individual evaluation factors:

1. Fine arts;
2. Wellness and physical education;
3. Community and parental involvement, such as opportunities for parents to assist students in preparing for state assessments, tutoring programs that support students taking state

assessments, and opportunities for students to participate in community service projects;

4. The 21st Century Workforce Development program;
5. The second language acquisition program;
6. The digital learning environment;
7. Dropout prevention strategies; and
8. Educational programs for gifted and talented students.

NOT APPLICABLE A district may assign a rating of *Not Applicable* to a program or performance category only when the district determines that the program or performance category is not applicable to the district or a campus. A district may not assign a rating of *Not Applicable* to all of the program or performance categories for the district or a campus.

OVERALL PERFORMANCE RATING A district shall require the local committee(s) to determine the criteria that shall be used to evaluate and assign an overall performance rating of Exemplary, Recognized, Acceptable, or Unacceptable to each campus and the district. A district may not assign a rating of *Not Applicable* to this indicator for the district or a campus.

*Education Code 39.0545(a), (b)(1), (c)(1); 19 TAC 61.1023(b)–(d)*

COMPLIANCE CRITERIA The district shall assign the district and each campus a performance rating of exemplary, recognized, acceptable, or unacceptable regarding compliance with statutory reporting and policy requirements.

A district shall require the local committee(s) to determine the criteria that shall be used to evaluate and assign a status of "Yes" or "No" on the record of the district and each campus regarding compliance with statutory reporting and policy requirements. A district may not assign a rating of *Not Applicable* to this indicator for the district or a campus.

*Education Code 39.0545(a), (b)(2), (c)(2); 19 TAC 61.1023(e)*

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

NOTICE TO  
PARENTS

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

NOTICE TO  
TEACHERS AND  
STUDENTS

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

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

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

*Education Code 39.304*

FEDERAL REPORT  
CARD

A district that receives Title I funding shall prepare and disseminate an annual federal report card.

DISTRICT DATA

The federal report card shall include the following information for the district:

1. The number and percentage of schools identified for school improvement and how long the schools have been so identified.
2. Information that shows how students served by the district achieved on state assessments compared to students in the state as a whole.
3. Performance on the academic indicators for elementary and middle schools at the school and district levels in the aggregate and disaggregated by each subgroup described in 34 C.F.R. 200.13(b)(7)(ii).

CAMPUS DATA

The federal report card shall include the following information for each school served by the district:

1. Whether the school has been identified for school improvement.

2. Information that shows how the school's students achieved on state assessments and other indicators of adequate yearly progress compared to students in the district and the state as a whole.

OTHER DATA  
REQUIRED

In addition, the district shall report:

1. The number of recently arrived limited English proficient students who are not assessed on the state's reading/language arts assessment. *34 C.F.R. 200.6(b)(4)(C)*
2. The most recent available academic achievement results in grades 4 and 8 on the state's National Assessment of Educational Progress (NAEP) reading and mathematics assessments, including:
  - a. The percentage of students at each achievement level reported on the NAEP in the aggregate; and
  - b. The participation rates for students with disabilities and for limited English proficient students.*34 C.F.R. 200.11(c)*
3. Graduation rates at the school and district levels in the aggregate and disaggregated by each subgroup described in 34 C.F.R. 200.13(b)(7)(ii). *34 C.F.R. 200.19(b)(4)*

OPTIONAL

A district may include in its federal report card the information required by 34 U.S.C. 6319(b)(1)(C) regarding highly qualified teachers. [See DBA(LEGAL)]

A district may include in its federal report card any other appropriate information, whether or not such information is included in the annual state report card.

A district or school shall only include in its federal report card data that are sufficient to yield statistically reliable information, as determined by the state, and that do not reveal personally identifiable information about an individual student.

PRIVACY

A district shall implement appropriate strategies to protect the privacy of individual students in reporting achievement results in the federal report card.

*34 C.F.R. 200.7(b)(4)*

DISSEMINATION

A district shall publicly disseminate the information in the federal report card to all schools in the district served by the district and to all parents of students attending those schools. The district shall provide the information in an understandable and uniform format

and, to the extent practicable, in a language that the parents can understand.

A district shall make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies. If a district issues a report card for all students, the district may include the information under 20 U.S.C. 6311 as part of such report.

*20 U.S.C. 6311(h)(2)*, except as noted

BOARD MEMBERS  
COMPENSATION AND EXPENSES

BBG  
(LEGAL)

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

MEMBERS' EXPENSES

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

NONMEMBERS'  
EXPENSES

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

TRAVEL SERVICES

An officer of a school district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.301(b)(2)(F)*

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**Note:** For guidance regarding board member expense reimbursement and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.9.2.2 Employee/Board Member Travel and Business Expenses.

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LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

BONDS AND BOND  
TAXES

A board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites for school buildings, 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 or before they come due. Bonds may only be issued if approved in a bond election. [See BOND ELECTIONS, below] *Education Code 45.001(a)*

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

USE OF BOND  
PROCEEDS FOR  
UTILITIES

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

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 may obtain 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

A district may obtain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if a district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district's audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032-.033; 19 TAC 61.1035*

BOND ELECTIONS

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

The election shall be held on a uniform election date.

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

LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

CALL FOR  
ELECTION

For an election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the election shall be called not later than the 78th day before the election day.

For an election to be held on a uniform election date other than the date of the general election for state and county officers, the election shall be called not later than the 71st day before election day.

*Election Code 3.003, .005, 41.002 [See BBB]*

ELECTION ORDER

The election order must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the annual principal of and interest on the bonds may be imposed;
5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;
6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed 40;
7. The aggregate amount of the outstanding principal of the district's debt obligations as of the beginning of the fiscal year in which the election is ordered;
8. The aggregate amount of the outstanding interest on the district's debt obligations as of the beginning of the district's fiscal year in which the election is ordered; and
9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

*Election Code 3.009(b)*

PROPOSITIONS

Each proposition submitted to authorize the issuance of bonds shall include the question of whether a 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 a district shall never exceed the rate stated in the proposition.

*Education Code 45.003(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the issuance of bonds shall specifically state:

1. The total principal amount of the bonds to be authorized, if approved; and
2. A general description of the purposes for which the bonds are to be authorized, if approved.

*Election Code 52.072(e)*

POSTING

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election in three public places in the boundaries of the district; and
3. During the 21 days before the election, on the district's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the district maintains an Internet website.

*Election Code 4.003(f)*

NOTICE OF  
ELECTION  
POSTING

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 (and must remain posted continuously through election day). The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

Notice of the election also must be posted during the 21 days before the election, on the district's Internet website, prominently and together with the election order and the contents of the proposition, if the district maintains an Internet website. *Election Code 4.003(f)*

PUBLICATION

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 a district or a newspaper of general circulation in the territory if none is published in the district. Notice of

election must state the nature and date of election and the location and hours of each polling place. 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. *Election Code 4.003(a)(1), (c), .004, .005*

A 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* [See BBB]

ELECTIONEERING

A board may not use state or local funds or other resources of a district to electioneer for or against any candidate, measure (including a bond measure), or political party. *Education Code 11.169*

POLITICAL  
ADVERTISING

No officer or employee of a district shall knowingly expend or authorize the expenditure of district funds or resources for the purpose of political advertising (including advocacy for or against a bond measure). Funds and resources may be expended, however, to provide information that describes the factual reasons for a measure and does not advocate for the passage or defeat of such measure.

In addition, no officer or employee of a district shall spend or authorize the expenditure of district funds or resources for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense that the officer or employee reasonably relied on a court order, or an interpretation in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of a district that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure complies with Election Code 255.003.

*Election Code 255.003* [See CPAB]

NEWSLETTERS

A newsletter of a public officer of the district is not considered "political advertising" prohibited by Election Code Section 255.003 if such newsletter complies with the requirements of 1 Administrative Code 26.2. [See BBBB(LEGAL)]

50 CENT TEST FOR  
NEW DEBT

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has

a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

FUTURE TAXABLE  
VALUE

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

A district must submit to the attorney general 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 a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent Test on a taxable value that is equal to 90 percent of the value certified.

*Education Code 45.0031*

REFUNDING BONDS  
AUTHORITY

A 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 Ch. 1207*

INSTRUCTIONAL  
FACILITIES  
ALLOTMENT FOR  
REFUNDING BONDS

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

1. Are issued to refund bonds eligible under Section 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;

LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007.

*Education Code 46.007*

AUTHORIZED  
UNISSUED BONDS

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may call an election [see BBB] 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, a 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*

GUARANTEE OF  
BONDS BY THE  
PERMANENT SCHOOL  
FUND

A district may apply to the Commissioner of Education for approval to guarantee bonds issued in accordance with the provisions above (Subchapter A of Education Code Chapter 45) 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 a district and the principal amount of the bonds to be issued;
2. The name and address of the financial institution designated by a 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-.052, .054-.055*

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c)*

If approved, the guarantee of the bonds remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.65(f)(5)*

LOCAL REVENUE SOURCES  
BOND ISSUES

CCA  
(LEGAL)

CREDIT  
ENHANCEMENT  
PROGRAM

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.65(g)(4)(D)*

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may, in accordance with Education Code Chapter 45, Subchapter I and 19 Administrative Code 61.1038, apply for credit enhancement of bonds described by Education Code 45.054 by money appropriated for the Foundation School Program, other than money that is appropriated to school districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

*Education Code 45.252*

ELIGIBILITY

To be eligible for approval by the Commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;
3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;
4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and
5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

*Education Code 45.254; 19 TAC 61.1038(f)*

APPLICATION

A district seeking credit enhancement of eligible bonds shall apply to the Commissioner using a form adopted by the Commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b) and 19 Administrative Code 61.1038; and

2. Be accompanied by a fee set by the State Board of Education.

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

*Education Code 45.255; 19 TAC 61.1038(d), (e)(1), (8), (10)*

FEDERAL SECURITIES  
LAW

DISCLOSURE  
OBLIGATIONS FOR  
BOND AND OTHER  
DEBT OFFERINGS

Prior to publically offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 (the "Rule") of the Securities Exchange Commission (SEC). *SEC Rule 15c2-12(b)* [See Note, below]

LIABILITY UNDER  
FEDERAL  
SECURITIES LAW

School districts, board members, and employees of the district are subject to liability under the "antifraud provisions" of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors ("disclosures"). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district's continuing disclosure obligations under the Rule after a district's bonds are issued. [See CONTINUING DISCLOSURE AFTER ISSUING BONDS, below] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29 and SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

CONTINUING  
DISCLOSURE  
AFTER ISSUING  
BONDS

Except for exempt offerings, the Rule requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. The CDA obligates the district to prepare and file “continuing disclosures” of financial information and operating data after the bonds are issued. *SEC Rule 15c2-12(b)(5)* [See Note, below]

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**Note:** In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.

Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012) at pg. 109]

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OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

All investments made by a 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 a 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;
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and
6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see LOSS OF REQUIRED RATING, below].

*Gov't Code 2256.005(b)*

ANNUAL REVIEW

The board shall review its investment policy and investment strategies 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

A district shall perform a compliance audit of management controls on investments and adherence to the district'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, a 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 district;
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

A district 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 district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with 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 a 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)*

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

ONGOING

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 that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, 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 officer. If a 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 that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date.  
*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 a 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 relat-

ed 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 investment officer's district shall file a statement disclosing that relationship. A required statement must be filed 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, an investment officer shall prepare and submit to a board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented to a board and a superintendent, not less than quarterly, within a reasonable time after the end of the reporting period. The report must:

1. Contain a detailed description of the investment position of a 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) that states the:
  - a. Beginning market value for the reporting period;
  - b. Ending market value for the period; and
  - c. Fully accrued interest for the reporting period.
4. State the book value and market value of each separately invested asset at the 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.

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

6. State the account or fund or pooled group fund in a district for which each individual investment was acquired.
7. State the compliance of the investment portfolio of a 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 a 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

A 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 a district.

*Gov't Code 2256.025*

AUTHORIZED  
INVESTMENTS

A 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 a 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, a 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 a board by order, ordinance, or resolution. *Gov't Code 2256.003(b)*

The following investments are authorized for districts, although the board may specify in its investment policy that any such investment is not suitable, per Government Code 2256.005(j):

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, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States; obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality 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 broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required by Government Code 2256.025, or a depository institution that has its main office or a branch office in this state and that is selected by the district;
- b. The broker or 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; and
- d. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district entity.

*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" [as defined by Government Code 2256.011(b)] that have a defined termination date; are secured by a combination of cash and obligations of the United States or its agencies and instrumentalities; require the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited with the district or a third party selected and approved by the district, and are 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 a 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 United States 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 a 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 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, a 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 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 a 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:

- a. A board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds.
- b. A district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received.
- c. A district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received.
- d. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested.
- e. 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 a board authorizes the investment in the particular pool by resolution. *Gov't Code 2256.016, .019*
11. Corporate bonds: A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF] may purchase, sell, and invest its funds and funds under its control in

“corporate bonds” (as defined in Government Code 2256.0204(a)) that, at the time of purchase, are rated by a nationally recognized investment rating firm “AA” or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased. *Gov’t Code 2256.0204(b)–(c)*

The district is not authorized to:

- a. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or
- b. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

*Gov’t Code 2256.0204(d)*

The district may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

- a. Amends its investment policy to authorize corporate bonds as an eligible investment;
- b. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds, and liquidating the investment in corporate bonds; and
- c. Identifies the funds eligible to be invested in corporate bonds.

*Gov’t Code 2256.0204(e)*

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

- a. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated “AA” or the equivalent at the time the release is issued; or
- b. Changes the rating on the corporate bonds to a rating lower than “AA” or the equivalent.

*Gov’t Code 2256.0204(f)*

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

Corporate bonds are not an eligible investment for a public funds investment pool. *Gov't Code 2256.0204(g)*

CHANGE IN LAW	A district is not required to liquidate investments that were authorized investments at the time of purchase. <i>Gov't Code 2256.017</i>
LOSS OF REQUIRED RATING	An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. <i>Gov't Code 2256.021</i>
SELLERS OF INVESTMENTS	<p>A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with a district or to an investment management firm under contract with a district to invest or manage the district's investment portfolio. For purposes of this section, a business organization includes investment pools and an investment management firm under contract with a district to invest or manage the district's investment portfolio. The qualified representative of the business organization offering to engage in an investment transaction with a 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:</p> <ol style="list-style-type: none"><li>1. Received and thoroughly reviewed the district investment policy; and</li><li>2. 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 district's entire portfolio or requires an interpretation of subjective investment standards.</li></ol> <p>The investment officer may not acquire or otherwise obtain any authorized investment described in a district's investment policy from a person who has not delivered to the district the instrument described above.</p> <p><i>Gov't Code 2256.005(k)-(l)</i></p>
DONATIONS	A gift, devise, or bequest made to provide college scholarships for district graduates may be invested by a board as provided in Property Code 117.004, unless otherwise specifically provided by the terms of the gift, devise, or bequest. <i>Education Code 45.107</i>

OTHER REVENUES  
INVESTMENTS

CDA  
(LEGAL)

Investments donated to a 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

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

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
AUTHORITY

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL) under AUTHORIZED INVESTMENTS, the Board shall permit investment of District funds in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

SAFETY

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
MANAGEMENT

In accordance with Government Code 2256.005(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

LIQUIDITY AND  
MATURITY

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

DIVERSITY

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

MONITORING MARKET  
PRICES

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

MONITORING RATING  
CHANGES

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

FUNDS / STRATEGIES

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

OPERATING FUNDS

Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

AGENCY FUNDS	Investment strategies for agency funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
DEBT SERVICE FUNDS	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
CAPITAL PROJECT FUNDS	Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
SAFEKEEPING AND CUSTODY	The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.
BROKERS / DEALERS	Prior to handling investments on behalf of the District, brokers/dealers must submit required written documents in accordance with law. [See SELLERS OF INVESTMENTS, CDA(LEGAL)] Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).
SOLICITING BIDS FOR CD'S	In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.
INTEREST RATE RISK	<p>To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.</p> <p>The District shall monitor interest rate risk using weighted average maturity and specific identification.</p>
INTERNAL CONTROLS	<p>A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:</p> <ol style="list-style-type: none"><li>1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.</li></ol>

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

ANNUAL REVIEW

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

ANNUAL AUDIT

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

EXAMINATIONS  
DURING  
EMPLOYMENT

The Superintendent or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The District may designate the physician to perform the examination. If the District designates the physician, the District shall pay the cost of the examination. The District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

Based on the results of the examination, the Superintendent or designee shall determine whether the employee has an impairment. If so, the Superintendent or designee shall determine whether the impairment interferes with the employee's ability to perform essential job functions or poses a direct threat. If not, the employee shall be returned to his or her job position.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Superintendent or designee shall determine whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Superintendent or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

PLACEMENT ON  
TEMPORARY  
DISABILITY

AT EMPLOYEE'S  
REQUEST

The Superintendent or designee shall have authority to place an eligible employee on temporary disability leave at the employee's request, as appropriate, when the employee's condition interferes with the performance of regular duties.

BY BOARD  
AUTHORITY

Based on the Superintendent's recommendation that an eligible employee be involuntarily placed on temporary disability leave, the Board shall place an employee on temporary disability leave if the Board determines, in consultation with the physician who performed the medical examination, that the employee's condition in-

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

terferes with the performance of regular duties. [For employees who are eligible for temporary disability leave, see DEC(LOCAL)]

In accordance with DGBA, an employee may file a complaint disputing placement on temporary disability leave. As part of the complaint process, the employee may present testimony or other relevant information to the Board regarding the employee's fitness to perform regular duties.

OTHER  
REQUIREMENTS

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

MINIMUM SALARY  
SCHEDULE —  
EDUCATORS

A district shall pay each classroom teacher, full-time librarian, full-time school counselor, 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 Administrative Code 153.1021.

DEFINITIONS

'CLASSROOM  
TEACHER'

"Classroom teacher" means an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting, focusing on the delivery of the Texas Essential Knowledge and Skills, and who holds the relevant certificate from the State Board for Educator Certification (SBEC). Although noninstructional duties do not qualify as teaching, necessary functions related to the educator's instructional assignment, such as instructional planning and transition between instructional periods, should be applied to creditable classroom time.

'LIBRARIAN'

"Librarian" means an educator who provides full-time library services and holds the relevant certificate from SBEC.

'COUNSELOR'

"Counselor" means an educator who provides full-time counseling and guidance services and holds the relevant certificate from SBEC.

'NURSE'

"Nurse" means an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas.

'FULL-TIME'

"Full-time" means contracted employment for at least ten months (187 days) for 100 percent of the school day, in accordance with the definitions of school day in Education Code 25.082, employment contract in Education Code 21.002, and school year in Education Code 25.081.

*19 TAC 153.1022(a)*

PLACEMENT ON  
SALARY SCHEDULE

The Commissioner's rules determine the experience for which a teacher, librarian, school counselor, or nurse is to be given credit in placing the teacher, librarian, school counselor, or nurse on the minimum salary schedule. A district shall credit the teacher, librarian, school counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.402(a), .403(c); 19 TAC 153.1022*

EMPLOYEES  
FORMERLY ON  
CAREER LADDER

A teacher or librarian who received a career ladder supplement on August 31, 1993, is entitled to at least the same gross monthly salary the teacher or librarian received for the 1994–95 school year as long as the teacher or librarian is employed by the same district.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

In addition, a teacher or librarian who was on level two or three of the career ladder is entitled, as long as he or she is employed by the same district, to placement on the minimum salary schedule according to the guidelines at Education Code 21.403(d). *Education Code 21.402(f), .403(d)*

PAY INCREASES

A 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. *Tex. Const. Art. III, Sec. 53*

PUBLIC HEARING—  
CONTRACT  
EMPLOYEES

A district may not pay an employee or former employee more than an amount owed under a contract with the employee unless the district holds at least one public hearing. Notice of the hearing must be given in accordance with notice of a public meeting under the Texas Open Meetings Act [see BE].

The board must state the following at the public hearing:

1. The source and exact amount of the payment;
2. The reason the payment is being offered including the public purpose that will be served by making the payment; and
3. The terms for distribution of the payment that effect and maintain the public purpose.

*Loc. Gov't Code 180.007*

SALARY ADVANCES  
AND LOANS

A 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)*

DESIGNATION OF  
COMPENSATION FOR  
BENEFITS

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. The amount designated may not exceed the amount permitted under federal law. *Education Code 22.103*

USE

An employee may use the compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

ANNUAL ELECTION

Each school year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. The election must be made at the

same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

DEFINITION

For purposes of the designation of compensation as health-care supplementation, "employee" means an active, contributing member of TRS who:

1. Is employed by a 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)*

TRS CONTRIBUTIONS  
FOR NEW HIRES

During each fiscal year, a 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, a 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 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, a 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*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

TRS SURCHARGE FOR REHIRED RETIREES      During each payroll period for which a retiree is reported, a 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

In addition, each payroll period and for each rehiree who is enrolled in TRS Care (retiree group health insurance), a 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

A district is not required to contribute these amounts for a retiree who retired from the retirement system before September 1, 2005.

*Gov't Code 825.4092; Insurance Code 1575.204*

NOTICE REGARDING EARNED INCOME TAX CREDIT

Not later than March 1 of each year, a district shall provide employees with information regarding general eligibility requirements for the federal earned income tax credit by one of the following means:

1. In person;
2. Electronically at the employee's last known e-mail address;
3. Through a flyer included, in writing or electronically, as a payroll stuffer; or
4. By first class mail to the employee's last known address.

A district may not satisfy this requirement solely by posting information in the workplace.

In addition, a district may provide employees with IRS publications and forms, or information prepared by the comptroller, relating to the earned income tax credit.

*Labor Code 104.001-.003*

DECREASING PAY

The Commissioner has held that a district may reduce educator compensation if it gives sufficient warning of a possible reduction in

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

pay when educators can still unilaterally resign from their contracts. A sufficient warning must be both formal enough and specific enough to give educators a meaningful opportunity to decide whether to continue employment with a district. *Brajenovich v. Alief Indep. Sch. Dist., Tex. Comm’r of Educ. Decision No. 021-R10-1106 (2009)*

WIDESPREAD  
SALARY  
REDUCTIONS

The following provisions apply only to a widespread reduction in the amount of annual salaries paid to classroom teachers in a district based primarily on district financial conditions rather than on teacher performance.

For any school year in which a district has reduced the amount of the annual salaries paid to classroom teachers from the amount paid for the preceding school year, the district shall reduce the amount of the annual salary paid to each district administrator or other professional employee by a percent or fraction of a percent that is equal to the average percent or fraction of a percent by which teacher salaries have been reduced.

*Education Code 21.4023*

A board may not reduce salaries until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FURLOUGH  
PROGRAM

In accordance with district policy [see DFFA], a board may implement a furlough program and reduce the number of days of service otherwise required under Education Code 21.401 [see DC] by not more than six days of service during a school year if the Commissioner certifies that the district will be provided with less state and local funding for that year than was provided to the district for the 2010–11 school year. *Education Code 21.4021(a)*

A board may not implement a furlough program until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FUNDING LEVELS

Not later than July 1 of each year, the Commissioner shall determine for each district whether the estimated amount of state and local funding per student in weighted average daily attendance to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010–11 school year. If the amount estimated to be provided is less, the Commissioner shall certify the percentage decrease in funding to be provided to the district. *Education Code 42.009*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

SALARIES	Notwithstanding Education Code 21.402 (minimum salary schedule), a board may reduce the salary of an employee who is furloughed in proportion to the number of days by which service is reduced. Any reduction in the amount of the annual salary must be equally distributed over the course of the employee's current contract with the district.
FURLOUGH DAYS	A furlough program must subject all contract personnel to the same number of furlough days. An educator may not be furloughed on a day that is included in the number of days of instruction required under Education Code 25.081 [see EB]. Implementation of a furlough program may not result in an increase in the number of required teacher workdays. An educator may not use personal, sick, or any other paid leave while the educator is on a furlough.
CONTRACT RESIGNATION	If a board adopts a furlough program after the date by which a teacher must give notice of resignation from a probationary, term, or continuing contract [see DFE], an employee who subsequently resigns is not subject to sanctions imposed by SBEC.
NO APPEAL	A decision by a board to implement a furlough program is final and may not be appealed and does not create a cause of action or require collective bargaining.  <i>Education Code 21.4021</i>
SALARY REDUCTION / FURLOUGH PROCESS	A board may not implement a furlough program under Education Code 21.4021 or reduce salaries until the district has complied with the requirements below.
EMPLOYEE INVOLVEMENT	A district must use a process to develop a furlough program or other salary reduction proposal, as applicable, that: <ol style="list-style-type: none"><li>1. Includes the involvement of the district's professional staff; and</li><li>2. Provides district employees with the opportunity to express opinions regarding the furlough program or salary reduction proposal, as applicable, at the public meeting described below.</li></ol>
PUBLIC MEETING	A board must hold a public meeting at which the board and district administration present: <ol style="list-style-type: none"><li>1. Information regarding the options considered for managing the district's available resources, including consideration of a tax rate increase and use of the district's available fund balance;</li></ol>

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LEGAL)

2. An explanation of how the district intends, through implementation of a furlough program or salary reductions, as applicable, to limit the number of district employees who will be discharged or whose contracts will not be renewed. Any explanation of a furlough program must state the specific number of furlough days proposed to be required; and
3. Information regarding the local option residence homestead exemption.

The public and district employees must be provided with an opportunity to comment at the public meeting.

*Education Code 21.4022*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

PAY ADMINISTRATION

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The Superintendent or designee shall classify each job title within the compensation plan based on the qualifications, duties, and market value of the position.

ANNUALIZED  
SALARY

The District shall pay all salaried employees over 12 months in equal monthly or bimonthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

PAY INCREASES

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent or designee shall determine pay adjustments for individual employees, within the approved budget following established procedures.

MID-YEAR PAY  
INCREASES  
CONTRACT  
EMPLOYEES

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements]

NON-  
CONTRACT  
EMPLOYEES

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

PAY DURING CLOSING

During an emergency closing for which the workdays are not scheduled to be made up at a later date, all employees shall continue to be paid for their regular duty schedule regardless of whether the employees are required to report to work. The Board shall, by resolution or other Board action, set the parameters for payment during closings and reflect the purpose served by the expenditure. [See EB for the authority to close schools]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

FEDERALLY  
DECLARED  
DISASTERS

Hourly employees who are required to work during an emergency closing for a federally declared disaster shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

INCENTIVE GRANTS—  
CONTRACT  
PROVISION

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

EDUCATOR  
EXCELLENCE  
INNOVATION  
PROGRAM

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. TEA will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

ELIGIBILITY

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the Commissioner;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the Commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the Commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The Commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

LOCAL PLAN

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA(LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and submit a plan and grant application may not be appealed to the Commissioner.

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

USE OF GRANT  
FUNDS

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see MENTOR TEACHERS, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
  - a. The results of classroom observation, which may include student comments;
  - b. The degree of student educational growth and learning; and
  - c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

WAIVER REQUEST

A district may apply to the Commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;
2. Approval for the waiver by a vote of a majority of the members of the board;

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the Commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

*Education Code Ch. 21, Subch. O; 19 TAC 102.1073*

MENTOR TEACHERS

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by Commissioner's rules.

The Commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the Commissioner;
2. Complete a training program provided by the district; and
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance.

A district may apply to the Commissioner for funds for a mentor teacher program. A district may use the funds only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

*Education Code 21.458; 19 TAC 153.1011*

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LEGAL)

MASTER TEACHER GRANT PROGRAMS	The Commissioner shall establish master reading, mathematics, technology, and science teacher grant programs to encourage teachers to become certified as master teachers and to work with other teachers and students to improve student performance. <i>Education Code 21.410-.413</i>
APPLICATION	A district may apply to the Commissioner for grants for each identified high-need campus to be used to pay year-end stipends to certified master teachers.
USE OF FUNDS	Grant funds may be used only for the purpose of paying a year-end stipend to a master teacher whose primary duties are to teach reading, mathematics, technology, or science and to serve as a reading, mathematics, technology, or science teacher mentor for the amount of time and in the manner established by the district.
PAYMENTS	<p>The Commissioner shall reduce payments to a district proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.</p> <p>If a teacher qualifies as a master teacher for a partial month, a district's written policy will determine how the district counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by a district on the teacher's behalf.</p> <p>Education Code sections 21.410-.413 do not create a property right to a grant or stipend. A master teacher stipend is not considered in determining whether the district is paying the teacher the minimum monthly salary under Education Code 21.402.</p>
DESIGNATION OF TEACHER	<p>A district that employs more certified master teachers than the number of grants available shall designate which certified master teacher(s) to assign the duties required to receive the state stipends. The designation is based on a written policy adopted by the board. A district's decision is final and may not be appealed.</p> <p>A district may not apportion among teachers a stipend paid with a grant the district receives under this program. A district may use local money to pay additional stipends in amounts determined by the district.</p> <p><i>Education Code 21.410-.413; 19 TAC Ch. 102, Subch. BB</i></p>
RETIREMENT INCENTIVES	A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. <i>Education Code 22.007</i>
ATTENDANCE SUPPLEMENT	A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attend-

ance 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*

COMPENSATION PLAN  
INCENTIVES AND STIPENDS

DEAA  
(LOCAL)

STIPEND	The Superintendent shall recommend a stipend pay schedule as part of the annual compensation plan of the District. [See DEA]
SUPPLEMENTAL DUTIES	The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act (FLSA), as needed. [See DK(LOCAL)] The employee shall be compensated for these assignments according to the compensation plan of the District.
INCENTIVE AND INNOVATION PROGRAMS	<p>The Superintendent shall have authority to submit plans and grant applications for incentive and innovation programs to TEA or other granting organizations on behalf of the Board. Incentive plans shall address teacher eligibility, including any exclusions.</p> <p>Locally developed incentive programs, if any, shall be addressed in the compensation plan of the District.</p>

COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LEGAL)

FAIR LABOR  
STANDARDS ACT  
MINIMUM WAGE  
AND OVERTIME

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

BREAKS FOR  
NONEXEMPT  
EMPLOYEES

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

BREAKS FOR  
NURSING MOTHERS

A district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

A district that employs fewer than 50 employees is not subject to these requirements if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

*29 U.S.C. 207(r)*

COMPENSATORY  
TIME  
ACCRUAL

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

PAYMENT FOR  
ACCRUED TIME

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

USE

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

*29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)*

EXEMPT  
EMPLOYEES

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

ACADEMIC  
ADMINISTRATORS

The term "employee employed in a bona fide administrative capacity" includes an employee:

1. Compensated for services on a salary or fee basis at a rate of not less than \$455 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the district by which employed; and
2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;
2. The principal and any vice principals responsible for the operation of an elementary or secondary school;
3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and
4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

*29 C.F.R. 541.204*

SALARY BASIS

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

PARTIAL-DAY  
DEDUCTIONS

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

*29 C.F.R. 541.710*

SAFE HARBOR  
POLICY

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the deduction unless the district willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on a district's intranet.

*29 C.F.R. 541.603(d)*

TEACHERS

The term "employee employed in a bona fide professional capacity" includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and

7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

*29 C.F.R. 541.303*

WAGE AND HOUR  
RECORDS

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

PAYDAY LAW  
EXEMPTION

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

COMPENSATION PLAN  
WAGE AND HOUR LAWS

DEAB  
(LOCAL)

CLASSIFICATION OF POSITIONS	The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).
EXEMPT	<p>The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.</p> <p>An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District’s attention, through the District’s complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.</p>
NONEXEMPT	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for up to and including a 40-hour workweek.</p> <p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.</p>
WORKWEEK DEFINED	For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.
COMPENSATORY TIME	At the District’s option, nonexempt employees may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.
ACCRUAL	Compensatory time earned by nonexempt employees may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time, or at the District’s option, the District shall pay the employee for the compensatory time.
USE	An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the District shall pay the employee for the compensatory time.

Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.

## PROPOSED REVISIONS: 7-15-2015

PRIOR APPROVAL  
REQUIRED

An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's immediate supervisor.

TRAVEL EXPENSES

Reimbursement for authorized travel shall be in accordance with legal requirements.

Accounting records shall accurately reflect that no state or federal funds were used to reimburse travel expenses beyond those authorized for state employees.

DOCUMENTATION  
REQUIRED

For any authorized expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses and in accordance with administrative procedures.

**EXCEPTION**

**Expenses for meals associated with authorized overnight travel not related to a state or federal grant shall be paid to employees on a per diem basis. No receipts shall be required for expenses paid on a per diem basis.**

COMPENSATION AND BENEFITS  
EXPENSE REIMBURSEMENT

DEE  
(LEGAL)

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**Note:** For guidance regarding employee expense reimbursement, including per diem reimbursement, and income tax issues, see the *TEA Financial Accountability System Resource Guide*, Section 1.9.2.2 Employee/Board Member Travel and Business Expenses.

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TRAVEL SERVICES

An employee of a district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f)*

CLASSROOM SUPPLY  
REIMBURSEMENT

If funds are specifically appropriated or TEA identifies available funds, TEA shall establish a reimbursement program under which TEA provides funds to districts for the purpose of reimbursing classroom teachers who expend personal funds on classroom supplies.

A district shall match any funds provided to the district under the reimbursement program with local funds to be used for the same purpose. A district may not use funds received under the reimbursement program to replace local funds used by the district for the same purpose.

A district shall allow each classroom teacher in the district who is reimbursed under the reimbursement program to use the funds at the teacher's discretion, except that the funds must be used for the benefit of the district's students.

*Education Code 21.414*

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

PLAN TO REDUCE  
PERSONNEL COSTS

If the Superintendent determines that there is a need to reduce personnel costs, the Superintendent shall develop, in consultation with the Board as necessary, a plan for reducing costs that may include one or more of the following:

- Salary reductions [see DEA];
- Furloughs, if the District has received certification from the Commissioner of a reduction in funding under Education Code 42.009 [see CBA and DEA];
- Reductions in force of contract personnel due to financial exigency, if the District meets the standard for declaring a financial exigency as defined by the Commissioner [see CEA and provisions at REDUCTION IN FORCE DUE TO FINANCIAL EXIGENCY, below];
- Reductions in force of contract personnel due to program change [see DFFB]; or
- Other means of reducing personnel costs.

A plan to reduce personnel costs may include the reduction of personnel employed pursuant to employment arrangements not covered at APPLICABILITY, below.

- See DCD for the termination at any time of at-will employment.
- See DFAB for the termination of a probationary contract at the end of the contract period.
- See DFCA for the termination of a continuing contract.
- See DCE for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code.

REDUCTION IN FORCE  
DUE TO FINANCIAL  
EXIGENCY  
APPLICABILITY

The following provisions shall apply when a reduction in force due to financial exigency requires:

1. The nonrenewal or termination of a term contract;
2. The termination of a probationary contract during the contract period; or
3. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

DEFINITIONS

Definitions used in this policy are as follows:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.
2. "Discharge" shall mean termination of a contract during the contract period.

GENERAL GROUNDS A reduction in force may take place when the Superintendent recommends and the Board adopts a resolution declaring a financial exigency. [See CEA] A determination of financial exigency constitutes sufficient reason for nonrenewal or sufficient cause for discharge.

EMPLOYMENT AREAS When a reduction in force is to be implemented, the Superintendent shall recommend the employment areas to be affected.

Employment areas may include, for example:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs, including career and technical education subjects.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education and related services, compensatory education, or migrant education.
4. Disciplinary alternative education programs (DAEPs) and other discipline management programs.
5. Counseling programs.
6. Library programs.
7. Nursing and other health services programs.
8. An educational support program that does not provide direct instruction to students.
9. Other District-wide programs.
10. An individual campus.
11. Any administrative position, unit, or department.
12. Programs funded by state or federal grants or other dedicated funding.
13. Other contractual positions.

The Superintendent's recommendation may address whether any employment areas should be:

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

1. Combined or adjusted (e.g., “elementary programs” and “compensatory education programs” can be combined to identify an employment area of “elementary compensatory education programs”); and/or
2. Applied on a District-wide or campus-wide basis (e.g., “the counseling program at [named elementary campus]”).

The Board shall determine the employment areas to be affected.

CRITERIA FOR  
DECISION

The Superintendent or designee shall apply the following criteria to the employees within an affected employment area when a reduction in force will not result in the nonrenewal or discharge of all staff in the employment area. The criteria are listed in the order of importance and shall be applied sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion, and so forth.

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, bilingual certification, licensure, endorsement, highly qualified status, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by:
  - a. The most recent formal appraisal and, if available, consecutive formal appraisals from more than one year [see DNA]; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent or designee at his or her discretion decides that the documented performance differences between two or more employees are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

3. Extra Duties: Currently performing an extra-duty assignment, such as department or grade-level chair, band director, athletic coach, or activity sponsor.
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. Seniority: Length of service in the District, as measured from the employee’s most recent date of hire.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

SUPERINTENDENT RECOMMENDATION	The Superintendent shall recommend to the Board the nonrenewal or discharge of the identified employees within the affected employment areas.
BOARD VOTE	After considering the Superintendent's recommendations, the Board shall determine the employees to be proposed for nonrenewal or discharge, as appropriate.  If the Board votes to propose nonrenewal of one or more employees, the Board shall specify the manner of hearing in accordance with DFBB(LOCAL).  If the Board votes to propose discharge of one or more employees, the Board shall determine whether the hearing will be conducted by a TEA-appointed hearing examiner [see DFD] or will be a local hearing under Education Code 21.207 [see DFBB].
NOTICE	The Superintendent or designee shall provide each employee written notice of the proposed nonrenewal or discharge, as applicable. The notice shall include:  <ol style="list-style-type: none"><li>1. The proposed action, as applicable;</li><li>2. A statement of the reason for the proposed action; and</li><li>3. Notice that the employee is entitled to a hearing of the type determined by the Board.</li></ol>
CONSIDERATION FOR AVAILABLE POSITIONS	An employee who has received notice of proposed nonrenewal or discharge may apply for available positions for which he or she wishes to be considered. The employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures.  If the employee meets the District's objective criteria for the position and is the most qualified internal applicant, the District shall offer the employee the position until:  <ol style="list-style-type: none"><li>1. Final action by the Board to end the employee's contract, if the employee does not request a hearing.</li><li>2. The evidentiary hearing by the independent hearing examiner, the Board, or other person designated in DFBB(LOCAL), if the employee requests a hearing.</li></ol>
HEARING REQUEST NONRENEWAL: TERM CONTRACT	An employee receiving notice of proposed nonrenewal of a term contract may request a hearing in accordance with DFBB.

REDUCTION IN FORCE  
FINANCIAL EXIGENCY

DFFA  
(LOCAL)

DISCHARGE: CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge from a contract governed by Chapter 21 of the Education Code may request a hearing. The hearing shall be conducted in accordance with DFD or the nonrenewal hearing process in DFBB, as determined by the Board and specified in the notice of proposed discharge.
DISCHARGE: NON- CHAPTER 21 CONTRACT	An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.
FINAL ACTION HEARING REQUESTED	If the employee requests a hearing, the Board shall take final action after the hearing in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.
NO HEARING REQUESTED	If the employee does not request a hearing, the Board shall take final action in accordance with DCE, DFBB, or DFD, as applicable, and shall notify the employee in writing.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

SEARCHES—  
GENERAL RULE

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV; Tex. Const. Art. I, Sec. 9*

A 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, a district may search an employee's workplace for noninvestigatory, work-related purposes, 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

A 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); *Nat'l 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 a 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. Sch. Bd. of LaFayette Parish*, 148 F.3d 559 (5th Cir. 1998)

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**Note:** The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

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EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

TESTING OF DRIVERS	<p>A 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. <i>49 U.S.C. 31.306; 49 C.F.R. Part 382</i></p>
COMMERCIAL MOTOR VEHICLE DEFINED	<p>A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:</p> <ol style="list-style-type: none"><li>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;</li><li>2. Has a gross vehicle weight rating of 26,001 or more pounds; or</li><li>3. Is designed to transport 16 or more passengers, including the driver.</li></ol> <p><i>49 C.F.R. 382.107</i></p>
TESTING PROCEDURES	<p>A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. <i>49 C.F.R. 382.105</i></p>
TESTS REQUIRED	<p>Required testing includes pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. No driver shall refuse to submit to a post-accident 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. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. <i>49 C.F.R. 382.211, .309</i></p>
EDUCATION AND TREATMENT	<p>A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the U.S. Department of Transportation (DOT).</p> <p>However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations.</p> <p><i>49 C.F.R. 40.289</i></p>
RETURN-TO-DUTY TESTING	<p>If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This</p>

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements.

*49 C.F.R. 40.305(a)-(b)*

EDUCATIONAL  
MATERIALS

A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting these requirements. The district 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 C.F.R. 382.601.  
*49 C.F.R. 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 and whether the specimen producing the result was a dilute specimen.

"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 C.F.R. 40.87 on a confirmation drug test.

"Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

For purposes of this requirement, the term “employee” includes applicants for employment subject to pre-employment testing.

*Trans. Code 644.251–.252; 49 C.F.R. 40.3*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

REASONABLE  
SUSPICION  
SEARCHES

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

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**Note:** The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

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FEDERALLY  
REQUIRED DOT  
TESTING PROGRAM

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

DRUG-RELATED  
VIOLATIONS

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LOCAL)

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

ALCOHOL RESULTS  
BETWEEN 0.02 AND  
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at DISTRICT-IMPOSED CONSEQUENCES, below.]

REASONABLE  
SUSPICION DOT  
TESTING

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

DISTRICT-IMPOSED  
CONSEQUENCES

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

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**Note:** The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

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NONDISCRIMINATION	No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. <i>42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)</i> [See also FB]
FREE APPROPRIATE PUBLIC EDUCATION (FAPE)	Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. <i>Education Code 29.003(a)</i>  “Free appropriate public education” (FAPE) means special education and related services that: <ol style="list-style-type: none"><li>1. Have been provided at public expense, under public supervision and direction, and without charge;</li><li>2. Meet standards set out by TEA;</li><li>3. Include an appropriate preschool, elementary school, or secondary school education; and</li><li>4. Are provided in conformity with the student’s individualized education program (IEP).</li></ol> <i>20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36</i>
LEAST RESTRICTIVE ENVIRONMENT	A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. <i>20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)</i>
DISCIPLINE	All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 Administrative Code 89.1053. <i>19 TAC 89.1050(j)</i> [See FOF]

INSTRUCTIONAL  
ARRANGEMENTS AND  
SETTINGS

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

1. Mainstream: providing services in a regular classroom;
2. Homebound: providing services at home or hospital bedside;
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by a district;
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting;
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus;
7. Off-home campus: providing services to nondistrict students in a single location, through district personnel at a nondistrict facility, or at a district campus that provides only special education and related services;
8. Nonpublic day school: providing services through a contractual agreement with a nonpublic school for special education;
9. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district; or
11. State supported living center: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location.

OTHER PROGRAM  
OPTIONS

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

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

SHARED SERVICES  
ARRANGEMENTS

A district may enter into a written contract to jointly operate its special education program. The contract must be approved by the Commissioner. *Education Code 29.007*

RELATED SERVICES  
DEFINITION

“Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child’s IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device’s functioning, or the replacement of such device.

*20 U.S.C. 1401(26); 34 C.F.R. 300.34*

TRANSPORTATION

A district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

EXTENDED SCHOOL  
YEAR SERVICES

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

*34 C.F.R. 300.106; 19 TAC 89.1065*

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

IDENTIFICATION  
CHILD FIND

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

*20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)*

PRIVATE SCHOOL  
STUDENTS

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

*20 U.S.C. 1412(a)(10)(A)(ii)–(iv)* [See EHBAC regarding students in nondistrict placement]

PRESCHOOL  
STUDENTS

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

REQUESTS AND  
REFERRALS FOR  
EVALUATION

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

DISTRICT  
OBLIGATION TO  
REFER

Before referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students. If a student continues to experience difficulty in the general classroom after the provision of interventions, district personnel must refer the student for a full individual and initial evaluation.

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

PARENTAL  
REQUEST

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

*20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301; 19 TAC 89.1011(a), (b); Education Code 29.004(c)*

NOTICE OF RIGHTS

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

INITIAL EVALUATION  
REQUIRED

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services.  
*20 U.S.C. 1414(a)(1)(A)*

CONSENT FOR  
INITIAL  
EVALUATION

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

*20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)*

WARDS OF  
THE STATE

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;

2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

*20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)*

TIME FRAME FOR  
COMPLETION OF  
WRITTEN  
REPORT

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school

district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

TRANSFER  
STUDENTS

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The time lines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

*20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e); Education Code 29.004; 19 TAC 89.1011*

PSYCHOLOGICAL  
EXAMINATIONS

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See TIME FRAME FOR COMPLETION OF WRITTEN REPORT, above]

*Education Code 29.0041*

SPECIAL EDUCATION  
IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA  
(LEGAL)

ELIGIBILITY AND  
REEVALUATIONS

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

*20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035, .1040*

VISUAL AND  
AUDITORY  
IMPAIRMENTS

A student with a visual or auditory impairment shall be eligible to participate in a district's special education program from birth.  
*19 TAC 89.1035(b); Education Code 30.002, .081*

DETERMINATION OF  
INITIAL ELIGIBILITY

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

*20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)*

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at TIME FRAME FOR COMPLETION OF WRITTEN REPORT, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

*19 TAC 89.1011(d), (e)(4)*

CONSENT FOR  
SERVICES

INITIAL  
PROVISION OF  
SERVICES

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

REVOKING  
CONSENT

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

*34 C.F.R. 300.300(b)*

REEVALUATIONS

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

*20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303*

EVALUATION FOR  
CHANGE IN  
ELIGIBILITY

A district shall evaluate a child before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law; a summary of academic achievement and functional performance must be provided in these circumstances. *20 U.S.C. 1414(c)(5); 34 C.F.R. 300.305(e), 19 TAC 89.1070(g)*

INDEPENDENT  
EVALUATION

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

AT PUBLIC  
EXPENSE

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

AT PRIVATE  
EXPENSE

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

*34 C.F.R. 300.502*

PRESCRIPTION  
MEDICATION

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 *et seq.*) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

*20 U.S.C. 1412(a)(25)*

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

ADMISSION, REVIEW,  
AND DISMISSAL  
COMMITTEE

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

RESPONSIBILITIES  
OF ARD  
COMMITTEE

The responsibilities of the ARD committee and the district include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

*19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

COMMITTEE  
MEMBERS

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;
9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

*20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)*

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting in-

volves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)*

PARENT  
INVOLVEMENT

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

*34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)*

ALTERNATIVE  
MEANS OF  
MEETING  
PARTICIPATION

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

MEETINGS

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A “meeting” does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child’s IEP. A “meeting” also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)*

MEETING AT  
PARENT’S  
REQUEST

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

TRANSFER STUDENTS  
IN-STATE  
TRANSFERS

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

TRANSFERS FROM  
ANOTHER STATE

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

*19 TAC 89.1050(i)*

TRANSFER OF RECORDS	<p>The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.</p> <p>The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.</p> <p><i>20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(i)(3)</i></p>
MILITARY DEPENDENTS	<p>A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. <i>Education Code 162.002 art. V, C [See FDD]</i></p>
INDIVIDUALIZED EDUCATION PROGRAM (IEP)	<p>A district shall develop, review, and revise an IEP for each child with a disability. <i>20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)</i></p> <p>At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. <i>20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)</i></p>
	<p>The term "individualized education program" means a written statement for each student with a disability that includes:</p> <ol style="list-style-type: none"><li>1. A statement of the student's present levels of academic achievement and functional performance;</li><li>2. A statement of measurable annual goals, including academic and functional goals;</li><li>3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;</li><li>4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;</li><li>5. A statement of the program modifications or supports for school personnel that will be provided for the student;</li></ol>

6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than the first IEP to be in effect when the student is 14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD]; and
12. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.0111; 19 TAC 89.1055*

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

BEHAVIORAL  
INTERVENTION  
PLAN

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility

for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

TRANSLATION OF  
IEP INTO NATIVE  
LANGUAGE

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d); 19 TAC 89.1050(h)*

AUTISM /  
PERVASIVE  
DEVELOPMENTAL  
DISORDER

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and

11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

VISUAL  
IMPAIRMENT

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

COLLABORATIVE  
PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

TEN-DAY RECESS

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program.  
[See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

FAILURE TO REACH AGREEMENT	If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The parent who disagrees shall be offered the opportunity to write his or her own statement of disagreement.  <i>19 TAC 89.1050(f)</i>
MODIFICATION OF EXISTING IEP	Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.  After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.  Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.  To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.  <i>20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)</i>
TEACHER ACCESS TO IEP	Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. <i>19 TAC 89.1075(c)</i>
TEACHER REQUEST TO REVIEW IEP	Each district shall develop a process to be used by a teacher who instructs a student with a disability: <ol style="list-style-type: none"><li>1. To request a review of the student's IEP;</li><li>2. That provides for a timely district response to the teacher's request; and</li><li>3. That provides for notification to the student's parent or legal guardian of that response.</li></ol> <i>Education Code 29.001(11); 19 TAC 89.1075(d)</i>

TRANSITION  
SERVICES DEFINED

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

*20 U.S.C. 1401(34); 34 C.F.R. 300.43*

INDIVIDUAL  
TRANSITION  
PLANNING

In accordance with Education Code 29.011 and 29.0111, not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
3. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the student or the school district in which the student is enrolled;
4. Any postsecondary education options;
5. A functional vocational evaluation;
6. Employment goals and objectives;
7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments;
8. Independent living goals and objectives; and
9. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under paragraph (1) of this subsection.

[See EHBAB regarding membership of ARD committee for transition services meetings]

*20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.0111; 19 TAC 89.1055(h), (j)*

#### GRADUATION

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(2)(D), (f)(1), (f)(2), or (f)(3)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

*20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2); 19 TAC 89.1070*

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

PROCEDURAL  
SAFEGUARDS

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)-(b)*

These procedures shall include:

EXAMINATION OF  
RECORDS AND  
PARTICIPATION IN  
MEETINGS

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*

INDEPENDENT  
EDUCATIONAL  
EVALUATION

2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*

ASSIGNMENT OF  
SURROGATE  
PARENT

3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*

PRIOR WRITTEN  
NOTICE

4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See PRIOR NOTICE AND CONSENT, below]

MEDIATION

5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*

COMPLAINTS

6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See DISPUTE RESOLUTION, below] *34 C.F.R. 300.507*

DUE PROCESS  
COMPLAINT

7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

CONSENT

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

*34 C.F.R. 300.9*

LANGUAGE OF  
NOTICES

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

ELECTRONIC  
DELIVERY OF  
NOTICES

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

PROCEDURAL  
SAFEGUARDS NOTICE

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

CONTENTS OF  
NOTICE

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
  - a. The time period in which to file a complaint;
  - b. The opportunity for the district to resolve the complaint; and
  - c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional time lines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

*20 U.S.C. 1415(a)–(b), (d); 34 C.F.R. 300.504*

PRIOR NOTICE AND  
CONSENT

A district shall provide prior written notice to the parents a reasonable time before the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of FAPE to the child. *34 C.F.R. 300.503(a)*

Notice must be provided to the parent at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame. *19 TAC 89.1050(g)*

CONTENTS OF  
NOTICE

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

SPECIAL EDUCATION  
PROCEDURAL REQUIREMENTS

EHBAE  
(LEGAL)

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;
4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the IDEA rules;
6. A description of other options the ARD committee [see EHBAB] considered and the reasons why those options were rejected; and
7. A description of other factors that are relevant to the district's proposal or refusal.

*34 C.F.R. 300.503(b)*

CONSENT TO  
INITIAL EVALUATION

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

CONSENT TO  
SERVICES

A district shall seek informed consent from the parent before providing special education and related services to a child. [See EHBAA] *20 U.S.C. 1414(a)(1)(D)*

CONSENT TO  
REEVALUATION

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

PSYCHOLOGICAL  
EXAMINATIONS AND  
TESTS

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

*Education Code 29.0041(a), (b)*

DISPUTE RESOLUTION The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through TEA in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

*19 TAC 89.1150*

DUE PROCESS COMPLAINT Whenever a due process complaint has been received by a district, the parent shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process hearings, see 19 TAC 89.1151–.1191.]

TIME LINE Such due process complaint must set forth an alleged violation that occurred not more than one year before the date the parent knew or should have known about the alleged action that forms the basis of the complaint.

*20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(c), .1170(a)*

EXCEPTION This time line shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or

2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

*20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f), 19 TAC 89.1151(d)*

'STAY PUT'

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

EXCEPTION

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day time line, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533* [See FOF]

RESOLUTION  
PROCESS

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

*34 C.F.R. 300.510, 19 TAC 89.1183*

TRANSFER OF RIGHTS  
TO ADULT STUDENTS

When a student reaches the age of 18, a district shall notify the student and the parents of the transfer of parental rights, as described in the following paragraph. This notice is separate and distinct from the requirement that, beginning at least one year before

the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student.

*34 C.F.R. 300.520; Education Code 29.017(a), (c); 19 TAC 89.1049(c)*

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

COMPENSATORY  
EDUCATION  
ALLOTMENT

A district is entitled to an annual compensatory education allotment for each student:

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

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

*Education Code 42.152(a)–(b)*

USE

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

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

A district may also use allocated funds for:

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

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

LIMIT ON DAEP  
EXPENDITURES

A district may not use more than 18 percent of its compensatory education allotment for DAEPs.

The Commissioner may waive this limitation upon an annual petition, by a district's board and site-based decision making commit-

tee, presenting the reason for the need to spend supplemental compensatory education funds on DAEPs.

*Education Code 42.152(c)(1)–(2)*

DROPOUT  
PREVENTION  
STRATEGIES

A district with a high dropout rate, as determined by the Commissioner, shall submit a plan to the Commissioner describing the manner in which the district intends to use its compensatory education and high school allotments for developing and implementing research-based strategies for dropout prevention.

If a district is required to submit both a dropout prevention strategy plan and a plan to increase college enrollment [see GNC], the district must describe in its dropout prevention strategy plan how the activities identified in both plans will be coordinated. If a district is required to submit both a school improvement plan, due to failure to meet the required performance standard regarding dropout rates or completion rates, as well as a dropout prevention strategy plan, the district may request that its school improvement plan be used to satisfy both requirements.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education or high school allotment to which the plan applies. The plan must meet the requirements at 19 Administrative Code 89.1701(e).

A district may not spend or obligate more than 25 percent of the district's compensatory or high school allotment unless the Commissioner approves the plan.

*Education Code 29.918; 19 TAC 89.1701*

DEFINITION OF AT-  
RISK STUDENT

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

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

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

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- subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
  5. Is pregnant or is a parent;
  6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
  7. Has been expelled during the preceding or current school year;
  8. Is currently on parole, probation, deferred prosecution, or other conditional release;
  9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
  10. Is a student of limited English proficiency, as defined by Section 29.052;
  11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
  12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or
  13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

*Education Code 29.081(d)–(d-1)*

LOCAL ELIGIBILITY  
CRITERIA

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

COMPENSATORY,  
INTENSIVE, AND  
ACCELERATED  
INSTRUCTION

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

ACCELERATED  
INSTRUCTION

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

*Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)*

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0217*

EFFECTIVENESS

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

DROPOUT RECOVERY  
EDUCATION  
PROGRAMS

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must meet the criteria set forth at Education Code 29.081(e)(1)–(5).

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

*Education Code 29.081(e)–(f)*

PUBLIC JUNIOR  
COLLEGE  
PARTNERSHIP  
PROGRAM

A school district may agree to partner with a public junior college to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the partnering school district in accordance with Education Code 29.401. [See GNC]

COMMUNITIES IN  
SCHOOLS (CIS)

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

OPTIONAL EXTENDED  
YEAR PROGRAM  
(OEYP)

A district may set aside an amount from its compensatory education allotment or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for students:

1. In kindergarten through grade 11, who are identified as not likely to be promoted to the next grade level for the succeeding school year; or
2. In grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.

A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services.

An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.

POLICY

If a district provides an OEYP, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

PROGRAM  
CRITERIA

An OEYP must meet the requirements set forth at Education Code 29.082 and 19 Administrative Code 105.1001.

PROMOTION OF  
STUDENT

A student who attends at least 90 percent of the program days and who satisfies the requirements for promotion at Education Code

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

	<p>28.021 shall be promoted or retained in accordance with Education Code 29.082(e).</p>
TRANSPORTATION	<p>A district shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services.</p> <p><i>Education Code 29.082; 19 TAC 105.1001 [See EIE and FDC]</i></p>
OPTIONAL FLEXIBLE YEAR PROGRAM (OFYP)	<p>A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level.</p>
PROGRAM CRITERIA	<p>An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 Administrative Code 129.1029.</p> <p><i>Education Code 29.0821; 19 TAC 129.1029</i></p>
OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM (OFSDP)	<p>Notwithstanding Education Code 25.081 (school year) or 25.082 (school day) [see EB and EC], a district may apply to the Commissioner to provide a flexible school day program (OFSDP) for students, in accordance with 19 Administrative Code 129.1027.</p>
PROGRAM CRITERIA	<p>A district that meets application requirements may:</p> <ol style="list-style-type: none"><li>1. Provide flexibility in the number of hours each day a student attends;</li><li>2. Provide flexibility in the number of days each week a student attends; or</li><li>3. Allow a student to enroll in less than or more than a full course load.</li></ol> <p>Except in the case of a course designed for a student who will be denied credit as a result of attendance requirements, a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Education Code 25.081 and the required length of school day under Education Code 25.082.</p>
STUDENT ELIGIBILITY	<p>A district may provide an OFSDP for students who:</p> <ol style="list-style-type: none"><li>1. Have dropped out of school or are at risk of dropping out of school, as defined above at DEFINITION OF AT-RISK STUDENT;</li><li>2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the Commissioner; or</li></ol>

3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

A student who will be denied credit for one or more classes as a result of attendance requirements may enroll in a course in a OFSDP offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

EXTRACURRICULAR  
PARTICIPATION

A student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.

FUNDING

Funding for an OFSDP shall be based on the number of instructional days in a district calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required shall be proportionately reduced for funding purposes. The Commissioner may limit funding for the attendance of a student who will be denied credit as a result of attendance requirements to funding only for the attendance necessary for the student to earn class credit that the student would not otherwise be able to receive without re-taking the class.

ANNUAL  
PERFORMANCE  
REVIEW

Annually, each school district shall review its progress in relation to the performance indicators required by 19 Administrative Code 129.1027(h). Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

*Education Code 29.0822; 19 TAC 129.1027*

TUTORIAL SERVICES

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time]

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

*Education Code 29.084*

BASIC SKILLS  
PROGRAMS

A district may apply to the Commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to

grade 10 and who fail to meet minimum skills levels established by the Commissioner.

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

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

*Education Code 29.086*

AFTER-SCHOOL AND  
SUMMER INTENSIVE  
MATHEMATICS AND  
SCIENCE PROGRAMS

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

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

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
  - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
  - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

*Education Code 29.088, .090; 19 TAC 102.1041*

MENTORING  
SERVICES PROGRAM

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public

or nonprofit community-based organization to come to the district's schools and implement the program.

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

*Education Code 29.089*

ACCELERATED  
READING  
INSTRUCTION  
PROGRAM

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

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

LIMITATION

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

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

INTENSIVE PROGRAM  
OF INSTRUCTION  
STATE  
ASSESSMENTS

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
  - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
  - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

SPECIAL PROGRAMS  
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1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

GRADUATION  
REQUIREMENTS

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

NO CAUSE OF  
ACTION

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

*Education Code 28.0213*

MAXIMUM ALLOWABLE  
INDIRECT COST

A district may expend no more than the following percentages of the district's Foundation School Program (FSP) special allotments under Education Code Chapter 42, Subchapter C, for indirect costs related to the following programs:

1. No more than 48 percent for indirect costs related to:
  - a. Compensatory education,
  - b. Bilingual education and special language programs, and
  - c. Special education.
2. No more than 45 percent for indirect costs related to gifted and talented education programs.
3. No more than 42 percent for indirect costs related to career and technical education programs.

Beginning with the 2012–13 school year, a district may choose to use a greater indirect cost allotment under Education Code 42.151, .153, .154, and .156, to the extent the district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–12 school year. The Commissioner shall develop a methodology for a school district to make this determination and may require any information necessary to implement this rule.

*19 TAC 105.11*

COLLEGE  
PREPARATORY  
COURSES

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

EHBC  
(LEGAL)

1. For students at the twelfth grade level whose performance on:
  - a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

FACULTY

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

NOTICE

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

CREDIT EARNED

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

DUAL CREDIT

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

INSTRUCTIONAL  
MATERIALS

Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

To the extent applicable, a district shall draw from curricula and instructional materials developed under Education Code 28.008 in developing a course and related instructional materials. A course and the related instructional materials shall be made available to students not later than the 2014–15 school year.

*Education Code 28.014*

This introductory page outlines the contents of the graduation policy. See the following sections for statutory provisions on:

SECTION I	High School Diploma	pages 2–3
	1. Special Education	
	2. Posthumous Diploma	
	3. Diplomas for Veterans	
SECTION II	Personal Graduation Plan (PGP)	pages 3–4
	1. Junior High or Middle School PGP	
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SECTION III	Early Graduation	page 4
SECTION IV	State Graduation Requirements	pages 5–15
	1. Students Entering Grade 9 in the 2014–15 School Year	
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	3. Students Who Entered Grade 9 before the 2014–15 School Year	
SECTION V	Transfers from Out-of-State or Nonpublic Schools	page 15
SECTION VI	Graduation of Students Receiving Special Education Services	pages 15–18
	1. Completion of General Education Requirements	
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SECTION VII	Graduation of Military Dependents	page 19
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SECTION VIII	Graduation of Student in Conservatorship of DFPS	page 19

**SECTION I: HIGH SCHOOL DIPLOMA**

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

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

*Education Code 28.025(c)*

SPECIAL EDUCATION

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. [See GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, below] 19 TAC 101.3023(a)

POSTHUMOUS  
DIPLOMA

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

EXCEPTION

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

*Education Code 28.0254*

DIPLOMAS FOR  
VETERANS

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or

2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

*Education Code 28.0251*

### **SECTION II: PERSONAL GRADUATION PLAN**

JUNIOR HIGH OR  
MIDDLE SCHOOL PGP

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

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

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

*Education Code 28.0212*

STUDENTS  
RECEIVING  
SPECIAL  
EDUCATION  
SERVICES

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

*Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]*

HIGH SCHOOL PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

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

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

*Education Code 28.02121*

**SECTION III: EARLY GRADUATION**

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

#### **SECTION IV: STATE GRADUATION REQUIREMENTS**

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**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?ac\\_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74).

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STUDENTS ENTERING  
GRADE 9 IN THE 2014–  
15 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see FOUNDATION HIGH SCHOOL PROGRAM, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

*Education Code 28.025(c); 19 TAC 74.11(a), (c)*

FOUNDATION HIGH  
SCHOOL PROGRAM

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and

8. Elective courses—5 credits.

*19 TAC 74.12*

ENDORSEMENTS

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

*Education Code 28.025; 19 TAC 74.13*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

EXCEPTION

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

*19 TAC 74.11(d)*

PREREQUISITES

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

*19 TAC 74.11(j), (k)*

PHYSICAL  
EDUCATION  
SUBSTITUTIONS

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See RESTRICTIONS, below]

OTHER PHYSICAL  
ACTIVITY

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must ap-

ply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

- a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

RESTRICTIONS

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH  
DISABILITY OR  
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)*

COMMUNITY-BASED  
FINE ARTS  
PROGRAMS

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the Commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code,

Chapter 153, Subchapter DD, if the community-based program is offered on campus.

*Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030*

DISTINGUISHED  
LEVEL OF  
ACHIEVEMENT

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

PERFORMANCE  
ACKNOWLEDG-  
MENTS

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn performance acknowledgment on the student's diploma and transcript for:

1. Outstanding performance:
  - a. In a dual credit course;
  - b. In bilingualism and biliteracy;
  - c. On a College Board advanced placement test or international baccalaureate examination;
  - d. On the PSAT, the ACT-PLAN, the SAT, or the ACT; or
2. Earning a nationally or internationally recognized business or industry certification or license.

*Education Code 28.025(c-5); 19 TAC 74.14*

TRANSITION TO  
FOUNDATION HIGH  
SCHOOL PROGRAM

A district shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:

1. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or
2. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.

A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year.

*19 TAC 74.1021*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

STUDENTS WHO  
ENTERED GRADE 9  
BEFORE THE 2014–15  
SCHOOL YEAR  
MINIMUM HIGH  
SCHOOL PROGRAM

All credit for graduation must be earned no later than grade 12.  
*19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program. This provision expires on September 1, 2014.

STUDENTS WITH  
DISABILITIES

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

NOTICE

Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, a district must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program. This provision expires on September 1, 2014.

APPLICABILITY

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

*Education Code 28.025(b-6), (b-8); 19 TAC 74.61(c), (d), .71(c), (d)*

REQUIREMENTS

A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

*Education Code 28.025; 19 TAC 74.62, .72*

RECOMMENDED  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.

*Education Code 28.025; 19 TAC 74.63, .73*

ADVANCED /  
DISTINGUISHED  
ACHIEVEMENT  
HIGH SCHOOL  
PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

*Education Code 28.025; 19 TAC 74.64, .74*

EXCEPTION

A student participating in the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program who is completing the fourth year of high school during the 2013–14 school year and who does not satisfy the curriculum requirements of the high school program in which the student is participating may graduate if the student satisfies the curriculum requirements established for the foundation high school program under Education Code 28.025 as amended by H.B. No. 5, 83rd Legislature, Regular Session, 2013, and any other requirement required for graduation. This provision expires September 1, 2015. *Education Code 28.025(h-2)*

SUBSTITUTIONS

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

AP OR IB COURSES College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

READING A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

*19 TAC 74.61(e), .71(f)*

COLLEGE COURSES A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.61(l), .71(j)*

PHYSICAL EDUCATION SUBSTITUTIONS In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

OTHER PHYSICAL ACTIVITY

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level

may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

RESTRICTIONS

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH  
DISABILITY OR  
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee

must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH  
PHYSICAL  
LIMITATIONS

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)*

#### **SECTION V: TRANSFERS FROM OUT-OF-STATE OR NONPUBLIC SCHOOLS**

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. 19 TAC 74.11(f) [See EHDB, EHDC, EHDE, and EI]

#### **SECTION VI: GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES**

DEFINITIONS

MODIFIED  
CURRICULUM AND  
CONTENT

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content.

EMPLOYABILITY  
AND SELF-HELP  
SKILLS

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

SUMMARY OF  
ACADEMIC  
ACHIEVEMENT AND  
EVALUATION

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no

longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (f)(3)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated.

STUDENTS  
ENTERING GRADE 9  
IN OR AFTER THE  
2014–15 SCHOOL  
YEAR

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

ENDORSEMENTS A student receiving special education services may earn an endorsement if the student:

- 1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;
- 2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and
- 3. Performs satisfactorily on the required state assessments.

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum.

STUDENTS  
ENTERING GRADE 9  
BEFORE THE 2014–  
15 SCHOOL YEAR

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see ENDORSEMENTS, above].

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

- 1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommend or Advanced/Distinguished Achievement Programs,

including satisfactory performance on the required state assessments.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student’s ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student’s IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student’s abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;
  - c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or
  - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(b)–(k)*

**SECTION VII: GRADUATION OF MILITARY DEPENDENTS**

COURSE WAIVER District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

TRANSFERS DURING SENIOR YEAR Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

SUBSTITUTE PASSING STANDARD The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII, A, C [See FDD]*

**SECTION VIII: GRADUATION OF STUDENT IN CONSERVATORSHIP OF DFPS**

If an 11th or 12th grade student in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

HIGHER EDUCATION  
COUNSELING

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of postsecondary education;
2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803;
8. The eligibility and academic performance requirements for the TEXAS Grant; and
9. The availability of programs in a district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs.

AUTOMATIC  
ADMISSION

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

*Education Code 33.007; 19 TAC 61.1071*

ACADEMIC GUIDANCE PROGRAM

EJ  
(LEGAL)

NOTICE OF GRANT  
PROGRAMS

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid.

NOTATION ON  
TRANSCRIPT OR  
DIPLOMA

A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

1. The recommended or advanced high school curriculum; or
2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

*Education Code 56.308*

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

**DEFINITION** For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. *Education Code 12.051(1), .052(b), .053(b)*

**POLICY** A district shall adopt a campus charter and program charter policy, which shall specify the:

1. Process for approval of a campus charter or program charter;
2. Statutory requirements with which a campus charter or program charter must comply; and
3. Items that must be included in a charter application.

*Education Code 12.058*

**CAMPUS OR PROGRAM CHARTER** A board may grant a charter to parents and teachers for a campus or a program on a campus.

A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by:

1. The parents of a majority of the students at that campus; and
2. A majority of the classroom teachers at that campus.

A board may not arbitrarily deny a charter.

*Education Code 12.052*

**NEW CAMPUS OR CONTRACT CHARTER** A board may grant a charter for:

1. A new district campus; or
2. A program that is operated:
  - a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and
  - b. At a facility located in the boundaries of the district.

**VOLUNTARY ENROLLMENT** A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.

**PARENTAL REMOVAL** A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

TEACHER ASSIGNMENT	<p>A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment.</p> <p><i>Education Code 12.0521</i></p>
DISTRICT CHARTER	<p>A board may grant a district charter to a campus.</p>
ENROLLMENT LIMIT	<p>A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.</p>
EXCEPTION	<p>The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school.</p> <p>A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.</p>
OPEN-ENROLLMENT CHARTER SCHOOL	<p>Subchapter D, Chapter 39, Education Code (related to open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school.</p> <p>A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101.</p> <p><i>Education Code 12.0522</i></p>
COOPERATIVE CAMPUS CHARTER	<p>A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by:</p> <ol style="list-style-type: none"><li>1. The parents of a majority of the students at each school; and</li><li>2. A majority of the classroom teachers at each school.</li></ol> <p><i>Education Code 12.053</i></p>
PERFORMANCE CONTRACT	<p>A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.</p>

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

DURATION OF  
CHARTER

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

*Education Code 12.0531*

NEIGHBORHOOD  
SCHOOL

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

*Education Code 12.0532*

STUDENT ELIGIBILITY

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

*Education Code 12.065*

EXEMPTION

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the board from which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

CHARTER CAMPUS OR PROGRAM

EL  
(LEGAL)

CHARTER CONTRACT      A charter shall be in the form and substance of a written contract signed by a board president and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs; and
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification a board requires.

*Education Code 12.061*

CONTENT OF  
CHARTER

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments, satisfactory financial performance under state financial accountability provisions, and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

*Education Code 12.059*

REVISION

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a ma-

majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

*Education Code 12.062*

APPLICABILITY OF  
LAWS

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055(a)*

EDUCATION CODE

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
  - a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
  - b. Criminal history records under Subchapter C, Chapter 22;
  - c. High school graduation under Section 28.025;
  - d. Special education programs under Subchapter A, Chapter 29;
  - e. Bilingual education under Subchapter B, Chapter 29;
  - f. Prekindergarten programs under Subchapter E, Chapter 29;
  - g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);
  - h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors); and

- i. Public school accountability under Subchapter B, C, D, E, F, and J, Chapter 39.

*Education Code 12.056*

OPEN MEETINGS  
AND PUBLIC  
INFORMATION ACTS

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

TEACHER  
RETIREMENT  
SYSTEM

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent school district who is employed on a regularly operating campus or in a regularly operating program.

*Education Code 12.057(b), (b-1)*

LIABILITY

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

PLACEMENT ON  
PROBATION OR  
REVOCATION

A board may place on probation or revoke a charter it grants if the board determines that the campus or program:

1. Committed a material violation of the charter;
2. Failed to satisfy generally accepted accounting standards of fiscal management; or
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action a board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

*Education Code 12.063*

PROCEDURE

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

*Education Code 12.064*

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

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 18th 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 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester. 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.

A board may adopt a policy requiring the student to attend school until the end of the school year.

ACCELERATED /  
COMPENSATORY  
PROGRAMS

A student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];
4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
  - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete 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*

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

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 a 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.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

HIGH SCHOOL REPLACEMENT PROGRAMS	7.	The student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-YEAR-OLD IN GED PROGRAM OR JOB CORPS	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.  <i>Education Code 25.086</i>
EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS		A district shall excuse a student from attending school for the following purposes:
RELIGIOUS HOLY DAYS	1.	Observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.
COURT APPEARANCES	2.	Attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.
CITIZENSHIP PROCEEDINGS	3.	Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.
	4.	Taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

ELECTION CLERKS 5. Serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See EARLY VOTING CLERKS, below]

CHILDREN IN CONSERVATORSHIP OF DFPS 6. For a child in the conservatorship of the Department of Family and Protective Services (DFPS), attending a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263.

7. If the student is in the conservatorship of DFPS, participating in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours.

HEALTH-CARE APPOINTMENTS 8. Temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

*Education Code 25.087(b), (b-3); 19 TAC 129.21(j)* [See FEB]

HIGHER EDUCATION VISITS A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
  - a. A policy to determine when an absence will be excused for this purpose; and
  - b. A procedure to verify the student's visit at the institution of higher education.

*Education Code 25.087(b-2); 19 TAC 129.21(j)(3)*

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

EARLY VOTING CLERKS	A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see ELECTION CLERKS, above] or early voting clerk for a maximum of two days in a school year. <i>Education Code 25.087(b-1), (d)</i>
MILITARY DEPENDENTS	A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. <i>Education Code 25.087(b-4)</i> [See FDD]
TAPS AT MILITARY FUNERAL	In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. <i>Education Code 25.087(c)</i>
NO PENALTY	A student whose absence is excused for a reason described beginning at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.
MAKE-UP WORK	The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.  <i>Education Code 25.087(d)</i>
OTHER EXCUSED ABSENCES	A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. <i>Education Code 25.087(a)</i>
NOTICES TO PARENTS WARNING NOTICE	A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year 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.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

NOTICE OF  
ABSENCES

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
  - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
  - b. The 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

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Education Code 25.094.

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE  
DEFENSE —  
PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

*Education Code 25.093*

STUDENT LIABILITY

A student who is 12 years of age or older and younger than 18 years of age, who is required to attend school under the compulsory attendance laws, and who 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 1.75 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. “Child” means a person who is ten years of age or older, who is alleged or found to have engaged in the conduct as a result of acts committed before becoming 18 years of age, and who is required to attend school under Education Code 25.085. *Family Code 51.03(b)(2), (e-1)*

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 a 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, a district shall within ten school days of the student’s tenth 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 a district that does not comply with these requirements.

A 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*

FILING  
REQUIREMENTS

Each referral to juvenile court for conduct described by Family Code 51.03(b)(2) or complaint filed in county, justice, or municipal court alleging a violation by a student of Education Code 25.094 must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures [see FED] to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A court shall dismiss a complaint or referral by a district that does not comply with these requirements.

*Education Code 25.0915(b), (c)*

RECORDS	<p>A district shall maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Commissioner. The district must maintain records and make reports concerning student attendance and participation in special programs as required by the Commissioner. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. <i>19 TAC 129.21(a), (e)</i></p> <p>Districts shall use the student attendance accounting standards established by the Commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's <i>Student Attendance Accounting Handbook</i>. <i>19 TAC 129.1025</i></p> <p>A superintendent is responsible for the safekeeping of all attendance records and reports. A superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. <i>19 TAC 129.21(d)</i></p>
MINIMUM ENROLLMENT	<p>A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.</p>
FULL-DAY STUDENTS	<p>Students enrolled on a full-day basis may earn one full day of attendance each school day.</p>
HALF-DAY STUDENTS	<p>Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.</p>
ALTERNATIVE ATTENDANCE ACCOUNTING PROGRAM	<p>Students who are enrolled in and participating in an alternative attendance accounting program approved by the Commissioner shall earn attendance according to the statutory and rule provisions applicable to that program.</p>
ATTENDANCE FOR STATE FUNDING PURPOSES	<p>Attendance for all grades shall be determined by the absences recorded in the second or fifth instructional hour of the day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.</p>

The established period in which absences are recorded may not be changed during the school year.

Students absent during the daily period selected by a district for taking attendance shall be counted absent for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program. Students present at the time attendance is taken shall be counted present for the entire day, unless the students are enrolled in and participating in a Commissioner-approved alternative attendance accounting program.

*19 TAC 129.21(g)–(h)*

A student in a disciplinary alternative education program shall be counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program.  
*Education Code 37.008(f)*

EXCEPTIONS

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

BOARD-  
APPROVED  
ACTIVITIES

1. The student is participating in a board-approved activity under the direction of a member of a district's professional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in TRS. [See FM]

MENTORSHIPS

2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Advanced/Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74.

RELIGIOUS HOLY  
DAYS

3. The student is observing religious holy days, including days of travel to or from a site where the student will observe holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site. [See FEA]

COURT  
APPEARANCE

4. The student is attending a required court appearance, including travel for that purpose. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site. [See FEA]

CITIZENSHIP  
PROCEEDINGS

5. The student is appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing

- at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site. [See FEA]
6. The student is taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site. [See FEA]
- ELECTION CLERKS 7. The student is serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See FEA]
- EARLY VOTING CLERKS 8. The student is serving as a student early voting clerk in an election. A district may excuse a student for serving as an early voting clerk for a maximum of two days in a school year. [See FEA]
- CHILDREN IN CONSERVATORSHIP OF DFPS 9. The child is in the conservatorship of the Department of Family and Protective Services (DFPS), and is attending a mental health or therapy appointment or family visitation as ordered by a court under Family Code Chapter 262 or 263. [See FEA]
10. The student is in the conservatorship of DFPS, and is participating in an activity ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours. [See FEA]
- HEALTH-CARE APPOINTMENTS 11. The student is temporarily absent as a result of a documented appointment with a health-care professional for the student or the student's child during regular school hours, if the student commences classes or returns to school on the same day of the appointment. The appointment should be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. [See FEA]
- HIGHER EDUCATION VISITS 12. The student is visiting an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for

the purpose of determining the student's interest in attending the institution of higher education, provided that:

- a. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
- b. The district adopts:
  - (1) A policy to determine when an absence will be excused for this purpose; and
  - (2) A procedure to verify the student's visit at the institution of higher education. [See FEA]

DROPOUT  
RECOVERY  
EDUCATION  
PROGRAM

13. The student is in attendance at a dropout recovery education program, including a program operated by a public junior college under Education Code 29.402. [See GNC]

TAPS AT  
MILITARY  
FUNERAL

14. The student is sounding "Taps" at a military honors funeral held in this state for a deceased veteran, provided that the student is enrolled in grade 6 or higher.

OFF-CAMPUS  
INSTRUCTION

15. The student's absence is permitted by other conditions related to off-campus instruction described in the *Student Attendance Accounting Handbook*.

MILITARY  
DEPENDENTS

16. The student's parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

*Education Code 25.087, 29.081(e); 19 TAC 129.21(i)-(k)*

DISASTERS

The Commissioner shall adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The Commissioner shall make the adjustment required by this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

*Education Code 42.0051*

PARENTAL CONSENT  
TO LEAVE CAMPUS

Before a district may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the board shall adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*

STUDENT DISCIPLINE

FO  
(LOCAL)

STUDENT CODE OF  
CONDUCT

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.

REVISIONS

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

EXTRACURRICULAR  
STANDARDS OF  
BEHAVIOR

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

STUDENT DISCIPLINE

FO  
(LOCAL)

'PARENT' DEFINED                      Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

GENERAL DISCIPLINE GUIDELINES                      A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
  - a. The seriousness of the offense;
  - b. The student's age;
  - c. The frequency of misconduct;
  - d. The student's attitude;
  - e. The potential effect of the misconduct on the school environment;
  - f. Requirements of Chapter 37 of the Education Code; and
  - g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

CORPORAL PUNISHMENT                      Corporal punishment may be used as a discipline management technique in accordance with this policy and the Student Code of Conduct.

Corporal punishment shall not be administered to a student whose parent has submitted to the principal a signed statement for the current school year prohibiting the use of corporal punishment with his or her child. The parent may reinstate permission to use corporal punishment at any time during the school year by submitting a signed statement to the principal.

GUIDELINES                      Corporal punishment shall be limited to spanking or paddling the student and shall be administered in accordance with the following guidelines:

1. The student shall be told the reason corporal punishment is being administered.

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FO  
(LOCAL)

2. Corporal punishment shall be administered only by the principal or designee.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students.

DISCIPLINARY  
RECORDS

The disciplinary record reflecting the use of corporal punishment shall include any related disciplinary actions, the corporal punishment administered, the name of the person administering the punishment, the name of the witness present, and the date and time of punishment.

PHYSICAL RESTRAINT

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Control an irrational student.
5. Protect property from serious damage.

A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

VIDEO AND AUDIO  
MONITORING

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

USE OF  
RECORDINGS

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

ACCESS TO  
RECORDINGS

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who

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wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

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STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

STUDENTS WITH  
DISABILITIES UNDER  
SECTION 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

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**Note:** The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

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STUDENTS  
RECEIVING SPECIAL  
EDUCATION SERVICES

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (relating to Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(j)*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP PLACEMENT  
NOT SOLELY FOR  
EDUCATIONAL  
PURPOSES

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)–(d)*

REMOVAL FOR TEN  
DAYS OR LESS

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement

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STUDENTS WITH DISABILITIES

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(LEGAL)

	to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days, to the extent those alternatives are applied to children without disabilities. <i>20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)</i>
SERVICES DURING REMOVAL	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. <i>34 C.F.R. 300.530(d)</i>
SUBSEQUENT REMOVALS OF TEN DAYS OR LESS	School personnel may remove the student for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). <i>34 C.F.R. 300.530(b)(1)</i>
SERVICES DURING REMOVAL	After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent removal of ten consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. <i>20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)</i>
NOTICE OF PROCEDURAL SAFEGUARDS	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. <i>20 U.S.C. 1415(k)(1)(H)</i>
REMOVALS THAT ARE A CHANGE IN PLACEMENT	Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review [see MANIFESTATION DETERMINATION, below]. <i>Education Code 37.004</i>
'CHANGE IN PLACEMENT'	For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is: <ol style="list-style-type: none"><li>1. Removed from the student's current educational placement for more than ten consecutive school days; or</li><li>2. Subjected to a series of removals that constitute a pattern because:<ol style="list-style-type: none"><li>a. The series of removals total more than ten school days in a school year;</li><li>b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and</li></ol></li></ol>

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STUDENTS WITH DISABILITIES

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- c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

*34 C.F.R. 300.536*

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct.

*20 U.S.C. 1415(k)(1)(A)*

MANIFESTATION  
DETERMINATION

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or
2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

*20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)*

NOT A  
MANIFESTATION

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

SERVICES  
DURING  
REMOVAL

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that

are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

*34 C.F.R. 300.530(d)(1)–(2)*

MANIFESTATION

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at SPECIAL CIRCUMSTANCES, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

*20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)*

SPECIAL  
CIRCUMSTANCES

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

*20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)*

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

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(LEGAL)

SERVICES DURING REMOVAL	<p>The student must:</p> <ol style="list-style-type: none"><li>1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.</li><li>2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</li></ol> <p>These services may be provided in an interim alternative educational setting.</p> <p><i>34 C.F.R. 300.530(d)(1)</i></p>
APPEALS	<p>A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. <i>20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151</i></p>
PLACEMENT DURING APPEALS	<p>When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. <i>20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533</i></p>
REPORTING CRIMES	<p>Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). <i>20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535</i> [See FL]</p>
STUDENTS NOT YET IDENTIFIED	<p>A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. <i>20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)</i></p>

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

DISTRICT  
KNOWLEDGE

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

*20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)*

EXCEPTION

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

*20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)*

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

*20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)*

BEHAVIOR  
MANAGEMENT  
TECHNIQUES

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury,

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

SCHOOL PEACE  
OFFICERS

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

*Education Code 37.0021(h); 19 TAC 89.1053(l)*

EXCEPTIONS

Education Code 37.0021 (regarding use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see SCHOOL PEACE OFFICERS] and by Education Code 37.0021(i) [see RESTRAINT—DOCUMENTATION, below];
2. Juvenile probation, detention, or corrections personnel; or
3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

'LAW  
ENFORCEMENT  
DUTIES'

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

*Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)*

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

*Education Code 37.0021(f)*

CONFINEMENT

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management

STUDENT DISCIPLINE  
STUDENTS WITH DISABILITIES

FOF  
(LEGAL)

	practice or a behavior management technique. <i>Education Code 37.0021(a)</i>
SECLUSION	<p>A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. <i>Education Code 37.0021(c)</i></p> <p>“Seclusion” means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:</p> <ol style="list-style-type: none"><li>1. Is designed solely to seclude a person; and</li><li>2. Contains less than 50 square feet of space.</li></ol> <p><i>Education Code 37.0021(b)(2)</i></p>
RESTRAINT	<p>A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:</p> <ol style="list-style-type: none"><li>1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.</li><li>2. Restraint shall be discontinued at the point at which the emergency no longer exists.</li><li>3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.</li><li>4. Restraint shall not deprive the student of basic human necessities.</li></ol> <p><i>19 TAC 89.1053(c)</i></p> <p>“Restraint” means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student’s body.</p> <p>“Emergency” means a situation in which a student’s behavior poses a threat of:</p> <ol style="list-style-type: none"><li>1. Imminent, serious physical harm to the student or others; or</li><li>2. Imminent, serious property destruction.</li></ol> <p><i>19 TAC 89.1053(b)(1)–(2)</i></p>
TRAINING	Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).
DOCUMENTATION	In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by Commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by Commissioner rule for reporting the use of restraint involving students with disabilities.

*Education Code 37.0021(i)*

TIME-OUT

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

*19 TAC 89.1053(g)*

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

*19 TAC 89.1053(b)(3)*

TRAINING

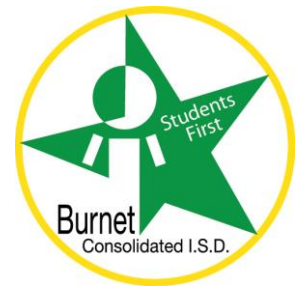
Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

DOCUMENTATION

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

*19 TAC 89.1053(i)*

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Human Resources**



**Agenda Item #8E (Business Items)**

**Approval of revisions to policy DEC(LOCAL).**

**Recommendation**

**Discussion and Possible Action regarding approval of revisions to policy DEC(LOCAL).**

**Summary**

**Current BCISD Board policy DEC(LOCAL) states, "All employees shall earn four paid local leave days per school year in accordance with administrative regulations." (page 3).**

**Burnet CISD's practice has been to grant four paid local leave days to full time staff. Administration is recommending Board policy be revised to reflect this practice.**

**All full time employees shall earn four paid local leave days per school year in accordance with administrative regulations.**

**Respectfully Submitted by:**

**Contessa Huffman**  
**Director of Human Resources & Admin Services**

## PROPOSED REVISIONS: 3-25-2015

DEFINITIONS	The term "immediate family" is defined as:0)
FAMILY	<ol style="list-style-type: none"><li>1. Spouse.</li><li>2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands <i>in loco parentis</i>.</li><li>3. Parent, stepparent, parent-in-law, or other individual who stands <i>in loco parentis</i> to the employee.</li><li>4. Sibling, stepsibling, and sibling-in-law.</li><li>5. Grandparent and grandchild.</li><li>6. Any person residing in the employee's household at the time of illness or death.</li></ol> <p>For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).</p>
FAMILY EMERGENCY	The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.
LEAVE DAY	A "leave day" for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.
CATASTROPHIC ILLNESS OR INJURY	A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.
AVAILABILITY	The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.
DEDUCTIONS	The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.
LEAVE WITHOUT PAY	

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

LEAVE PRORATION EMPLOYED FOR LESS THAN FULL YEAR	<p>If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.</p> <p>If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave and local leave the employee used beyond his or her pro rata entitlement for the school year.</p>
RECORDING	<p>Leave shall be recorded as follows: 0.</p> <ol style="list-style-type: none"><li>1. For employees who are in exempt positions, leave shall be recorded in half-day increments, even if a substitute is not employed.</li><li>2. For employees who are in non-exempt positions or positions for which a substitute is not normally required, leave shall be recorded in one-half hour increments.</li><li>3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.</li><li>4. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.</li></ol>
ORDER OF USE	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEA]</p> <p>Available leave shall be used in the order determined by each employee.</p> <p>Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.</p>
CONCURRENT USE OF LEAVE	<p>When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.</p> <p>An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p>
MEDICAL CERTIFICATION	<p>An employee shall submit medical certification of the need for leave if:0.</p>

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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

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

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

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STATE PERSONAL  
LEAVE

The Board requires employees to differentiate the manner in which state personal leave is used:0.

NON-  
DISCRETIONARY  
USE

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Non-discretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

DISCRETIONARY  
USE

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

LIMITATIONS  
REQUEST FOR  
LEAVE

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

DURATION OF  
LEAVE

Discretionary use of state personal leave shall not exceed three consecutive workdays.

LOCAL LEAVE

All **full-time** employees shall earn four paid local leave days per school year in accordance with administrative regulations.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, except that an employee may contribute local leave to a sick leave bank. [See DEC(LEGAL)]

An employee may also use local leave for absences related to the birth or placement of a child when leave is taken within the first year after the child’s birth, adoption, or foster placement.

226-DAY  
EMPLOYEES

Each person employed in a position requiring 226 days and 12 months of service shall receive non-duty days each school year. The specific number of non-duty days shall be determined each school year and communicated by the Superintendent or designee.

A “non-duty day” shall be defined as the total number of workdays in the District calendar less the employee’s contracted or assigned number of workdays.

All time-off requests shall be subject to the approval of the employee’s immediate supervisor.

The following guidelines shall apply:0.

1. Non-duty days shall not be cumulative.
2. Non-duty days shall be taken during the year accrued.
3. Non-duty days shall not be worked for additional pay.
4. Non-duty days shall be forfeited on separation or termination from the District.

SICK LEAVE BANK

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee, his or her spouse, or the employee’s child, who must be under the age of 25, experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

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

The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:0.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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

APPEAL

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

FAMILY AND MEDICAL  
LEAVE

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first duty day of the school year.

TWELVE-MONTH  
PERIOD

COMBINED LEAVE  
FOR SPOUSES

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

INTERMITTENT OR  
REDUCED  
SCHEDULE LEAVE

The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

CERTIFICATION OF  
LEAVE

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

FITNESS-FOR-DUTY  
CERTIFICATION

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.

END OF SEMESTER  
LEAVE

If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

FAILURE TO RETURN	If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]
TEMPORARY DISABILITY LEAVE	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.</p>
WORKERS' COMPENSATION	<hr/> <p><b>Note:</b> Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]</p> <hr/>
PAID LEAVE OFFSET	<p>An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p> <p>An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. [See CRE]</p>
COURT APPEARANCES	Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.
REIMBURSEMENT FOR LEAVE UPON RETIREMENT	<p>The following leave provisions shall apply to state and local leave earned beginning on the original effective date of this program.0.</p> <p>An employee who retires from the District shall be eligible for reimbursement for state and local leave under the following conditions:</p> <ol style="list-style-type: none"><li>1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.</li><li>2. The employee has at least five years of continuous service with the District.</li></ol>

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

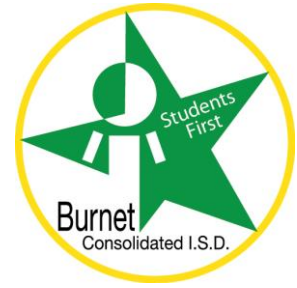
DEC  
(LOCAL)

The employee shall be reimbursed for each day of state and local leave at a rate established by the Board.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Human Resources**



**Agenda Item #8F (Business Items)**

**Approval of revisions to policy DED (LOCAL).**

**Recommendation**

**Discussion and Possible Action regarding rescinding policy DED(LOCAL) effective August 31, 2015.**

**Summary**

**Policy DED(LOCAL) provides vacation days and holidays detail for 260 workday staff. With the transition of work days for Auxiliary staff from 260 work days to 240 work days, policy DED(LOCAL) is no longer applicable. Administration is recommending policy DED (LOCAL) be rescinded at this time.**

**A copy of policy DED (LOCAL) and the 240 work day calendar is attached.**

**Respectfully Submitted by:**

**Contessa Huffman**  
**Director of Human Resources & Admin Services**

COMPENSATION AND BENEFITS  
VACATIONS AND HOLIDAYS

DED  
(LOCAL)

VACATIONS

A full-time auxiliary employee in a position normally requiring 12 months of service or 260 workdays shall receive a maximum of ten paid vacation days per fiscal year. Vacation days shall be accrued at the rate of one vacation day for each 25 workdays of service. Use of vacation days shall require advance approval by the department director or designee.

Vacation days shall be available for use upon the employee's first day of hire. Vacation days shall not be allowed to accumulate for use in the following fiscal year. Unused vacation days shall not be reimbursed upon the employee's resignation, retirement, or any other termination of employment.

**If an employee separates from employment with the District, vacation days shall be prorated based on the actual time worked, and the employee's final paycheck shall be reduced for vacation days that the employee used but had not accrued as of the date of separation.**

HOLIDAYS

A full-time auxiliary employee in a position normally requiring 12 months of service or 260 days shall receive eight paid holidays per school year, according to a schedule determined by the Superintendent. Holidays are available for use upon the employee's first day of hire.

An employee must be actively employed on the day of the scheduled holiday to receive payment.



# 240 Work Day Calendar 2015/2016

Start 9/01/2015 End 8/31/2016

September 2015						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
		1	2	3	4	
6	7	8	9	10	11	12
		5	6	7	8	
13	14	15	16	17	18	19
		9	10	11	12	
20	21	22	23	24	25	26
		14	15	16	17	18
27	28	29	30			
		19	20	21		
						21

October 2015						
Su	M	Tu	W	Th	F	Sa
				1	2	3
				22	23	
4	5	6	7	8	9	10
		24	25	26	27	28
11	12	13	14	15	16	17
		29	30	31	32	33
18	19	20	21	22	23	24
		34	35	36	37	38
25	26	27	28	29	30	31
		39	40	41	42	43
						22

November 2015						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
		44	45	46	47	48
8	9	10	11	12	13	14
		49	50	51	52	53
15	16	17	18	19	20	21
		54	55	56	57	58
22	23	24	25	26	27	28
		59	60	61		
29	30					
		62				
						19

December 2015						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
		63	64	65	66	
6	7	8	9	10	11	12
		67	68	69	70	71
13	14	15	16	17	18	19
		72	73	74	75	76
20	21	22	23	24	25	26
		28	29	30	31	
27						
						14

January 2016						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
		77	78	79	80	81
10	11	12	13	14	15	16
		82	83	84	85	86
17	18	19	20	21	22	23
		87	88	89	90	91
24	25	26	27	28	29	30
		92	93	94	95	96
						20

February 2016						
Su	M	Tu	W	Th	F	Sa
31	1	2	3	4	5	6
		97	98	99	100	101
7	8	9	10	11	12	13
		102	103	104	105	106
14	15	16	17	18	19	20
		107	108	109	110	111
21	22	23	24	25	26	27
		112	113	114	115	116
28	29					
		117				
						21

March 2016						
Su	M	Tu	W	Th	F	Sa
						5
		118	119	120	121	
6	7	8	9	10	11	12
		122	123	124	125	126
13	14	15	16	17	18	19
		127	128	129	130	131
20	21	22	23	24	25	26
		132	133	134	135	
27	28	29	30	31		
		136	137	138	139	
						22

April 2016						
Su	M	Tu	W	Th	F	Sa
						1
						2
3	4	5	6	7	8	9
		141	142	143	144	145
10	11	12	13	14	15	16
		146	147	148	149	150
17	18	19	20	21	22	23
		151	152	153	154	155
24	25	26	27	28	29	30
		156	157	158	159	
						20

May 2016						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
		160	161	162	163	164
8	9	10	11	12	13	14
		165	166	167	168	169
15	16	17	18	19	20	21
		170	171	172	173	174
22	23	24	25	26	27	28
		175	176	177	178	179
29	30	31				
		180				
						21

June 2016						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
			181	182	183	
5	6	7	8	9	10	11
		184	185	186	187	188
12	13	14	15	16	17	18
		189	190	191	192	193
19	20	21	22	23	24	25
		194	195	196	197	198
26	27	28	29	30		
		199	200	201	202	
						22

July 2016						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
		204	205	206	207	
10	11	12	13	14	15	16
		208	209	210	211	212
17	18	19	20	21	22	23
		213	214	215	216	217
24	25	26	27	28	29	30
		218	219	220	221	222
31						
						20

August 2016						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
	223	224	225	226	227	
7	8	9	10	11	12	13
		228	229	230	231	232
14	15	16	17	18	19	20
		233	234	235	236	237
21	22	23	24	25	26	27
		238	239	240	241	242
28	29	30	31			
		243	244	245		
						23

**12 Month**  
September - August  
(Annualized Pay)

245 Available Work Days

240 Work Days

5 Discretionary Non-Work Days Available

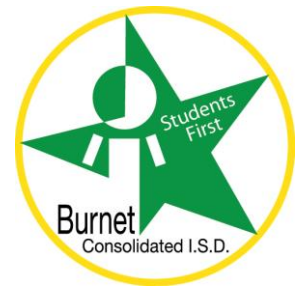
Construction Project Manager  
Custodian  
Director of Facilities & Operations  
Director of Transportation  
District Coord of Facilities & Maintenance  
Grounds Staff  
Grounds Supervisor  
Maintenance Staff  
Mechanic

297

Non-Work Days (Scheduled)

Weather Day

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8G (Business Items)**

**Approval of Resolution Affirming Investment Policy and Strategy and Designating Investment Officers.**

**Recommendation**

**Discussion and possible action regarding approval of resolution affirming investment policy - CDA (LOCAL) and designating investment officers.**

**Summary**

**Board policy CDA (Legal) states that the Board shall review its investment policy not less than annually as well as approve investment officers. There are no recommended changes to the policy. The District currently has investments in certificates of deposit; obligations of, or guaranteed by, governmental entities (municipalities, school districts); and public funds investment pools. All three investment types are approved instruments per CDA (Local). The recommended investment officers who have completed training are Sarah Cervi, Director of Business and Finance and Deidra Hall, Accountant.**

**The investment policy with Policy update 102 changes is included for your review. This policy update will be presented for approval in an earlier agenda item. The policy we are seeking approval for includes these updates and assumes update 102 is approved.**

**Respectfully submitted by:**

**Sarah Cervi  
Director of Business and Finance**

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

INVESTMENT  
AUTHORITY

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be ~~settled~~**executed** on a delivery versus payment basis.

APPROVED  
INVESTMENT  
INSTRUMENTS

From those investments authorized by law and described further in CDA(LEGAL) **under AUTHORIZED INVESTMENTS,** the Board shall permit investment of District funds in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load money market mutual funds and no-load mutual funds as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

SAFETY AND  
INVESTMENT  
MANAGEMENT

The ~~primary~~**main** goal of the investment program is to ensure ~~its~~ safety **of principal, to maintain liquidity,** and **to** maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

**INVESTMENT  
MANAGEMENT**

**In accordance with Government Code 2256.005(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.**

LIQUIDITY AND  
MATURITY

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

DIVERSITY

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

MONITORING MARKET  
PRICES

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant ~~changes~~~~declines~~ in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial ~~advisers~~~~advisors~~, and representatives/~~advisers~~~~advisors~~ of investment pools or money market funds. Monitoring shall be done at least quarterly, as required by law, and more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

MONITORING RATING  
CHANGES

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

FUNDS / STRATEGIES

Investments of the following fund categories shall be consistent with this policy and in accordance with the **applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.**~~strategy defined below.~~

OPERATING FUNDS

OTHER REVENUES  
INVESTMENTS

CDA  
(LOCAL)

	<p>Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives <b>preservation and safety of principal</b>, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.</p>
AGENCY FUNDS	<p>Investment strategies for agency funds shall have as their <b>primary</b> objectives <b>preservation and safety of principal</b>, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.</p>
DEBT SERVICE FUNDS	<p>Investment strategies for debt service funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
CAPITAL PROJECT FUNDS PROJECTS	<p>Investment strategies for capital project funds shall have as their <b>primary</b> objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.</p>
SAFEKEEPING AND CUSTODY	<p>The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.</p>
BROKERS / DEALERS	<p>Prior to handling investments on behalf of the District, brokers/dealers must submit required written documents in accordance with law. [See SELLERS OF INVESTMENTS, CDA(LEGAL)] Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC), and be in good standing with the Financial Industry Regulatory Authority (FINRA).</p>
SOLICITING BIDS FOR CD'S	<p>In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.</p>
INTEREST RATE RISK	<p>To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.</p> <p>The District shall monitor interest rate risk using weighted average maturity and specific identification.</p>
INTERNAL CONTROLS	<p>A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee</p>

error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

**ANNUAL REVIEW**

**The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.**

**ANNUAL AUDIT**

**In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.**

**BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES**

**RESOLUTION ACKNOWLEDGING REVIEW AND APPROVAL OF INVESTMENT POLICY AND STRATEGY  
AND DESIGNATION OF INVESTMENT OFFICERS**

**WHEREAS**, Burnet Consolidated Independent School District (the "District") has been legally created and operates pursuant to the general laws of the State of Texas applicable to independent school districts; and

**WHEREAS**, the Board of Trustees is required under the Public Funds Investment Act, Section 2256.005(e) to review its investment policy and strategies not less than annually; and

**WHEREAS**, the Board of Trustees is required under the Public Funds Investment Act, Section 2256.005(f) to approve the designation of investment officers; and

**WHEREAS**, the Board of Trustees has convened on July 20, 2015 at an open meeting and has reviewed the District's investment policy, CDA.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Investment Policy, CDA, has been reviewed.
2. The investment strategies contained in the policy have been reviewed.
3. The following are hereby designated as Investment Officers and are authorized to purchase, sell and invest all applicable funds on behalf of the District. The designation of these Investment Officers is in effect until rescinded by the District or until termination by the District.

Name: Sarah Cervi

Title: Director of Business and Finance

Name: Deidra Hall

Title: Accountant

This Resolution is hereby passed and approved this 20<sup>st</sup> day of July, 2015.

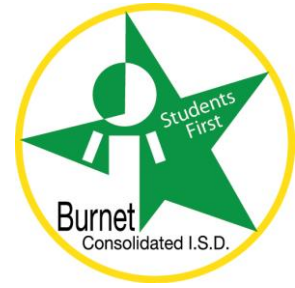
BY:

\_\_\_\_\_  
C. Andy Feild  
President, Board of Trustees  
Burnet Consolidated Independent School District

ATTEST:

\_\_\_\_\_  
Charles Williams  
Secretary, Board of Trustees  
Burnet Consolidated Independent School District

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8H (Business Items)**

**Approval of Resolution Adopting Authorized Broker List.**

**Recommendation**

**Approval of the resolution is recommended.**

**Summary**

**According to CDA (Legal) the Board shall, at least annually, adopt a list of qualified brokers that are authorized to engage in investment transactions with the District. The Resolution including a list of Brokers is included for your review.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

Board of Trustees  
Burnet Consolidated Independent School District  
RESOLUTION AUTHORIZING BROKER LIST

July 20, 2015

**WHEREAS**, the Public Funds Investment Act (Texas Government Code, Chapter 2256) governs local government investment; and

**WHEREAS**, the Public Funds Investment Act (Section 2256.025) requires the governing body or its designated investment committee, not less than annually, to review, revise and adopt a list of qualified brokers/dealers authorized to engage in investment transactions; and

**WHEREAS**, the following brokers/dealers are recommended for approval:

**NOW, THEREFORE, BE IT RESOLVED THAT:**

UBS Paine Webber  
Dick Ebert  
1001 Woodlock Forest Dr.  
The Woodlands, TX 77380

Duncan Williams  
Steve Capaferi  
11458 W. Travelers Way  
Houston, TX 77065

First Tennessee  
Joel Stark  
845 Crossover Lane  
Suite 350  
Memphis, TN 38117

SAMCO Capital Markets  
Robert Phillips  
1700 Pacific Ave., Suite 2000  
Dallas, TX 75201

Bank of Oklahoma  
Rena Connor  
333 West Campbell RD #350  
Richardson, TX 75080

Are authorized broker/dealers for the District. Communication and pricing with the brokers/deals listed above are handled through:

AJ Captial  
Anne Jenkins  
24915 Baywick Dr.  
Spring, TX 77389

Ken Guillory  
Wells Fargo Securities, LLC  
1000 Louisiana Street, Suite 600  
Houston, TX 77002

In accordance with the ACT and the Investment Policy, a copy of the Investment Policy will be sent to each broker/dealer on the list whenever a material change is made to the Policy and each broker/dealer will be required to provide written certification of heir review of the Investment Policy.

The District has complied with the requirements of the Public Funds Investment Act and the list of authorized broker/dealers is hereby adopted.

Adopted this 20<sup>th</sup> day of July, 2015 by the Board of Trustees.

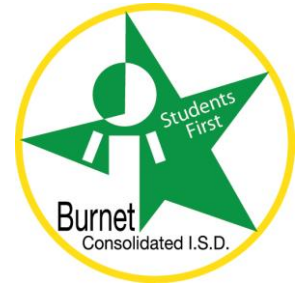
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C. Andy Feild  
President, Board of Trustees

---

305 Charles Williams  
Secretary, Board of Trustees

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8I (Business Items)**

Discussion and possible action to establish 2015-2016 proposed tax rate and set a date for the Public Hearing to discuss 2015-2016 budget and proposed tax rate.

**Recommendation**

The administration recommends the Board of Trustees approve a proposed total tax rate of \$1.3415 for the 2015-2016 fiscal year consisting of \$1.04 for Maintenance and Operations (M&O) and \$.3015 for Debt Service Interest and Sinking (I&S).

**Summary**

The tax rate and budget adoption process includes publication of a *“Notice of Public Meeting to Discuss Budget and Proposed Tax Rate”*. It includes proposed tax rates for M&O (\$1.04) and I&S (\$.3015). The I&S rate has increased .079 over last year due to the 2014 Bond. The final calculated rates for 2015-2016 must be determined using final certified values, which will be available July 25<sup>th</sup>. The allowable tax rates for 2015-2016 are being calculated by Moak Casey and Associates. Actual adopted tax rates may not exceed rates proposed in the notice but may be reduced.

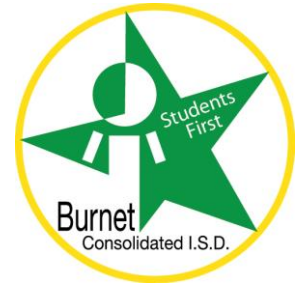
This rate must be proposed and ratified by Board action prior to publication. The notice will also establish the date of August 17, 2015 at 6:00 p.m. for the Public Hearing to discuss the 2015-2016 budget and proposed tax rate. Publication of the notice may not be earlier than 30 days or later than 10 days before the hearing date. The notice is set to be published in the newspaper on August 5, 2015.

A final recommendation will be made at the August 17<sup>th</sup> Board Meeting when the tax rate is scheduled for adoption.

Respectfully submitted by:

**Sarah Cervi**  
**Director of Business and Finance**

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8J (Business Items)**

**Discussion and Possible Action regarding the Approval of Budget Amendment.**

**Recommendation**

**Approval of budget amendment is recommended.**

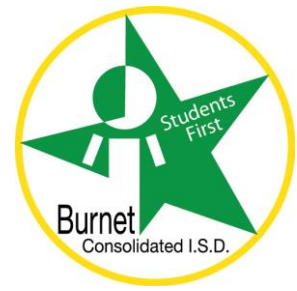
**Summary**

**We have reported to the Board throughout the year that state funding is less than we originally budgeted due to a decrease in enrollment. In an earlier budget amendment we allocated \$300K for the reduction. We are finalizing the year-end template that will give us our final reduction in state funding. The budget amendment will be presented at the meeting.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Business Office**



**Agenda Item #8K (Business Items)**

**Discussion and Possible Action regarding Approval of Board Resolution Extending Depository Contract with Wells Fargo Bank.**

**Recommendation**

**Approval of resolution is recommended.**

**Summary**

**Texas Education Code, Chapter 45, Subchapter G, School District Depositories allows eligible districts to extend depository contracts for two years. The administration recommends that we extend the depository contract with Wells Fargo Bank, N.A. for the period September 1, 2015 through August 31, 2017.**

**Respectfully Submitted by:**

**Sarah Cervi**  
**Director of Business and Finance**

**Board Resolution Extending Depository Contract for Funds  
Of Independent School Districts Under Texas Education Code,  
Chapter 45, Subchapter G, School District Depositories**

**Resolved by the** \_\_\_\_\_ **that:**

*Board of Trustees*

\_\_\_\_\_ Bank, Depository, located at \_\_\_\_\_ County,

*Name of Depository Bank*

*Name of County*

State of Texas, being a bank as that term is defined in Section 45.201 of the Texas Education Code, and \_\_\_\_\_ (CDN: \_\_\_\_\_) agree to extend for an

additional \_\_\_\_\_ *Name of District*

two-year term from \_\_\_\_\_, \_\_\_\_\_, through \_\_\_\_\_, \_\_\_\_\_, the existing terms and conditions for banking services and rates previously agreed to in the Depository Contract in effect from \_\_\_\_\_, \_\_\_\_\_, through \_\_\_\_\_, \_\_\_\_\_. This agreement to extend is allowed under the Texas Education Code, Section 45.205.

AGREED AND ACCEPTED on behalf of \_\_\_\_\_

*Name of District*

this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Signature of President of School Board*

AGREED AND ACCEPTED on behalf of Depository this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Typed Name of Depository*

\_\_\_\_\_  
*Signature of Authorized Bank Officer*

\_\_\_\_\_  
*Title of Authorized Bank Officer*

**Acknowledgment**

Acknowledged before me in \_\_\_\_\_ County, Texas, on \_\_\_\_\_, 20\_\_\_\_,

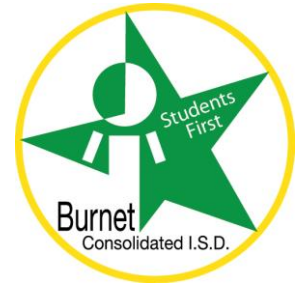
by \_\_\_\_\_, bank officer of the Depository named in the preceding document, for the Depository.

\_\_\_\_\_  
Signature of Notary

(SEAL)

Notary Public in and for \_\_\_\_\_  
County, Texas

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Office of Superintendent**



**Agenda Item #8L (Business Items)**

**Discussion and Possible Action regarding endorsement of candidate to fill Place 13 C on the TASB Board of Directors.**

**Recommendation**

**Approval of Endorsement.**

**Summary**

**This past Spring, the BCISD Board of Trustees nominated Vernagene Mott, Pflugerville ISD Board Member, to the TASB Board of Directors. Mrs. Mott is the lone candidate running for Region XIII, Position A, on the TASB Board of Directors. Our Board can now endorse Mrs. Mott for this position in our Region. The endorsement form and overview of nominations is included for your information and consideration.**

**If a majority of the Active Members of the Region endorses a nominee, that individual will be elected to the TASB Board. If at least 25 percent, but not a majority, endorse the nominee, that individual will be included on the official ballot at the TASB Delegate Assembly. The nomination from the individual's local school board is counted as an endorsement.**

**Respectfully Submitted by:**

**Keith McBurnett**  
**Superintendent of Schools**

**TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB)  
ENDORSEMENT FORM**

Date: \_\_\_\_\_

Dr. Faye Beaulieu, Chair  
TASB Nominations Committee  
P. O. Box 400  
Austin, Texas 78767-0400

Dear Dr. Beaulieu:

This form is to be used to endorse a nominated individual from a BOARD within your TASB Region who has completed the **Tuesday, June 30, 2015**, requirements.  
**Endorsements will only be accepted if acted on from July 3 to August 31. Must be received in the TASB Austin Headquarters on or before Monday, August 31, 2015.**

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

**CANDIDATE INFORMATION**

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

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

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_, TEXAS ZIP: \_\_\_\_\_

This endorsement was approved by our school district's board of trustees at a duly called meeting on

\_\_\_\_\_.

(Date)

Best regards,

\_\_\_\_\_

(BOARD PRESIDENT)

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

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

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_, TEXAS ZIP: \_\_\_\_\_

**Must be received in the TASB Austin Headquarters on or before  
MONDAY, AUGUST 31, 2015.**

**RETURN TO:**

TASB

Attn: Board and Management Services

P.O. Box 400

Austin, Texas 78767-0400

**E-mail: [susan.tabbee@tasb.org](mailto:susan.tabbee@tasb.org)**

FAX: (512) 467-3554

**TASB Board of Directors Endorsements Received from July 3, 2015, to the August 31, 2015, Deadline**

<u>TASB REGION</u>	<u>POSITION</u>	<u>NOMINEE</u>	<u>ISD</u>	<u>Districts in Region</u>	<u>Endorsements Received / Majority Required</u>	<u>25%</u>
Region 1	A	Gloria Casas ( <a href="#">Bio</a> )	La Feria ISD	38	1/20	10
Region 3		Demetrio Garcia ( <a href="#">Bio</a> )	Kenedy ISD	40	1/21	10
Region 3		John Green ( <a href="#">Bio</a> )	Nordheim ISD	40	1/21	10
Region 3		Tami Keeling ( <a href="#">Bio</a> )	Victoria ISD	40	1/21	10
Region 3		Delano Kinsfather ( <a href="#">Bio</a> )	Industrial ISD	40	1/21	10
Region 4	A	Ron Crier ( <a href="#">Bio</a> )	Spring ISD	52	1/26	13
Region 4	C	Benny May ( <a href="#">Bio</a> )	Barbers Hill ISD	52	1/26	13
Region 4	C	Ann Williams ( <a href="#">Bio</a> )	Alief ISD	52	1/26	13
Region 5		James de Garavilla ( <a href="#">Bio</a> )	Silsbee ISD	33	1/17	9
Region 6		Jason Dohnalik ( <a href="#">Bio</a> )	Cameron ISD	56	1/29	14
Region 6		Suzanne Soto ( <a href="#">Bio</a> )	Splendora ISD	56	1/29	14
Region 6		Tracy Stoudt ( <a href="#">Bio</a> )	Huntsville ISD	56	1/29	14
Region 10	A	Debbie Gillespie ( <a href="#">Bio</a> )	Frisco ISD	82	1/42	21
Region 11	D	Ann Calahan ( <a href="#">Bio</a> )	Stephenville ISD	77	1/39	20
Region 11	D	Raul Gonzalez ( <a href="#">Bio</a> )	Mansfield ISD	77	1/39	20
Region 12		Mildred Watkins ( <a href="#">Bio</a> )	La Vega ISD	77	1/39	20
Region 13	C	Vernagene Mott ( <a href="#">Bio</a> )	Pflugerville ISD	59	1/30	15
Region 17		Kay Alley ( <a href="#">Bio</a> )	Crosbyton CISD	58	1/30	15
Region 17		Cathy Box ( <a href="#">Bio</a> )	Tahoka ISD	58	1/30	15
Region 18		Lee Lentz-Edwards ( <a href="#">Bio</a> )	Kermit ISD	34	1/18	9
Region 19	B	Marlene Bullard ( <a href="#">Bio</a> )	Tornillo ISD	13	1/7	4
Region 19	B	Cynthia Ann Najera ( <a href="#">Bio</a> )	Socorro ISD	13	1/7	4
Region 19	B	Armando Rodriguez ( <a href="#">Bio</a> )	Canutillo ISD	13	1/7	4

\*\*\*Received endorsements from 25% or more of the Active Members in the Region.

**TASB Board of Directors Nominations Received by the July 31, 2015, Deadline.**

Dates amended by special waiver due to TASB miscalculation for Region 16 election cycle.

<u>TASB REGION</u>	<u>POSITION</u>	<u>NOMINEE</u>	<u>ISD</u>	<u>Districts in Region</u>
Region 16				63

**TASB Board of Directors Endorsements Received from August 3, 2015, to the August 31, 2015, Deadline.**

Dates amended by special waiver due to TASB miscalculation of Region 16 election cycle.

<u>TASB REGION</u>	<u>POSITION</u>	<u>NOMINEE</u>	<u>ISD</u>	<u>Districts in Region</u>	<u>Endorsements Received / Majority Required</u>	<u>25%</u>
Region 16		(Bio)	312	63	/32	16

**Large Districts:** According to the TASB Bylaws, Large Districts are treated as Association Regions and, therefore, do not participate in the endorsement process. A Large District's local board nomination constitutes a majority.

<u>TASB REGION</u>	<u>POSITION</u>	<u>NOMINEE</u>	<u>ISD</u>	<u>Districts in Region</u>
Region 4	F	Bob Covey ( <a href="#">Bio</a> )	Cypress-Fairbanks ISD	Large District
Region 11	C	Bowie Hogg ( <a href="#">Bio</a> )	Arlington ISD	Large District
Region 19	A	Dori Fenenbock ( <a href="#">Bio</a> )	El Paso ISD	Large District
Region 20	E	Sandy Hughey ( <a href="#">Bio</a> )	North East ISD	Large District

**TASB Board of Directors Nominations Received by the June 30, 2015, Deadline**

\*Indicates Large District Director Positions

<u>TASB REGION</u>	<u>POSITION</u>	<u>NOMINEE</u>	<u>ISD</u>	<u>Districts in Region</u>
Region 1	A	Gloria Casas	La Feria ISD	38
Region 3		Demetrio Garcia	Kenedy ISD	40
Region 3		John Green	Nordheim ISD	40
Region 3		Tami Keeling	Victoria ISD	40
Region 3		Delano Kinsfather	Industrial ISD	40
Region 4	A	Ron Crier	Spring ISD	52
Region 4	C	Benny May	Barbers Hill ISD	52
Region 4	C	Ann Williams	Alief ISD	52
Region 4	F*	Bob Covey	Cypress-Fairbanks ISD	Large
Region 5		James de Garavilla	Silsbee ISD	33
Region 6		Jason Dohnalik	Cameron ISD	63
Region 6		Suzanne Soto	Splendora ISD	63
Region 6		Tracy Stoudt	Huntsville ISD	63
Region 10	A	Debbie Gillespie	Frisco ISD	82
Region 11	C*	Bowie Hogg	Arlington ISD	Large
Region 11	D	Ann Calahan	Stephenville ISD	77
Region 11	D	Raul Gonzalez	Mansfield ISD	77
Region 12		Mildred Watkins	La Vega ISD	77
Region 13	C	Vernagene Mott	Pflugerville ISD	59
Region 17		Kay Alley	Crosbyton CISD	58
Region 17		Cathy Box	Tahoka ISD	58
Region 18		Lee Lentz-Edwards	Kermit ISD	34
Region 19	A*	Dori Fenenbock	El Paso ISD	Large
Region 19	B	Marlene Bullard	Tornillo ISD	13
Region 19	B	Cynthia Ann Najera	Socorro ISD	13
Region 19	B	Armando Rodriguez	Canutillo ISD	13
Region 20	E*	Sandy Hughey	North East ISD	Large

### TASB Board Vacancies

\*Indicates Large District Director Position

<u>TASB REGION</u>	<u>POSITION</u>	<u>ISD</u>	<u>TERM</u>
Region 6			2015-16
Region 11	C*	Arlington ISD	2015-18
Region 19	A*	El Paso	2015-17
Region 19	B		2015-18

### TASB Board Expiring Terms

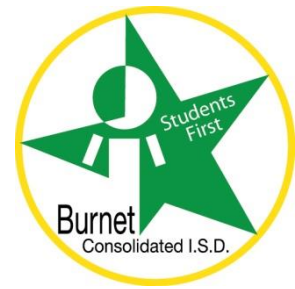
\*Indicates Large District Director Positions

(I) Incumbents that have indicated they will be seeking re-election

<u>TASB REGION</u>	<u>POSITION</u>	<u>DIRECTOR</u>	<u>ISD</u>	<u>TERM</u>
Region 1	A	Gloria Casas (I)	La Feria ISD	2015-18
Region 3		Pamela Remmers**	Nordheim ISD	2015-18
Region 4	A	Ronald Crier (I)	Spring ISD	2015-18
Region 4	C	Benny May (I)	Barbers Hill ISD	2015-18
Region 4	F*	Bob Covey (I)	Cypress-Fairbanks ISD	2015-18
Region 5		James de Garavilla (I)	Silsbee ISD	2015-18
Region 10	A	Debbie Gillespie (I)	Frisco ISD	2015-18
Region 11	D	Ann Calahan (I)	Stephenville ISD	2015-18
Region 12		Mildred Watkins (I)	La Vega ISD	2015-18
Region 13	C	Vernagene Mott (I)	Pflugerville ISD	2015-18
Region 16		Cindy Spanel (I)	Highland Park ISD-Potter County	2015-16
Region 17		Kay Alley (I)	Crosbyton CISD	2015-18
Region 18		Lee Lentz-Edwards (I)	Kermit ISD	2015-18
Region 20	E*	Sandy Hughey (I)	North East ISD	2015-18

\*\*Remmers has reached term limit.

**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Curriculum and Instruction**



**Agenda Item #8M (Business Items)**

**Approval of 2015-2016 Student Code of Conduct**

**Recommendation**

**Discussion and Possible Action regarding the approval of the 2015-2016 Student Code of Conduct**

**Summary**

The 2014-2015 *Student Code of Conduct* has been revised in accordance with the model developed by the Texas Association of School Boards (TASB). The TASB Policy Service updates the *Model Student Code of Conduct* biannually following regular sessions of the Texas Legislature and publishes documents for local school districts to use in developing resources appropriate for responding to Chapter 37 of the Texas Education Code. The *Student Code of Conduct* serves as a guide to communicate to students, parents, school staff, and the community exactly what is expected of students and how misconduct will be handled.

Revisions to the 2015-2016 *Student Code of Conduct* are highlighted in yellow for you to preview.

A copy of the proposed 2015-2016 *Student Code of Conduct* has been enclosed for your review. Please let me know if you have questions.

Respectfully Submitted by:

Shelley Reavis  
Elementary Curriculum Director

Changes to the 2015-2016 Student Code of Conduct	
p. 1	Changes to wording due to legislative updates
P. 2, 10, 12, 15, 16, 17, 18, 19, 20, 22, 23, 24, 26, 29, 31	Senate Bill 107 creates the position of campus behavior coordinator. This can be the current principal or other campus administrator. You will find this wording changed throughout the document
p. 5	Addition of school board members to text regarding mistreatment of others
p. 6	Senate Bill 97 now codifies the prohibition for minors under the age of 18 requires school boards to prohibit students from possessing or using e-cigarettes and related components
p. 7	Added wording to include the use and abuse of illegal, prescription, and over the counter drugs
p. 10	Senate Bill 107 requires campus behavior coordinators or appropriate administrator to promptly notify a student's parent regarding student discipline for in-school suspension, placement in a DAEP, expulsion, or when a student is taken into custody
p. 13	For routine referrals, the campus behavior coordinator or appropriate administrator must alert the student's parents to the recurring misconduct and the possibility of placement into DAEP
p. 13	Student must be removed from class if the student engages in behavior that requires the student to be placed in a DAEP or expelled
p. 15, 18, 30	When deciding out of school suspension, three factors must be considered
P. 17, 26	There is no violation when a student has a prescription as authorized by the Health and Safety Code
p. 20	Student appeals regarding DAEP placement should be addressed in accordance with FNG(LOCAL)
p. 28	Clarifies length of knife
p. 35	Defines e-cigarettes
p. 35	Defines harassment of another person
p. 37, 38	Add additional items to Title 5 offenses

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# STUDENT CODE OF CONDUCT

## Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Burnet Consolidated ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the principal and posted on the district's website at [www.burnet.txed.net](http://www.burnet.txed.net). Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

**Please Note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

# School District Authority and Jurisdiction

## Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. Burnet CISD has designated the principal and the assistant principal to serve as the campus behavior coordinator. The campus behavior coordinator is primarily responsible for maintaining student discipline.

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school-related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
9. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
10. When the student is required to register as a sex offender.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

## Reporting Crimes

The principal or other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## **‘Parent’ Defined**

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

## **Participating in Graduation Activities**

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

See **DAEP—Restrictions During Placement** for information regarding a student assigned to DAEP at the time of graduation.

## **Standards for Student Conduct**

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting as detailed in that section.

### Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

### Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, **board member**, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

## Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

## Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon;
- An air gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

## Possession of Telecommunications or Other Electronic Devices

Students shall not:

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

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

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, **use, abuse**, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

## Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, **board members**, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or **websites** to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

## **Safety Transgressions**

Students shall not:

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

## **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

## **Discipline Management Techniques**

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

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

## **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law shall prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## **Techniques**

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.

- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

## **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

## **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the

principal's office or the central administration office or through *Policy On Line* at the following address: [www.burnet.txed.net](http://www.burnet.txed.net)

Consequences shall not be deferred pending the outcome of a grievance.

## Removal from the School Bus

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

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

### Routine Referral

A routine referral occurs when a teacher sends a student to an administrator's (campus behavior coordinator) office as a discipline management technique. The administrator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

### Formal Removal

A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the **campus behavior coordinator** or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the **campus behavior coordinator** or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

### Returning Student to Classroom

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

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

# Out-of-School Suspension

## Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

## Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the **campus behavior coordinator** or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the **appropriate administrator/campus behavior coordinator**, but shall not exceed three school days.

**In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:**

- 1. Self-defense (see glossary),**
- 2. Intent or lack of intent at the time the student engaged in the conduct, and**
- 3. The student's disciplinary history.**

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

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

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

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

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the appropriate administrator or **campus behavior coordinator** shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

## **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

### **Misconduct Identified in State Law**

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence

in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The **campus behavior coordinator** or appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

## **Mandatory Placement: Misconduct That Requires DAEP Placement**

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. **A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.** (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:

1. The student receives deferred prosecution (see glossary),
2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

## **Sexual Assault and Campus Assignments**

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

## **Emergencies**

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

## **Process**

Removals to a DAEP shall be made by the appropriate administrator/**campus behavior coordinator**.

## **Conference**

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

At the conference, the **campus behavior coordinator** or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

## **Consideration of Mitigating Factors**

**In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator or appropriate administrator shall take into consideration:**

1. **Self-defense (see glossary),**
2. **Intent or lack of intent at the time the student engaged in the conduct, and**

### 3. The student's disciplinary history.

#### Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator or appropriate administrator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

#### Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

#### Length of Placement

The duration of a student's placement in a DAEP shall be determined by the campus behavior coordinator or appropriate administrator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year except as provided below.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

#### Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

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.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

#### Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, **the campus behavior coordinator**, appropriate administrator or **the board's designee** must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through *Policy On Line* at the following address: [www.burnet.txed.net](http://www.burnet.txed.net)

**Appeals shall begin Level One with the principal.**

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

### **Restrictions during Placement**

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

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

## **Placement Review**

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

## **Additional Misconduct**

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

## **Notice of Criminal Proceedings**

The office of the prosecuting attorney shall notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### **Withdrawal during Process**

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the appropriate administrator or **campus behavior coordinator** may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

### **Newly Enrolled Students**

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### **Emergency Placement Procedure**

When an emergency placement occurs, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

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

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

### **Registered Sex Offenders**

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

### **Review Committee**

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

### **Newly Enrolled Student**

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

### **Appeal**

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a

student **may** be expelled and placed in a DAEP if the board or appropriate administrator/**campus behavior coordinator** makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

### **Hearing and Required Findings**

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

### **Length of Placement**

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

**Newly Enrolled Students**

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

## Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the appropriate administrator/**campus behavior coordinator** shall take into consideration0.:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

## Discretionary Expulsion: Misconduct That May Result in Expulsion

### Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
  - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
  - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Breach of computer security.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

### At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. **A student with a valid prescription for low-THC cannabis as**

authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

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

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

### **Property of Another District**

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

### **While in DAEP**

A student **may** be expelled for engaging in documented serious misbehavior that violates the district’s Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:

- a. Public lewdness under Section 21.07, Penal Code;
- b. Indecent exposure under Section 21.08, Penal Code;
- c. Criminal mischief under Section 28.03, Penal Code;
- d. Personal hazing under Section 37.152; or
- e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

### **Mandatory Expulsion: Misconduct That Requires Expulsion**

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

#### **Under Federal Law**

- Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:
  - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm weapon.
  - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

#### **Under the Texas Penal Code**

- Using or possessing the following, as defined by the Texas Penal Code:
  - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
  - An illegal knife, **which includes** a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
  - A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (See glossary.)

- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or children.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

## Under Age Ten

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

## Emergency

In an emergency, the principal or the principal's designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

## Process

If a student is believed to have committed an expellable offense, the appropriate administrator/**campus behavior coordinator** or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the **campus behavior coordinator** or other administrator may place the student in:

- Another appropriate classroom.

- In-school suspension.
- Out-of-school suspension.
- DAEP.

## Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the Superintendent authority to conduct hearings and expel students.

## Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

## Expulsion Order

Before ordering the expulsion, the board, appropriate administrator or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Superintendent shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

## **Length of Expulsion**

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

## **Withdrawal during Process**

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator/**campus behavior coordinator** or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

## **Additional Misconduct**

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator/**campus behavior coordinator** or the board may issue an additional disciplinary order as a result of those proceedings.

## **Restrictions during Expulsion**

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

### **Newly Enrolled Students**

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

### **Emergency Expulsion Procedures**

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

## Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a. 65 years of age or older, or
  - b. A disabled person.

**Armor-piercing ammunition** is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - 1) Knowing that it is within the limits of an incorporated city or town,
    - 2) Knowing that it is insured against damage or destruction,
    - 3) Knowing that it is subject to a mortgage or other security interest,
    - 4) Knowing that it is located on property belonging to another,
    - 5) Knowing that it has located within it property belonging to another, or
    - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly

causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Bullying** is when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

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

**Cyberbullying** is the use of any electronic communication device to engage in bullying or intimidation.

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

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

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

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

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

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

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

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

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

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm silencer** means any device designed, made, or adapted to muffle the report of a firearm.

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

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another **person, including a district student, employee, board member, or volunteer**; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing** is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

**Hit list** is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Knuckles** are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Machine gun** is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Mandatory** means that something is obligatory or required because of an authority.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

**Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

**Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

**Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Serious misbehavior** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08; Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

**Serious or persistent misbehavior** includes but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.

- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5** offenses are those that involve injury to a person and include:

- Murder;
- Kidnapping;
- Trafficking of persons;
- Smuggling or continuous smuggling of persons;
- Assault;
- Aggravated assault;
- Sexual assault;
- Aggravated sexual assault;

- Unlawful restraint;
- Voyeurism;
- Indecency with a child;
- Invasive visual recording;
- Disclosure or promotion of intimate visual material;
- Injury to a child, an elderly person, or a disabled person of any age;
- Abandoning or endangering a child;
- Deadly conduct;
- Terroristic threat;
- Aiding a person to commit suicide; and
- Tampering with a consumer product.

[See FOC(EXHIBIT)]

**Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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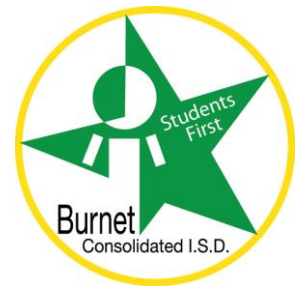
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**For: Burnet Consolidated ISD Board of Trustees**  
**Date: July 20, 2015**  
**Action: Approval**  
**Department: Human Resources**



**Agenda Item #8N (Business Items)**

**Approval of Change to 2015/2016 Fine Arts Stipend Schedule**

**Recommendation**

**Discussion and Possible Action regarding Approval of 2015-2016 Fine Arts Stipend Change – Middle School Asst Band Director Stipend changed from \$7,000 to \$6,000 based on market data.**

**Summary**

**The Board approved comprehensive Stipend Schedules in June for the 2015/2016 school year. The Middle School Assistant Band Director Stipend has remained above market value because the District has maintained a commitment to not reduce salaries. The position is now vacant, therefore allowing BCISD the opportunity to adjust the stipend to market value. Administration is recommending the Middle School Asst Band Director stipend be changed from \$7,000 to \$6,000.**

**Respectfully Submitted by:**

**Contessa Huffman**  
**Director of Human Resources & Admin Services**



## Academic & Fine Arts Extra Duty Stipends

### 2015/2016 Compensation Plan

#### Burnet Consolidated Independent School District

<i>High School</i>	15/16 Stipend Amount	15/16 # Allotted	15/16 Total Budget
Band - HS Head (226 Calendar)	\$ 10,000	1	\$ 10,000
Band - HS Asst.	\$ 8,000	1	\$ 8,000
Choir	\$ 2,500	1	\$ 2,500
CTSO (Career & Technology Student Organization) Sponsors	\$ 500	5	\$ 2,500
Department Head	\$ 1,200	6	\$ 7,200
Drama	\$ 2,000	1	\$ 2,000
Drill Team / Esprit De Corps	\$ 4,500	1	\$ 4,500
FFA	\$ 2,500	3	\$ 7,500
One Act Play	\$ 2,500	1	\$ 2,500
UIL Coordinator	\$ 2,500	1	\$ 2,500
Cheerleading - Varsity	\$ 4,000	1	\$ 4,000
Cheerleading - JV / Freshman	\$ 3,000	1	\$ 3,000
National Honor Society Sponsor	\$ 1,400	1	\$ 1,400
Student Council Advisor	\$ 1,500	1	\$ 1,500
UIL Event Sponsors	\$ 500	20	\$ 10,000
VASE	\$ 500	1	\$ 500
Yearbook Advisor	\$ 2,500	1	\$ 2,500

<i>High &amp; Middle School</i>	15/16 Stipend Amount	15/16 # Allotted	15/16 Total Budget
AVID Coordinator	\$ 750	1	\$ 750

<i>Middle School</i>	15/16 Stipend Amount	15/16 # Allotted	15/16 Total Budget
Band Head	\$ 9,000	1	\$ 9,000
Band Asst.	\$ 6,000	1	\$ 6,000
Department Head	\$ 1,000	6	\$ 6,000
Cheerleading	\$ 1,350	1	\$ 1,350
Belles Sponsor	\$ 1,000	1	\$ 1,000
National Honor Society Sponsor	\$ 1,000	1	\$ 1,000
Student Council Advisor	\$ 1,000	1	\$ 1,000
UIL Coordinator	\$ 800	1	\$ 800
UIL Event Sponsor	\$ 100	50	\$ 5,000
Yearbook Advisor	\$ 750	1	\$ 750

<i>Elementary</i>	15/16 Stipend Amount	15/16 # Allotted	15/16 Total Budget
Bilingual	\$ 3,000	5	\$ 15,000
Department Heads	\$ 800	14	\$ 11,200
UIL Coordinator	\$ 300	3	\$ 900
UIL Event Sponsor	\$ 175	36	\$ 6,300