



Learners Today...

Leaders Tomorrow...

*Mustangs  
Forever!*

**Marble Falls ISD  
Regular Meeting**

**Monday, July 16, 2012  
6:00 PM**

**AGENDA OF REGULAR MEETING**  
**MARBLE FALLS INDEPENDENT SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**MONDAY, JULY 16, 2012 – 6:00 PM**  
**Marble Falls ISD Central Office Community Room**

Notice is hereby given that on July 16, 2012, the Board of Trustees of the Marble Falls Independent School District will hold a Regular meeting at 6:00 PM, at the Marble Falls ISD Central Office Community Room.

The subjects to be discussed or considered, or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice. The Board will consider and may act on the “Consent Agenda” with one vote. Any Trustee may request the removal of an item from the “Consent Agenda” for individual consideration and action.

1. Call to Order  
Presenter: Rick Edwards, President
2. Roll Call
3. Invocation  
Presenter: Tommy Chaney
4. Pledge to the Flags  
Presenter: Kelly Fox
5. Citizen Comments
6. Public Hearing Regarding Proposed 2012 Tax Rate  
Presenter: Lisa LeMon
7. Consent Agenda
  - A. Review and Approval of Minutes 4
  - B. Review of Financial Reports 10
  - C. Approval of TASB Policy Update 94 Affecting Local Policy FFAF - Wellness and Health Services Care Plans 24
  - D. Approval of Revision to Local Policy FFAC - Wellness and Health Services/Medical Treatment 42
  - E. Approval of Appraisal Calendar and PDAS Certified Appraisers 47
  - F. Approval of Award of Bid for Student/Athletic Insurance 49
8. Action Items
  - A. Discussion and Possible Approval of 2012-2013 Student Code of Conduct 51  
Presenter: Allen Roberts
  - B. Discussion and Possible Award of Bid for Vending Machine Proposal 108  
Presenter: Allen Roberts
  - C. Discussion and Possible Approval of Ordinance to Set Tax Rate for the 2012 Tax Year 115  
Presenter: Rob O'Connor/Lisa LeMon
  - D. Consider and Adopt An Order Calling a Tax Ratification Election; Providing for the Conduct and Giving of Notice of Said Election; and Resolving Other Matters Related Thereto.” 116  
Presenter: Rob O'Connor
  - E. Approval of Budget Amendments 121
9. Superintendent's Report

- A. Kid's Connection  
Presenter: Cord Woerner
- B. Human Resources Report  
Presenter: Wade Stanford
- C. Budget Update 2011-2012 124  
Presenter: Lisa LeMon
- D. DAEP Placement Report 128  
Presenter: Peggy Little
- 10. Executive Session
  - A. Discussion of Professional Personnel - Tex Gov't Code Section 551.074
  - B. Discussion of Board/Superintendent Goals - Tex Gov't. Code Section 551.074
- 11. Discussion and Possible Approval of Action Arising from Executive Session
  - A. Possible Employment of Professional Personnel  
Presenter: Rob O'Connor
- 12. Adjourn

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

FOR THE BOARD OF TRUSTEES  
MARBLE FALLS INDEPENDENT SCHOOL

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Rob O'Connor, Superintendent of Schools

Marble Falls Independent School District  
Board Meeting Minutes  
June 4, 2012

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Rick Edwards, President, called this special meeting to order at 6:05 p.m. at the Marble Falls ISD Administration Building. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

**Board Members Present:** Rick Edwards, Kelly Fox, Craig Mabray, Mike Savage and Karl Westerman.

**Board Members Absent:** Tommy Chaney and Kevin Naumann

**Administrators Present:** Rob O'Connor, Superintendent, Wade Stanford, and Allen Roberts

**Members of the Press:** None

**Executive Session:**

At 6:06 p.m. the Board adjourned into executive session to discuss personnel issues, specifically hiring professional employees (Govt. Code 551.074). The Board reconvened into open session at 6:28 p.m.

Upon a motion by Kelly Fox, second by Craig Mabray, the Board approved the professional employment, on a one year probationary contract subject to assignment, of Miranda Kramarcy Glover, Chris Jost and Neil Laminack.

For: 5

Against: 0

Absent: 2

The Board was informed of the following resignations:

Marble Falls Middle School

Jill Bishop

Counselor at Marble Falls Middle School effective 6/8/12

Nancy Schneider

Language Arts teacher effective 5/25/12

Highland Lakes Elementary

Aleyda Martinez-Galeas

Bilingual Pre-K teacher effective 5/25/12

Marble Falls Elementary

Jamie Kennedy

2<sup>nd</sup> grade teacher effective 5/30/12

Paraprofessional

Barbara Culpepper

Administrative Asst. at Falls CHS/EPIC effective 6/30/12

**Adjournment:**

Hearing no objection the Board adjourned at 6:32 p.m.

**Approved:**

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Rick Edwards, President

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Craig Mabray, Secretary

Marble Falls Independent School District  
Board Meeting Minutes  
June 14, 2012

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Rick Edwards, President, called this special meeting to order at 5:20 p.m. at the Marble Falls ISD Administration Building. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

**Board Members Present:** Tommy Chaney, Rick Edwards, Kelly Fox, Craig Mabray, Kevin Naumann, and Karl Westerman. Mike Savage arrived at 5:30 p.m.

**Board Members Absent:** None

**Administrators Present:** Rob O'Connor, Superintendent

**Members of the Press:** None

The Board participated in a Team of 8 training facilitated by John Horn, Senior Associate of the Schlechty Center. Discussion centered on a profile of the board; the steps to be taken to ensure that our students reach the next level of success and sustain it; and the legacy that they, as a board, would like to leave with the District.

**Adjournment:**

Hearing no objection the Board adjourned at 8:30 p.m.

**Approved:**

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Rick Edwards, President

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Craig Mabray, Secretary

Marble Falls Independent School District  
Board Meeting Minutes  
June 18, 2012

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Rick Edwards, President, called the regular meeting to order at 6:05 p.m. at the Marble Falls ISD Administration Building. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

**Board Members Present:** Rick Edwards, Kelly Fox, Craig Mabray, Kevin Naumann, Mike Savage and Karl Westerman.

**Board Members Absent:** Tommy Chaney

**Administrators Present:** Dr. Rob O'Connor, Superintendent, Mary Davidson, John Schumacher, Andy Reddock, Eric Penrod, Susan Maughan, Keith Powell, Kevin Wier, Leslie Baty, Manuel Lunoff, and Michael Pittard

**Members of the Press:** Daniel Clifton, *The River Cities Tribune*

**Citizen Comments**

No patrons asked to be heard.

**Consent Agenda**

Mr. Westerman asked that the approval of budget amendments be removed from the consent agenda and voted on separately so that he could ask questions regarding the amendments to the summer food service program.

Upon a motion by Kevin Naumann, second by Craig Mabray, the Board approved the following from the consent agenda:

- Minutes from previous meetings  
Regular – May 21, 2012
- Financial Report as of May 2012

For: 6                      Against: 0                      Absent: 1

Upon a motion by Kelly Fox, second by Craig Mabray, the Board approved the budget amendments as recommended by David Hemond, Accounting Supervisor.

For: 6                      Against: 0                      Absent: 1

**Action Items**

**Election Contract**

Upon a motion by Kelly Fox, second by Kevin Naumann, the Board approved a contract with the Burnet County Elections administrator for a possible special tax ratification election.

For: 6                      Against: 0                      Absent: 1

**Revisions to Local Policies FFH and FFI**

Upon a motion by Kevin Naumann, second by Karl Westerman, the Board approved revisions to local policies FFH & FFI as recommended by the District's attorneys regarding freedom from discrimination, harassment and retaliation.

For: 6                      Against: 0                      Absent: 1

**Settlement Agreement**

Upon a motion by Mike Savage, second by Kelly Fox, the Board approved the settlement agreement with ARAMARK Services regarding the termination of the contract for food service management in the amount of \$285,000 which included the undisputed amount of \$186,946.14.

For: 6                      Against: 0                      Absent: 1

**ACH Agreement with IBC Bank**

Upon a motion by Karl Westerman, second by Kevin Naumann, the Board approved an agreement with IBC Bank for automated clearing house services to allow the transfer of funds electronically.

For: 6                      Against: 0                      Absent: 1

**Superintendent's Report**

**TAKS/EOC/AP Testing Report**

Eric Penrod, Dir. of Secondary Academics, presented a 5 year average comparison of TAKS scores noting the gains made; the EOC results for the 9<sup>th</sup> grade students comparing our scores with results at the state level; and the number of students and subject area of advanced placement tests taken informing the Board that the scores have not yet been received. Mr. Penrod further presented an update on the current status of the Strategic Plan.

**Child Nutrition Department Report**

Mary Davidson, Food Service Director, presented a three month comparison report regarding participation as well as this year's budget to school year 2011 noting an estimated current year fund balance of \$151,000.

**Quarterly Investment Report**

Lisa LeMon, Director of Business Operations, presented the investment report for the quarter ending May 2012. Total interest earned was \$41,409.67 and the total cash balance was \$26,213,113.04

**Executive Session**

At 7:20 p.m. the Board adjourned into executive session to discuss personnel matters (Gov't Code 551.074) specifically professional contracts for new personnel. The Board reconvened into open session at 9:26 p.m.

Upon a motion by Karl Westerman, second by Craig Mabray, the Board approved the professional employment on a one year probationary contract subject to assignment of the following:

Central Office  
Nikki Parker-Mazoch

Marble Falls Middle School  
Elizabeth Dodge  
Shelton Grandy

Highland Lakes Elementary  
Tiffany Brantley  
Jennifer Jost  
Rebecca Rios  
Pamela Walton

Marble Falls High School  
J.T. Blair  
Amanda Carpenter  
Frank Hughey  
Kerri O'Connor

Marble Falls Elementary  
Samantha Boeringer  
April Joller

Spicewood Elementary  
Darla Hendrix

The Board was informed of the following resignations:

Central Office  
Rachel King – Bilingual Coord./Bilingual Reading Specialist

Marble Falls High School  
Carrie Grona – Science teacher/coach

Marble Falls Elementary  
Alayna Sales – Kindergarten teacher

**Adjournment:**

Hearing no objection the Board adjourned at 9:27 p.m.

**Approved:**

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Rick Edwards, President

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Craig Mabray, Secretary

Marble Falls ISD

Statement of Revenues and Expenditures - General Fund

As of June 30, 2012

83% Of Fiscal Year

REVENUES	CURRENT YEAR				PRIOR YEAR		
	BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	BUDGET	YTD ACTIVITY	% OF FINAL BUDGET
5710 LOCAL TAX REVENUES	\$29,990,749	\$29,535,333	\$455,416	98.48%	\$30,044,700	\$29,004,774	96.54%
57XX OTHER LOCAL REVENUES	\$438,316	\$393,860	\$44,456	89.86%	\$503,642	\$529,152	105.07%
58XX STATE PROG. REVENUES	\$7,640,504	\$5,465,249	\$2,175,255	71.53%	\$5,573,472	\$5,683,459	101.97%
5900 FEDERAL REVENUE	\$210,000	\$ 556,185	(\$346,185)	264.85%	\$216,540	\$ 121,775	56.24%
<b>TOTAL REVENUE</b>	<b>\$ 38,279,569</b>	<b>\$ 35,950,628</b>	<b>\$2,328,941</b>	<b>93.92%</b>	<b>\$36,338,354</b>	<b>\$35,339,159</b>	<b>97.25%</b>
<b>EXPENDITURES</b>							
11 INSTRUCTION	\$ 17,997,990	\$ 14,176,730	\$ 3,821,259.60	78.77%	\$ 17,580,424	\$ 11,953,188	67.99%
12 LIBRARY	\$ 482,143	\$ 409,691	\$ 72,452.48	84.97%	\$ 521,498	\$ 392,371	75.24%
13 STAFF DEVELOPMENT	\$ 157,828	\$ 117,853	\$ 39,974.78	74.67%	\$ 164,790	\$ 105,177	63.83%
21 INST ADMINISTRATION	\$ 590,330	\$ 455,249	\$ 135,081.12	77.12%	\$ 755,498	\$ 549,560	72.74%
23 SCHOOL ADMINISTRATION	\$ 2,165,227	\$ 1,741,532	\$ 423,695.45	80.43%	\$ 2,068,147	\$ 1,427,651	69.03%
31 GUID AND COUNSELING	\$ 1,107,519	\$ 925,180	\$ 182,338.80	83.54%	\$ 1,082,324	\$ 800,594	73.97%
33 HEALTH SERVICES	\$ 391,009	\$ 321,639	\$ 69,369.71	82.26%	\$ 395,238	\$ 276,953	70.07%
34 PUPIL TRANSP - REGULAR	\$ 1,347,686	\$ 1,502,722	\$ (155,035.24)	111.50%	\$ 1,599,745	\$ 1,445,874	90.38%
36 CO-CURRICULAR ACT	\$ 1,371,954	\$ 1,147,976	\$ 223,977.29	83.67%	\$ 1,375,863	\$ 1,100,138	79.96%
41 GEN ADMINISTRATION	\$ 1,142,880	\$ 949,497	\$ 193,382.93	83.08%	\$ 1,069,406	\$ 708,662	66.27%
51 PLANT MAINT & OPERATION	\$ 4,325,343	\$ 3,216,910	\$ 1,108,432.75	74.37%	\$ 5,098,223	\$ 3,175,691	62.29%
52 SECURITY & MONITORING	\$ 83,082	\$ 19,897	\$ 63,184.67	23.95%	\$ 80,465	\$ 17,974	22.34%
53 DATA PROCESSING	\$ 857,053	\$ 654,141	\$ 202,912.25	76.32%	\$ 1,151,814	\$ 838,679	72.81%
61 COMMUNITY SERVICES	\$ 53,341	\$ 53,380	\$ (39.30)	100.07%	\$ 228,203	\$ 94,978	41.62%
81 FACILITIES ACQ & CONST	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%
91 STUDENT ATTENDANCE CR	\$ 5,567,564	\$ 4,131,034	\$ 1,436,530.40	74.20%	\$ 2,861,005	\$ 2,358,940	82.45%
99 PURCHASES & CONT SRVS	\$ 667,570	\$ 659,244	\$ 8,325.54	98.75%	\$ 677,500	\$ 492,803	72.74%
<b>TOTAL EXPENDITURES</b>	<b>\$ 38,308,519</b>	<b>\$ 30,482,676</b>	<b>\$ 7,825,843</b>	<b>79.57%</b>	<b>\$ 36,710,143</b>	<b>\$ 25,739,232</b>	<b>70.11%</b>
7000 Other Sources	\$-				Other Sources	\$ 5,500	
8000 Other Uses	\$-				Other Uses	\$ 1,600	
1200 EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	\$ 5,467,952		EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES - FY 2010-2011		\$ 9,603,827		
3000 BEG FUND BAL 9/1/11	\$ 7,821,636						
3000 END FUND BAL 5-31-12	\$ 13,289,588	Unaudited					

Marble Falls ISD

Statement of Revenues and Expenditures - Food Service

As of June 30, 2012

83% Of Fiscal Year

REVENUES	BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET
57XX Local & Intermed Revenues	\$ 902,562	\$ 606,571	\$ 295,991	67.21%
58XX State Program Revenues	\$ 12,110	\$ 12,134	\$ 12,110	100.20%
59xx Federal Program Revenues	\$ 1,457,334	\$ 1,365,701	\$ 91,633	93.71%
<b>TOTAL REVENUE</b>	<b>\$ 2,372,006</b>	<b>\$ 1,984,406</b>	<b>\$ 399,734</b>	<b>83.66%</b>
<b>EXPENDITURES</b>				
61 PAYROLL COST	\$ 1,261,933	\$ 637,130	\$ 624,803	50.49%
62 PURCHASE & CONTRACTED	\$ 35,221	\$ 29,068	\$ 6,153	82.53%
63 SUPPLIES AND MATERIALS	\$ 1,043,317	\$ 842,926	\$ 200,391	80.79%
64 OTHER OPERATING EXP	\$ 9,210	\$ 7,346	\$ 1,864	79.77%
66 CPTL OUTLAY	\$ 22,325	\$ 11,928	\$ 10,397	53.43%
<b>TOTAL EXPENDITURES</b>	<b>\$ 2,372,006</b>	<b>\$ 1,528,398</b>	<b>\$ 843,608</b>	<b>64.43%</b>
7000 Other Sources	\$-			
8000 Other Uses	\$ 104,860	\$ 104,859	\$ 1	100.00%

*Marble Falls Independent School District*

*Financial Report*

*July 16, 2012*

*\*\*Check Payment Fund Summary\*\**

*\*\*Expenditure to Budget Report\*\**

*Check Payment Fund Summary*

*For Bills Paid*

*June 1 – June 30, 2012*

FUND SUMMARY

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
199	GENERAL FUND	87,040.92	20,537.62	654,888.81	762,467.35
211	TITLE I PART A, BASIC PROGRAMS	3,652.92	0.00	22,155.89	25,808.81
224	IDEA PART B FORMULA	2,514.21	0.00	12,155.55	14,669.76
240	FOOD SERVICE	2,972.74	0.00	104,804.33	107,777.07
242	SUMMER FEEDING PROGRAM-DHS	125.79	0.00	3,017.90	3,143.69
244	VOC. ED.-BASIC GRANT	0.00	0.00	10,936.68	10,936.68
255	TITLE II PART A TCHR & PRINCPL	368.45	0.00	675.00	1,043.45
263	TITLE III - BILINGUAL	5.60	0.00	485.21	490.81
270	TITLE VI, PART B	374.95	0.00	0.00	374.95
276	Texas Title I Priority Schools	9,984.04	0.00	41,453.29	51,437.33
287	EDUCATIONS JOBS FUND	574.87	0.00	0.00	574.87
397	ADVANCED PLACEMENT INCENTIVES	0.00	0.00	540.00	540.00
321	DESIGNATED GIFTS & BEQUESTS FD	0.00	0.00	102.28	102.28
363	PAYROLL CLEARING	738,575.97	0.00	0.00	738,575.97
*** Fund Summary Totals ***		846,190.46	20,537.62	851,214.94	1,717,943.02

\*\*\*\*\* End of report \*\*\*\*\*

*Expenditure to Budget Report*

*July 16, 2012*

*General Operating Fund*

*&*

*Food Service Fund*

Obj	Obj	2011-12 ESTIMATED REVENUE	June 2011-12 MTHLY ACTIVITY	2011-12 Activity	REVENUE BALANCE	PERCENT REALIZED	2011-12 YTD %
199	GENERAL FUND						
5700	REVENUE-LOCAL & INTERMED						
571-	LOCAL REAL-PROPERTY TAXES	29,990,749.00	486,827.57	29,535,333.16	455,415.84	99.11	98.48
573-	TUITION & FEES FROM PATRONS	57,000.00	9,320.00	49,823.00	7,177.00	87.41	87.41
574-	TRANS FROM WITHIN STATE	236,215.95	38,921.17	234,751.36	1,464.59	99.38	99.38
575-	ENTERPRISING ACTIVITIES	145,100.00	1,050.00	109,286.00	35,814.00	75.32	75.32
57--	REVENUE-LOCAL & INTERMED	30,429,064.95	536,118.74	29,929,193.52	499,871.43	98.97	98.36
5800	STATE PROGRAM REVENUES						
581-	PER CAPITA-FOUNDATION REV	6,035,504.00	199,246.00	4,350,898.00	1,684,606.00	72.09	72.09
582-	STATE REVENUE DISTRBTD BY TEA	5,000.00	0.00	0.00	5,000.00	0.00	0.00
583-	TRS ON BEHALF BENEFIT	1,600,000.00	108,029.85	1,114,351.02	485,648.98	69.65	69.65
58--	STATE PROGRAM REVENUES	7,640,504.00	307,275.85	5,465,249.02	2,175,254.98	71.53	71.53
5900	FEDERAL PROGRAM REVENUES						
591-	FEDERALLY DIST REVENUES	35,000.00	0.00	53,445.75	-18,445.75	152.70	152.70
593-	VOC ED NON FOUNDATION	175,000.00	66,030.59	502,739.73	-327,739.73	287.28	287.28
59--	FEDERAL PROGRAM REVENUES	210,000.00	66,030.59	556,185.48	-346,185.48	264.85	264.85
----	GENERAL FUND	38,279,568.95	909,425.18	35,950,628.02	2,328,940.93	94.41	93.92

Obj	Obj	2011-12 ESTIMATED REVENUE	June 2011-12 MTHLY ACTIVITY	2011-12 Activity	REVENUE BALANCE	PERCENT REALIZED	2011-12 YTD %
240	FOOD SERVICE						
5700	REVENUE-LOCAL & INTERMED						
574-	TRANS FROM WITHIN STATE	0.00	314.89	2,314.30	-2,314.30	0.00	0.00
575-	ENTERPRISING ACTIVITIES	902,562.00	8,472.81	604,256.46	298,305.54	66.95	66.95
57--	REVENUE-LOCAL & INTERMED	902,562.00	8,787.70	606,570.76	295,991.24	67.21	67.21
5800	STATE PROGRAM REVENUES						
582-	STATE REVENUE DISTRBD BY TEA	12,110.00	0.00	12,134.49	-24.49	100.20	100.20
58--	STATE PROGRAM REVENUES	12,110.00	0.00	12,134.49	-24.49	100.20	100.20
5900	FEDERAL PROGRAM REVENUES						
592-		1,457,334.00	134,674.73	1,365,701.19	91,632.81	93.71	93.71
59--	FEDERAL PROGRAM REVENUES	1,457,334.00	134,674.73	1,365,701.19	91,632.81	93.71	93.71
----	FOOD SERVICE	2,372,006.00	143,462.43	1,984,406.44	387,599.56	83.66	83.66

Number of Accounts: 146

\*\*\*\*\* End of report \*\*\*\*\*

Obj	Obj	2011-12 ESTIMATED REVENUE	June 2011-12 MTHLY ACTIVITY	2011-12 Activity	REVENUE BALANCE	2011-12 YTD %
99	GENERAL FUND					
5---	REVENUE	38,279,568.95	909,425.18	35,950,628.02	2,328,940.93	93.92
----	GENERAL FUND	38,279,568.95	909,425.18	35,950,628.02	2,328,940.93	93.92
40	FOOD SERVICE					
5---	REVENUE	2,372,006.00	143,462.43	1,984,406.44	387,599.56	83.66
----	FOOD SERVICE	2,372,006.00	143,462.43	1,984,406.44	387,599.56	83.66

Number of Accounts: 110

\*\*\*\*\* End of report \*\*\*\*\*

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	2011-12 BALANCE	2011-12 YTD %
199	GENERAL FUND						
11	INSTRUCTION						
	61-- PAYROLL COSTS	17,008,359.37	0.00	13,451,676.52	1,354,304.82	3,556,682.85	79.09
	62-- PURCHASE & CONTRACTED SVS	338,424.83	20,240.58	283,001.50	10,058.02	35,182.75	83.62
	63-- SUPPLIES AND MATERIALS	598,485.66	18,286.42	409,978.22	19,321.22	170,221.02	68.50
	64-- OTHER OPERATING EXPENSES	48,345.14	1,090.16	32,074.16	845.46	15,180.82	66.34
	66-- CPTL OUTLY LAND BLDG & EQ	4,375.00	0.00	0.00	0.00	4,375.00	0.00
	---- INSTRUCTION	17,997,990.00	39,617.16	14,176,730.40	1,384,529.52	3,781,642.44	78.77
2	INST. RESOURCES & MEDIA SVCS						
	61-- PAYROLL COSTS	385,153.50	0.00	318,147.80	31,813.87	67,005.70	82.60
	62-- PURCHASE & CONTRACTED SVS	18,728.50	0.00	15,436.57	0.00	3,291.93	82.42
	63-- SUPPLIES AND MATERIALS	73,413.50	825.08	71,590.03	0.00	998.39	97.52
	64-- OTHER OPERATING EXPENSES	4,847.50	0.00	4,516.12	0.00	331.38	93.16
	---- INST. RESOURCES & MEDIA S	482,143.00	825.08	409,690.52	31,813.87	71,627.40	84.97
3	CURRICULUM DEV & INST STFF DEV						
	61-- PAYROLL COSTS	90,412.00	0.00	84,197.95	7,595.39	6,214.05	93.13
	62-- PURCHASE & CONTRACTED SVS	42,190.00	800.00	23,641.76	14,731.25	17,748.24	56.04
	63-- SUPPLIES AND MATERIALS	9,400.00	0.00	6,640.77	196.48	2,759.23	70.65
	64-- OTHER OPERATING EXPENSES	15,826.00	3,697.48	3,372.74	392.60	8,755.78	21.31
	---- CURRICULUM DEV & INST STF	157,828.00	4,497.48	117,853.22	22,915.72	35,477.30	74.67
1	INSTRUCTIONAL LEADERSHIP						
	61-- PAYROLL COSTS	540,980.00	0.00	430,985.26	39,307.33	109,994.74	79.67
	62-- PURCHASE & CONTRACTED SVS	11,250.00	623.54	1,779.46	174.52	8,847.00	15.82
	63-- SUPPLIES AND MATERIALS	20,658.00	0.00	13,305.72	1,993.65	7,352.28	64.41
	64-- OTHER OPERATING EXPENSES	17,442.00	132.95	9,178.44	431.22	8,130.61	52.62
	---- INSTRUCTIONAL LEADERSHIP	590,330.00	756.49	455,248.88	41,906.72	134,324.63	77.12

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	2011-12 BALANCE	2011-12 YTD %
99	GENERAL FUND						
23	SCHOOL LEADERSHIP						
	61-- PAYROLL COSTS	2,048,846.00	0.00	1,661,397.97	174,192.99	387,448.03	81.09
	62-- PURCHASE & CONTRACTED SVS	32,564.00	6,040.60	24,488.80	1,200.30	2,034.60	75.20
	63-- SUPPLIES AND MATERIALS	66,203.00	2,195.96	43,246.67	1,542.62	20,760.37	65.32
	64-- OTHER OPERATING EXPENSES	17,614.00	968.60	12,398.11	2,014.73	4,247.29	70.39
	---- SCHOOL LEADERSHIP	2,165,227.00	9,205.16	1,741,531.55	178,950.64	414,490.29	80.43
01	GUIDANCE & COUNSELING						
	61-- PAYROLL COSTS	1,050,645.90	0.00	883,247.28	88,106.80	167,398.62	84.07
	62-- PURCHASE & CONTRACTED SVS	8,788.00	0.00	5,474.00	447.00	3,314.00	62.29
	63-- SUPPLIES AND MATERIALS	35,747.10	194.36	26,672.04	6,993.00	8,880.70	74.61
	64-- OTHER OPERATING EXPENSES	12,338.00	74.20	9,786.88	518.19	2,476.92	79.32
	---- GUIDANCE & COUNSELING	1,107,519.00	268.56	925,180.20	96,064.99	182,070.24	83.54
03	HEALTH SERVICES						
	61-- PAYROLL COSTS	377,113.50	0.00	310,306.51	30,915.94	66,806.99	82.28
	62-- PURCHASE & CONTRACTED SVS	5,041.40	0.00	4,762.88	0.00	278.52	94.48
	63-- SUPPLIES AND MATERIALS	8,155.10	200.39	5,896.54	0.00	2,058.17	72.30
	64-- OTHER OPERATING EXPENSES	699.00	0.00	673.36	90.78	25.64	96.33
	---- HEALTH SERVICES	391,009.00	200.39	321,639.29	31,006.72	69,169.32	82.26
04	PUPIL TRANSPORTATION						
	61-- PAYROLL COSTS	1,067,059.00	0.00	1,062,340.66	102,976.48	4,718.34	99.56
	62-- PURCHASE & CONTRACTED SVS	19,000.00	4,211.71	13,755.03	396.04	1,033.26	72.39
	63-- SUPPLIES AND MATERIALS	343,847.29	11,886.35	370,351.32	4,369.62	-38,390.38	107.71
	64-- OTHER OPERATING EXPENSES	-205,220.00	182.55	-68,715.48	242.12	-136,687.07	33.48
	66-- CPTL OUTLY LAND BLDG & EQ	123,000.00	0.00	124,990.00	124,990.00	-1,990.00	101.62
	---- PUPIL TRANSPORTATION	1,347,686.29	16,280.61	1,502,721.53	232,974.26	-171,315.85	111.50

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	2011-12 BALANCE	2011-12 YTD %
99	GENERAL FUND						
16	COCURR./EXTRACURR.ACTIVITIES						
	61-- PAYROLL COSTS	659,075.20	0.00	626,671.38	65,643.24	32,403.82	95.08
	62-- PURCHASE & CONTRACTED SVS	157,438.60	18,026.45	128,281.59	972.59	11,130.56	81.48
	63-- SUPPLIES AND MATERIALS	263,196.62	122,437.71	154,593.74	24,847.38	-13,834.83	58.74
	64-- OTHER OPERATING EXPENSES	292,243.24	7,307.20	238,429.66	9,829.93	46,506.38	81.59
	---- COCURR./EXTRACURR.ACTIVIT	1,371,953.66	147,771.36	1,147,976.37	101,293.14	76,205.93	83.67
1	GENERAL ADMINISTRATION						
	61-- PAYROLL COSTS	867,795.50	0.00	771,442.16	90,262.18	96,353.34	88.90
	62-- PURCHASE & CONTRACTED SVS	164,342.00	24,729.13	87,028.63	5,583.55	52,584.24	52.96
	63-- SUPPLIES AND MATERIALS	27,497.69	974.50	23,080.95	2,288.39	3,442.24	83.94
	64-- OTHER OPERATING EXPENSES	83,244.81	2,677.39	67,945.33	3,443.83	12,622.09	81.62
	---- GENERAL ADMINISTRATION	1,142,880.00	28,381.02	949,497.07	101,577.95	165,001.91	83.08
1	PLANT MAINTENANCE & OPERATIONS						
	61-- PAYROLL COSTS	1,936,758.00	0.00	1,586,159.60	157,533.62	350,598.40	81.90
	62-- PURCHASE & CONTRACTED SVS	1,584,510.00	52,756.56	1,084,036.18	206,346.09	447,717.26	68.41
	63-- SUPPLIES AND MATERIALS	486,650.00	50,846.72	323,232.08	36,054.75	112,571.20	66.42
	64-- OTHER OPERATING EXPENSES	190,700.00	35.00	166,757.39	541.96	23,907.61	87.44
	66-- CPTL OUTLY LAND BLDG & EQ	126,725.00	87,960.00	56,725.00	0.00	-17,960.00	44.76
	---- PLANT MAINTENANCE & OPERA	4,325,343.00	191,598.28	3,216,910.25	400,476.42	916,834.47	74.37
2	SECURITY & MONITORING SERVICES						
	61-- PAYROLL COSTS	16,272.00	0.00	12,465.02	1,184.57	3,806.98	76.60
	62-- PURCHASE & CONTRACTED SVS	61,810.00	1,125.00	3,869.31	694.31	56,815.69	6.26
	63-- SUPPLIES AND MATERIALS	5,000.00	0.00	3,563.00	0.00	1,437.00	71.26
	---- SECURITY & MONITORING SER	83,082.00	1,125.00	19,897.33	1,878.88	62,059.67	23.95

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	2011-12 BALANCE	2011-12 YTD %
99	GENERAL FUND						
3	DATA PROCESSING SERVICES						
	61-- PAYROLL COSTS	438,083.00	0.00	367,238.97	36,566.27	70,844.03	83.83
	62-- PURCHASE & CONTRACTED SVS	270,000.00	48,252.34	187,208.49	9,372.30	34,539.17	69.34
	63-- SUPPLIES AND MATERIALS	117,795.00	9,402.90	88,566.23	2,055.02	19,825.87	75.19
	64-- OTHER OPERATING EXPENSES	21,175.00	0.00	11,127.06	49.20	10,047.94	52.55
	66-- CPTL OUTLY LAND BLDG & EQ	10,000.00	10,000.00	0.00	0.00	0.00	0.00
	---- DATA PROCESSING SERVICES	857,053.00	67,655.24	654,140.75	48,042.79	135,257.01	76.32
1	COMMUNITY SERVICES						
	61-- PAYROLL COSTS	52,591.00	0.00	43,243.91	4,403.70	9,347.09	82.23
	62-- PURCHASE & CONTRACTED SVS	0.00	1,500.00	10,000.00	0.00	-11,500.00	0.00
	64-- OTHER OPERATING EXPENSES	750.00	0.00	136.39	0.00	613.61	18.19
	---- COMMUNITY SERVICES	53,341.00	1,500.00	53,380.30	4,403.70	-1,539.30	100.07
1	INTERGOVERNMENTAL CHARGES						
	62-- PURCHASE & CONTRACTED SVS	5,567,564.00	0.00	4,131,033.60	826,206.72	1,436,530.40	74.20
	---- INTERGOVERNMENTAL CHARGES	5,567,564.00	0.00	4,131,033.60	826,206.72	1,436,530.40	74.20
9	OTHR INTERGOVERNMENTAL CHARGES						
	62-- PURCHASE & CONTRACTED SVS	667,570.00	0.00	659,244.46	163,403.08	8,325.54	98.75
	---- OTHR INTERGOVERNMENTAL CH	667,570.00	0.00	659,244.46	163,403.08	8,325.54	98.75
	---- GENERAL FUND	38,308,518.95	509,681.83	30,482,675.72	3,667,445.12	7,316,161.40	79.57

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	BALANCE	2011-12 YTD %
40	FOOD SERVICE						
0							
	89-- OTHER USES	104,860.00	0.00	104,858.84	104,858.84	1.16	100.00
	----	104,860.00	0.00	104,858.84	104,858.84	1.16	100.00
5	FOOD SERVICES						
	61-- PAYROLL COSTS	1,261,933.00	0.00	637,129.94	67,014.00	624,803.06	50.49
	62-- PURCHASE & CONTRACTED SVS	35,221.00	1,381.33	29,067.70	2,597.43	4,771.97	82.53
	63-- SUPPLIES AND MATERIALS	1,043,317.00	70,607.04	842,926.16	-608.44	129,783.80	80.79
	64-- OTHER OPERATING EXPENSES	9,210.00	1,180.78	7,346.47	251.62	682.75	79.77
	66-- CPTL OUTLY LAND BLDG & EQ	22,325.00	154.34	11,928.21	0.00	10,242.45	53.43
	---- FOOD SERVICES	2,372,006.00	73,323.49	1,528,398.48	69,254.61	770,284.03	64.43
	---- FOOD SERVICE	2,476,866.00	73,323.49	1,633,257.32	174,113.45	770,285.19	65.94

Number of Accounts: 5092

\*\*\*\*\* End of report \*\*\*\*\*

Obj	Obj	2011-12 BUDGET	ENCUMBRANCE YTD	2011-12 EXPENDITURES	June 2011-12 ACTIVITY	BALANCE	2011-12 YTD %
99	GENERAL FUND						
6---	EXPENDITURES	38,308,518.95	509,681.83	30,482,675.72	3,667,445.12	7,316,161.40	79.57
----	GENERAL FUND	38,308,518.95	509,681.83	30,482,675.72	3,667,445.12	7,316,161.40	79.57
40	FOOD SERVICE						
6---	EXPENDITURES	2,372,006.00	73,323.49	1,528,398.48	69,254.61	770,284.03	64.43
8---	OTHER USES	104,860.00	0.00	104,858.84	104,858.84	1.16	100.00
----	FOOD SERVICE	2,476,866.00	73,323.49	1,633,257.32	174,113.45	770,285.19	65.94

Number of Accounts: 4959

\*\*\*\*\* End of report \*\*\*\*\*

## Policy FFAF (LOCAL)

In the TASB recommendation of this policy it is stated that everything is stated as a mandatory requirement, "shall". It is understood that the purpose of a policy is to state what MUST be done. However, under section 38.0151 the only legal requirement is to adopt and administer a policy based on those guidelines. As with other policies our concerns are with the detailed and mandatory nature of the proposed language.

Our attorney's have suggested we include permissive language and a broader stroke to the main components of a food allergy management plan; self training, strategies to reduce the risk of exposure to common food allergies, and period reviews of the plan. All students with food allergies should and will have an individual health plan.

Thus we recommend going with our lawyers recommendation that we eliminate shall from the policy and replace it with will.

Our general procedures would include appropriate training, general strategies and review in other words awareness and education of our students and employees.

Student at-risk for anaphylaxis would have individual health care plans

And for further information to contact Assistant Supt. of Operations



# Vantage Points

## A Board Member's Guide to Update 94

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SB 27 from the 82<sup>nd</sup> Legislative Session requires districts to adopt local policy by August 1, 2012, addressing students with food allergies who are at risk of anaphylaxis. The law required the commissioner of the Texas Department of State Health Services, in consultation with an ad hoc committee, to create guidelines to help districts develop local policy. The commissioner's guidelines may not require a district to purchase prescription anaphylaxis medicine or require the administration of anaphylaxis medication to a student unless the medication is prescribed for that student. These legal provisions were added to FFAF(LEGAL) at Update 91.

The resulting guidelines, entitled *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* were made available on May 22 at <http://www.dshs.state.tx.us/schoolhealth/default.shtm> and state that the following components should be addressed in policy and administrative regulations:

- Identification of students with food allergies who are at risk for anaphylaxis
- Development, implementation, communication, and monitoring of emergency care plans, individualized health-care plans, and/or Section 504 plans for students with food allergies who are at risk for anaphylaxis
- Reduction of the risk of exposure within the school setting
- Training for school staff on anaphylaxis and emergency response to anaphylactic reactions
- Review of policies and procedures after an anaphylactic reaction

The *Guidelines* include additional detail on each of the above components.

### **FFAF(LOCAL) POLICY CONSIDERATIONS**

New recommended provisions at FFAF(LOCAL), which is now subtitled Care Plans, incorporate these elements by requiring the district to develop and implement a student food allergy management plan that includes general procedures to limit the risk posed to students by food allergies and specific procedures for when a student is identified with a diagnosed food allergy and is at risk for anaphylaxis.

The general procedures must address specialized training for the employees responsible for developing, implementing, and monitoring the food allergy management plan; employee awareness training regarding food allergy symptoms and emergency procedures to follow in the event of a student's anaphylactic reaction; strategies to reduce the risk of exposure to common food allergens; methods for requesting specific food allergy information from parents; and annual review of the food allergy management plan.

Specific procedures for students with diagnosed food allergies who are at risk for anaphylaxis must include the development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate; training as necessary for employees and other individuals to implement a student's care plan; and review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity.

The recommended (LOCAL) policy also requires the district to provide information about the policy and the food allergy management plan in the student handbook and to make the materials available at each campus.

At this update we have also revised the F section table of contents to reflect the new subtitle for FFAF, Care Plans.

On June 15, 2012, Policy Service will publish sample administrative procedures and forms in Update 41 to the *Regulations Resource Manual*, available to superintendents and policy contacts on myTASB, to help district administrators develop a food allergy management plan in accordance with state guidelines and local policy.

**Please note:** Because the law requires districts to adopt a local policy so quickly, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

## **More Information**

For further information, please refer to the Update 94 Explanatory Notes and the FFAF(LOCAL) policy itself, found in your localized update packet.

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PLEASE NOTE: This Update 94 *Vantage Points* and the Localized Update 94 packet may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.



# UPDATE 94 Adoption Notification Form

Update 94 contains (LOCAL) policies that require board action before we can incorporate Update 94 into your district's *Policy On Line* manual.

Please fill out this form and fax to the attention of Loretta Jeschke at 512-467-3618 or complete the form electronically through the *Policy On Line* Administrator Tools at <https://www.tasb.org/apps/PolicyAdmin> or e-mail [pol-support@tasb.org](mailto:pol-support@tasb.org).

## 027904 Marble Falls ISD

Your Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

We will send a confirmation e-mail when your update is placed online.

### About previous updates:

Please check the box to confirm. The board has adopted all prior updates.

### About Update 94:

Please provide us with the **Adoption date:** \_\_\_\_\_  
and **status** of Update 94 by checking the appropriate boxes below:

Place Update 94 online immediately. Our board has adopted it as sent to us by TASB.

### OR

Our board has acted on all of Update 94, and made additional changes to the policies listed below\*:

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

\*If you have changes to the listed policies that you have not already sent to your policy consultant, please attach the policies to this form or e-mail them to your consultant to ensure they are processed as a Local District Update. Your policy consultant may contact you about these policies if necessary.

If you have any questions, please contact Loretta Jeschke by phone at 800-580-7529.

**TASB Policy Service**

**Fax: 512-467-3618**



Please remember: Log in to **myTASB.tasb.org** and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

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**Marble Falls ISD**

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Update 94 is a special update to address the requirement for districts to adopt local policy for the care of students with a diagnosed food allergy who are at risk for anaphylaxis, as required by SB 27 from the 82nd Legislative Session. SB 27 requires districts to adopt local policy by August 1, 2012, and the local policy must be based on the *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* developed by the Texas Department of State Health Services, available at <http://www.dshs.state.tx.us/schoolhealth/default.shtm>.

Update 94 does not include an FFAF(LEGAL) policy, because the corresponding legal provisions were added to that policy at Update 91. However, the F section table of contents is included to reflect a change to the FFAF subtitle.

On June 15, 2012, Policy Service will publish sample administrative procedures and forms in Update 41 to the *Regulations Resource Manual*, available on myTASB, so that districts can have in place for the 2012–13 school year a comprehensive plan to address life-threatening student food allergies.

**Please note:** Because the law requires districts to adopt a local policy so quickly, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

Please bear in mind that the table of contents should NOT be adopted. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 94 packet contains:

- **INSTRUCTIONS** . . . providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES** . . . summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Copies of *Vantage Points—A Board Member's Guide to Update 94* also accompany this update packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 94 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Angela De Los Santos, at 800-580-7529 or 512-467-0222.

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## Regarding board action on Update 94 . . .

- Board action on Localized Update 94 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 94, affecting (LOCAL) policies (see attached list of codes).” Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use “Policy Update 94, affecting (LOCAL) policies” as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- The board’s action on Localized Update 94 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board’s actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Policy Administrator’s Guide* at [http://www.tasb.org/services/policy/mytasb/admin\\_guide/index.aspx](http://www.tasb.org/services/policy/mytasb/admin_guide/index.aspx).

## Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district’s Localized Policy Manuals as soon as practicable. If the district uses Policy On Line, you will need to notify us of the board’s action on Update 94 so that your district’s Localized Policy Manual as it appears on TASB’s Web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 94 Adoption Notification Form enclosed), by e-mail ([pol-support@tasb.org](mailto:pol-support@tasb.org)), or through the Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 94 policy changes should be inspected and revised by the district as needed.

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**PLEASE NOTE:** This localized update packet and the Update 94 *Vantage Points* may not be considered as legal advice and are not intended as a substitute for the advice of the board’s own legal counsel.

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Instruction Sheet  
TASB Localized Policy Manual Update 94

District      Marble Falls ISD

<b>Code</b>		<b>Action To Be Taken</b>	<b>Note</b>
F	(LEGAL)	Replace table of contents	Revised table of contents
FFAC	(LOCAL)	Review policy	Revise as necessary
FFAF	(LOCAL)	ADD policy	See explanatory note



# Explanatory Notes

## TASB Localized Policy Manual Update 94

District: Marble Falls ISD  
F (LEGAL) STUDENTS

We have revised the F section table of contents to rename FFAF, now subtitled Care Plans.

FFAC (LOCAL) WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

Please review your locally developed provisions at INJECTIONS. With the new requirement for the district to develop a food allergy management plan and an emergency action plan for any district student with a diagnosed food allergy who is at risk for anaphylaxis, it is recommended that the district consider removing this text.

Under state law, a student is permitted to self-administer prescription anaphylaxis medicine while on school property. Also, in a situation in which a student is unable to administer medication during an anaphylactic reaction, a trained employee may be required to do so in accordance with the student's emergency action plan. The district's current provisions as written would prohibit this.

If the district would like to revise or remove this language, please contact your policy consultant.

FFAF (LOCAL) WELLNESS AND HEALTH SERVICES  
CARE PLANS

SB 27 from the 82<sup>nd</sup> Legislative Session required the commissioner of state health services, in consultation with an ad hoc committee, to create guidelines to help districts develop local policy for the care of students with a diagnosed food allergy who are at risk for anaphylaxis. The commissioner's guidelines may not require a district to purchase prescription anaphylaxis medicine or require the administration of anaphylaxis medication to a student unless the medication is prescribed for that student. These legal provisions were added to FFAF(LEGAL) at Update 91.

**The law requires districts to adopt local policy by August 1, 2012, and the local policy must be based on the guidelines.**

The *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis* were made available on May 22 at <http://www.dshs.state.tx.us/schoolhealth/default.shtm> and state that the following components should be addressed in policy and administrative regulations:

- Identification of students with food allergies who are at risk for anaphylaxis
- Development, implementation, communication, and monitoring of emergency care plans, individualized health-care plans, and/or Section 504 plans for students with food allergies who are at risk for anaphylaxis
- Reduction of the risk of exposure within the school setting
- Training for school staff on anaphylaxis and emergency response to anaphylactic reactions
- Post-anaphylaxis reaction review of policies and procedures

The *Guidelines* include additional detail on each of the above components.

## Explanatory Notes

### TASB Localized Policy Manual Update 94

The enclosed policy, now subtitled Care Plans, incorporates these elements by requiring the district to develop and implement a student FOOD ALLERGY MANAGEMENT PLAN that includes general procedures to limit the risk posed to students by food allergies and specific procedures for when a student is identified with a diagnosed food allergy and is at risk for anaphylaxis.

The policy includes a requirement to develop GENERAL PROCEDURES on the following:

- Specialized training for employees responsible for the development, implementation, and monitoring of the district's food allergy management plan. The *Guidelines* explain that this training is more comprehensive than the general awareness training listed below and should address management of food allergies in the school setting.
- Awareness training for employees on the signs and symptoms of food allergies and emergency procedures employees should follow in the case of a student's anaphylactic reaction. The *Guidelines* include suggested elements of this training and provide information about online training and other training resources.
- General strategies to reduce the risk of exposure to common food allergens. The *Guidelines* include many strategies for the district to consider; the strategies implemented will vary from district to district based on local circumstances.
- Methods for requesting specific food allergy information from parents. Once a student is identified as having a food allergy and as being at risk for anaphylaxis, the district will need to implement procedures related to the care of that student.
- Annual review of the food allergy management plan.

In addition to these general procedures, the policy requires development of procedures for STUDENTS AT RISK FOR ANAPHYLAXIS, including:

- Development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate.
- Training as necessary for employees and others to implement a student's care plan. This training will focus on the roles of various individuals in implementing the specific elements of the care plan and will include strategies to reduce the student's risk of exposure to the diagnosed allergen.
- Review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity. The *Guidelines* emphasize that the review after an anaphylactic reaction would provide an opportunity to adjust the procedures and plans and ensure that any medication used during a reaction is replaced. Periodic review may be necessary, for example, when a student changes grade levels or campuses.

At DISTRIBUTION, the policy also requires the district to provide information about the policy and the food allergy management plan in the student handbook and to make the materials available at each campus.

On June 15, 2012, Policy Service will publish sample administrative procedures and forms in Update 41 to the *Regulations Resource Manual*, available on myTASB. The regulations are aligned with the local policy text and will allow the district to designate a district-wide food allergy coordinator, if any; indicate whether the district will create food allergy management teams at the campus level; and develop procedures to implement the local policy requirements.

**Please note:** Because the law requires districts to adopt a local policy so quickly, districts in which the local policy adoption process calls for two readings of a proposed policy may wish to implement the process for emergency adoption with one reading. [See BF(LOCAL).]

**Please Note:** This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

## SECTION F: STUDENTS

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
FBA	Service Animals
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers and Classroom Assignments
FDC	Homeless Students
FDD	Military Dependents
FDE	School Safety Transfers
FE	ATTENDANCE
FEA	Compulsory Attendance
FEB	Attendance Accounting
FEC	Attendance for Credit
FED	Attendance Enforcement
FEE	Open/Closed Campus
FEF	Released Time
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Physical Examinations
FFAB	Immunizations
FFAC	Medical Treatment
FFAD	Communicable Diseases
FFAE	School-Based Health Centers
FFAF	Care Plans
FFB	Crisis Intervention
FFC	Student Support Services
FFD	Student Insurance
FFE	Student Assistance Programs/Counseling
FFEA	Comprehensive Guidance Program
FFEB	Substance Abuse
FFF	Student Safety
FFFA	Supervision of Students
FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect
FFH	Freedom from Discrimination, Harassment, and Retaliation
FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS

**Please Note:** This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

## SECTION F: STUDENTS

FH	STUDENT VOLUNTEERS
FJ	GIFTS AND SOLICITATIONS
FL	STUDENT RECORDS
FLA	Confidentiality of Student Health Information
FM	STUDENT ACTIVITIES
FMA	School-Sponsored Publications
FMB	Student Government
FMD	Social Events
FME	Performances
FMF	Contests and Competition
FMG	Travel
FMH	Commencement
FN	STUDENT RIGHTS AND RESPONSIBILITIES
FNA	Student Expression
FNAA	Distribution of Nonschool Literature
FNAB	Use of School Facilities for Nonschool Purposes
FNB	Involvement in Decision Making
FNC	Student Conduct
FNCA	Dress Code
FNCB	Care of School Property
FNCC	Prohibited Organizations and Hazing
FNCD	Tobacco Use and Possession
FNCE	Personal Telecommunications/Electronic Devices
FNCF	Alcohol and Drug Use
FNCG	Weapons
FNCH	Assaults
FNCI	Disruptions
FND	Married Students
FNE	Pregnant Students
FNF	Interrogations and Searches
FNG	Student and Parent Complaints/Grievances
FO	STUDENT DISCIPLINE
FOA	Removal by Teacher
FOB	Out-of-School Suspension
FOC	Placement in a Disciplinary Alternative Education Setting
FOCA	Disciplinary Alternative Education Program Operations
FOD	Expulsion
FODA	Juvenile Justice Alternative Education Program
FOE	Emergency and Alternative Placement
FOF	Students with Disabilities
FP	STUDENT FEES, FINES, AND CHARGES

WELLNESS AND HEALTH SERVICES  
CARE PLANS

FFAF  
(LOCAL)

FOOD ALLERGY  
MANAGEMENT PLAN

The District shall develop and implement a student food allergy management plan that includes the components below.

GENERAL  
PROCEDURES

Procedures to limit the risk posed to students with food allergies shall include:

1. Specialized training for employees responsible for the development, implementation, and monitoring of the District's food allergy management plan.
2. Awareness training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction.
3. General strategies to reduce the risk of exposure to common food allergens.
4. Methods for requesting specific food allergy information from a parent of a student with a diagnosed food allergy. [See FD]
5. Annual review of the District's food allergy management plan.

STUDENTS AT RISK  
FOR ANAPHYLAXIS

Procedures regarding the care of students with diagnosed food allergies who are at risk for anaphylaxis shall include:

1. Development and implementation of food allergy action plans, emergency action plans, individualized health-care plans, and Section 504 plans, as appropriate.
2. Training, as necessary, for employees and others to implement each student's care plan, including strategies to reduce the student's risk of exposure to the diagnosed allergen.
3. Review of individual care plans and procedures periodically and after an anaphylactic reaction at school or at a school-related activity.

DISTRIBUTION

Information regarding this policy and the District's food allergy management plan shall be distributed annually in the student handbook and made available at each campus.





## CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Date: June 18, 2012  
To: Superintendent  
From: Eichelbaum Wardell Hansen Powell & Mehl, P.C.  
Re: TASB Update 94 – Proposed FFAF (LOCAL)

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Districts are currently receiving Localized Update 94 through their subscription to the TASB Policy Service. This update consists of one local policy that must be adopted by August 1, 2012, pertaining to food allergy management plans. TASB continues to prepare and disseminate legal framework policies and local policies to be reviewed and ultimately adopted by local boards of trustees and provides an invaluable service to Texas school districts in so doing. The challenges of preparing policy text or options that will fit the needs of a Houston or Dallas ISD, as well as the smallest 1A school district, are significant; in the vast majority of instances, the policies TASB develops will meet most districts' needs.

Occasionally, however, as your legal counsel, we may have a slightly different perspective on a topic and how to address it in policy. Earlier this year, we offered alternative approaches to policies pertaining to harassment and bullying of students. Having now reviewed the proposed FFAF (LOCAL) and the Commissioner of Health's Guidelines that underlie it, we are obligated, as your attorneys, to advise you that we have a different perspective on this topic.

Our concern about FFAF (LOCAL) is essentially that everything is stated as a mandatory requirement, "shall." We understand that this is standard TASB style, on the principle that the ultimate purpose of policy is to state what MUST be done. However, under section 38.0151, the only legal requirement is to "adopt and administer" a policy based on those Guidelines, all of which are addressed in the final version of the Guidelines as permissive or suggested provisions that "should" be included in a policy or procedures.<sup>1</sup> Our concern, as we have previously expressed in our other policy communications, is the detailed and mandatory nature of the proposed language, which predictably will be used by parents, primarily, as a trap to catch administrators and other employees when the parents' vision of what the policy requires conflicts with the school district's.

Thus, in the attached policy, we have attempted to minimize the opportunities for traps by including permissive language and a broader stroke on what seem to be the "main" components of a food allergy management plan: staff training, strategies to reduce the risk of exposure to common food allergens, and periodic review of the plan. As any student with a food allergy that puts the student at risk of anaphylaxis will, in fact, be a student with a disability under Section 504, all those students will have individual plans

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<sup>1</sup> We find it interesting that both the school board member and the school superintendent who served on the Interim Committee to develop the Commissioner of Health's Guidelines opposed the final version of the Guidelines.



## CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

tailored to their needs. The individual plans will contain components and response directions specific to that student and certainly might well contain all three of the elements listed in the TASB-proposed FFAF (LOCAL); however, it might not be necessary to include all of those in a particular student's individual plan. Thus, in our policy version, we simply acknowledge that plans will be developed and refer readers to the FB policies, which address Section 504.

There is no requirement in the law or the Guidelines to publish and distribute the policy and food allergy management plan in the student handbook, as the last paragraph of the TASB-proposed FFAF (LOCAL) indicates. Certainly, any district is free to include that detailed information, if it wishes, but that is a local decision. We suggest that the policy simply provide a contact name and position to alert readers how to obtain more specific information.

If you have any questions or wish to discuss these issues, please don't hesitate to contact us.

FOOD ALLERGY  
MANAGEMENT PLAN

The District will develop and implement a student food allergy management plan based on guidelines developed by the commissioner of state health services to limit the risk posed to students with food allergies and provide procedures regarding the care of students with diagnosed food allergies who are at risk for anaphylaxis.

GENERAL  
PROCEDURES

Procedures to limit the risk posed to students with food allergies will include:

1. Appropriate training for food service and other employees regarding food allergies and emergency responses.
2. General strategies to reduce the risk of exposure to common food allergens.
3. Periodic review of the District's food allergy management plan.

STUDENTS AT RISK FOR  
ANAPHYLAXIS

Individual student plans will be developed as appropriate for students with diagnosed food allergies who are at risk for anaphylaxis. [See FB]

ADDITIONAL  
INFORMATION

For further information regarding the student food allergy management plan, please contact [name, position, contact info].

## Policy FFAC (LOCAL)

After review of our local policy FFAC (LOCAL) by TASB they recommend that we eliminate the portion of the policy talking about injections. The reasoning is that our policy contains restrictions on injections, including the statement that “allergy injections” may not be administered on district property. Allergy injections could include epi-pens. The way it is written in our policy, it could be construed as violating Texas Education Code section 38.015, which states that students may possess and self administer prescription anaphylaxis medicine while on school property or at school related events or activities., subject to certain conditions. In addition, these provisions may conflict with the Texas Department of State Health Services’ new Guidelines for the care of students with food allergies at-risk for anaphylaxis, which require a district to develop an emergency plan for a student with anaphylaxis. Eliminating these two sentences would not mean that we would automatically inject one of our students every time we saw an allergic reaction. Our nurses would use the proper protocol and procedures in order to make the proper decision in an emergency situation. This allows our staff and students to make necessary decisions without violating MFISD policy.

Our recommendation to the Board tonight would be the same as TASB’s and that is to eliminate these two sentences on injections from policy FFAC (LOCAL).



June 12, 2012

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Dr. Robert O'Connor  
Superintendent  
Marble Falls ISD  
1800 Colt Circle  
Marble Falls, TX 78654

Dear Dr. O'Connor:

Angela De Los Santos has submitted material for legal review as part of Localized Policy Manual Update 94, previously mailed under separate cover. The purpose of this legal review is to identify to the board potential legal problems that may arise as a result of the district's local policy choices.

**Scope of Review:**

When TASB Legal Services reviews a district's local policies, the district receives the benefit of our unique, statewide view of policy trends and legal issues. By the nature of this review, however, the reviewing attorney has no background information regarding local circumstances in your district that might influence your policy choices. Therefore, this review is intended as a complement to, but not a substitute for, periodic comprehensive review by the district's own attorney, who is better able to consider the board's policy manual as a whole in light of local circumstances.

Most comments from TASB Legal Services address potential legal risks arising from the express language of the policies. Your district may also receive comments about significant application issues evident from the policy language. Because the potential legal issues arising from the application of policy language are so numerous, Legal Services cannot comment on every possible application issue. The district should contact its attorney or TASB Legal Services if it needs legal advice about how to apply any of its policies in specific circumstances.

**Review of Your Policies:**

For this review, we have examined only the following code(s): **FFAC(LOCAL)**. We have the following comments:

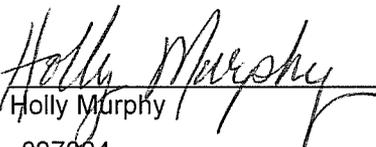
**FFAC(LOCAL):** At INJECTIONS, this policy contains restrictions on injections, including the statement that "allergy injections" may not be administered on district property. It is not clear what is meant by "allergy injections." If this term refers to epi-pens, this policy violates Texas Education Code section 38.015, which states that students may possess and self-administer prescription anaphylaxis medicine while on school property or at a school-related event or activity, subject to certain conditions. In addition, these provisions may conflict with the Texas Department of State Health Services' new *Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis*, which require a district to develop an emergency plan for a student with anaphylaxis. [www.dshs.state.tx.us/schoolhealth/default.shtm](http://www.dshs.state.tx.us/schoolhealth/default.shtm). We recommend that the district delete or at least revise this provision.

**Changes to Your Policies**

Ultimately the content of local policy is the board's choice. As the board makes its policy decisions, it should consider the recommendations of district administrators, input from TASB Policy and Legal Services, and the advice of the district's school attorney. If the district wishes to make changes to its policy, contact Angela De Los Santos.

Sincerely,

TASB Legal Services

By:  \_\_\_\_\_  
Holly Murphy

File: 027904

### PROPOSED REVISIONS

STUDENT ILLNESS	Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.
ACCIDENTS INVOLVING STUDENTS	Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.
EMERGENCY TREATMENT FORMS	Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.
ADMINISTERING MEDICATION	No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.
EXCEPTIONS	Employees authorized by the Superintendent or designee may administer to students:0)
PROVIDED BY PARENT	<ol style="list-style-type: none"><li>1. Prescription medication in accordance with legal requirements, for a period of up to 30 days. [See FFAC(LEGAL)] A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period. Any changes in the dosage or frequency of administration of long-term medication shall require an updated physician's order.</li><li>2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container, for a period of up to 30 days. A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period. Any changes in the dosage or frequency of administration of long-term medication shall require an updated physician's order.</li><li>3. Herbal substances, dietary supplements, or homeopathic products provided by the parent and only if required by the individualized education program or Section 504 plan of a student with disabilities. The District shall require written documentation identifying the specific use and benefits of the herbal substance, dietary supplement, or homeopathic product, as well as the dosage according to the age and weight of the student.</li></ol>

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LOCAL)

PROVIDED BY  
DISTRICT

4. Prescription and nonprescription medication provided by the District and consistent with:
  - a. Protocols established by the District's medical advisor who must be licensed to practice medicine in the state of Texas;
  - b. Parental consent given on the emergency treatment form; and
  - c. Campus availability.

~~INJECTIONS~~

~~The District shall require a physician's order for any medication administered by injection, including insulin and epi-pens.~~

~~Due to the potential for allergic reactions, allergy injections shall not be permitted to be administered on District property.~~

MEDICATIONS  
FROM FOREIGN  
COUNTRIES

District staff shall not administer prescription or nonprescription medications from foreign countries.

PSYCHOTROPICS

Except as permitted by Education Code 38.016, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

ADOPTED:

2 of 2

# Marble Falls Independent School District

## 2012-2013

### Appraisal Calendar

July 12						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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August 12						
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July 13						
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August 13						
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### Appraisal Timeline

Inservice - (First Day - August 16)

PDAS orientation completed for former and new staff by August 24

August 27 - First day of school

No formal observations

Holiday

September 14 - Section I of Teacher Self-Report due to appraiser.

September 17 - Formal observations begin.

April 15 - Revisions of Section I and completion of Section II and III of Teacher Self-Report due to appraiser.

April 22 - Summative Annual Report provided five working days before conferences.

April 29-May 9 - Summative Conferences

Written summary of observation due to teacher within ten days of observation. May rebut in writing or request second appraiser within ten working days. (Appraiser may extend to fifteen days.)

Marble Falls ISD  
2012-2013 Certified Teacher Appraisers

In compliance with the district's board policies DNA (Legal) and DNA (Local), which are legally referenced to the Education Code, the following list of personnel are certified and approved to serve as teacher appraisers using the Professional Development and Appraisal System (PDAS) for the 2012-2013 school year.

**Marble Falls High School:** Manny Lunoff, Rhonda Etheridge, John Klein, Clark Fields

**Falls Career High School:** Peggy Little

**Marble Falls Middle School:** John Schumaker, Karol French, Mickey Hughes

**Colt Elementary:** Keith Powell, Mark Richert

**Highland Lakes Elementary:** Michael Pittard, Stacy Lashbrook

**Marble Falls Elementary:** Bruce Peckover, Candice Shrout

**Spicewood Elementary:** Leslie Baty

**Other Appraisers:** Lee Courville, Melissa Fields, Susan Maughan, Janice Mauldin, Allen Roberts, Wade Stanford



Marble Falls  
Independent  
School District

## INTEROFFICE MEMORANDUM

Date: July 11, 2012

To: Board of Trustees and Dr. O'Connor

From: David Hemond, Accounting Supervisor

Subject: Consider Approval of Student/Athletic Accident and Catastrophic Insurance Bid Award

---

Marble Falls ISD recently requested bids for Student/Athletic Accident and Catastrophic Insurance. We received three (3) bids. The summary page and individual quotes are attached. After reviewing the bids, we have chosen to use The Brokerage Store. We compared the plans based on what we currently offer in benefits and found that The Brokerage Stores benefits were better than what the other two (2) vendors were offering and The Brokerage Store also had the lowest premium. We recommend the Board approve the selection of The Brokerage Store as our Student/Athletic and Catastrophic Insurance provider for the 2012-13 school year.

## 2012-13 STUDENT/ATHLETIC ACCIDENT AND CATASTROPHIC INSURANCE

BUSINESS NAME	ADDRESS	CONTACT NAME	UNDERWRITER	PLAN TYPE	ANNUAL PREMIUM	TOTAL PREMIUM
Bene-Marc Inc	6301 SW Blvd Ft Worth TX	John Wilson	Hartford	Premier Student/Athletic Accident	\$22,707.00	
Bene-Marc Inc			National Union Fire Ins Co	Catastrophic, Class I (all enrolled students participating in and traveling to and from a school event or activity)	\$1,238.00	<b>\$23,945.00</b>
Macori Inc., a Chartis Company	19609 Wied Rd Spring TX	Michael Ticer	National Union Fire Ins Co	Plan PrP (Premier Plan) Student/Athletic Accident	\$23,000.00	
Macori Inc., a Chartis Company			National Union Fire Ins Co	Catastrophic, Class III (all enrolled students participating in gym classes and extracurricular activities, and traveling to and from these activities)	\$2,414.00	<b>\$25,414.00</b>
The Brokerage Store	4091 De Zavala San Antonio TX	Jeff Johnson	Columbian Life	Texas Star Student/Athletic Accident	\$20,900.00	
The Brokerage Store			Zurich	Catastrophic, Class III (all enrolled students participating in gym classes and extracurricular activities, and traveling to and from these activities)	\$1,560.00	<b>\$22,460.00</b>

Marble Falls  
INDEPENDENT SCHOOL DISTRICT  
2012-2013  
STUDENT CODE OF CONDUCT



ADOPTED BY THE MFISD BOARD OF TRUSTEES

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# Acknowledgement

Dear Student and Parent:

The Marble Falls Independent School District Board of Trustees officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it among your family. If you have any questions about the rules and consequences, we encourage you to ask for an explanation from the student's teacher, the school counselor, or campus administrator.

The student and parent should each sign this page on the space provided below, then return the page to the student's school. Thank you.



**We acknowledge that we have received the MFISD Student Code of Conduct for the 2012-2013 school year, and that we are responsible for reading and understanding the rules and other information contained in the Student Code of Conduct.**

Student's Name: \_\_\_\_\_  
(Please print)

Student's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent's Name: \_\_\_\_\_  
(Please print)

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade Level: \_\_\_\_\_

**Please sign this page, remove it, and return it to the student's school.  
Thank you.**

## **Purpose of a Student Code of Conduct**

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or disciplinary alternative education program, transferred to a disciplinary alternative education program, suspended, or expelled. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

We provide you a copy of or access to the Code annually; a copy is also available for review in the principal's office of each campus in the District. The Code is posted on the District's website ([www.mfisd.txed.net](http://www.mfisd.txed.net)) and can be accessed or printed at any time from that site. If you do not have access to a computer, the principal's office at your child's campus will print one for you, upon request.

This Code is not a contract and can be amended by the District at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms.

Teachers and principals may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not also constitute violations of the Student Code of Conduct.

# Expectations for Student Behavior

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner.
- Attend all classes, regularly and on time.
- Be prepared for each class; take appropriate materials and assignments to class.
- Be well-groomed and dressed appropriately, as articulated in the MFISD student handbook.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order and discipline.
- Avoid violations of the Student Code of Conduct.

## General Authority to Impose Discipline

The Texas Legislature has delegated the authority to manage independent school districts and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities. The District's disciplinary authority applies:

- during the regular school day and while the student is going to and from school on District transportation;
- on or within 300 feet of school property;
- while the student is participating in any activity during the school day on school grounds;
- during lunch (whether on or off school campus);
- while the student is in attendance at any school-related activity of the District, regardless of time or location;
- while the student is on school property of another Texas school district or attending a school activity of a school in another Texas school district;
- for any school-related misconduct, regardless of time or location;
- when the student retaliates or threatens retaliation against a school employee, regardless of time and location;
- when the district has a reasonable belief that the student has engaged in conduct that would be punishable as a felony, as provided by Texas Education Code § 37.006;
- when the student is involved in criminal mischief on or off school property or at a school-related event;
- when the student makes a false alarm or report of bombing, fire, or other emergency involving a public school, regardless of time or location;
- when the student makes a terroristic threat involving a public school, regardless of time or location; and
- when the student commits aggravated robbery against another student, regardless of time or location.

All District facilities, any other real property that is owned, rented, or leased by the District, and the area within 1,000 feet of any of those facilities is a **gang-free zone** under state law. The penalties from the juvenile or criminal justice systems for certain organized criminal activity occurring within a "gang-free zone" will be enhanced. See "Gang-Free Zones" in the Definitions section for more complete information.

# Discipline of Students with Disabilities

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. For further information on this topic, please contact the principal, who will direct you to special education staff or Dr. Susan Maughan at (830) 693-4357. Information is also available to parents of students with disabilities in the “Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School,” which is provided to parents at the time of admission to special education and annually, upon initial referral, upon request for an evaluation, upon the filing of a request for a special education due process hearing, or upon request by a parent.

## Prohibited Conduct

A significant part of the district’s educational mission is to inculcate, or instill, the habits and manners of civility and to teach students the boundaries of socially appropriate behavior. In furtherance of this mission, students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school’s jurisdiction as described in this Code of Conduct:

1. **Scholastic dishonesty, which includes, but is not limited to, cheating on a test or any other assignment, plagiarism, or unauthorized collaboration with another person in preparing written work or any other assignment for which a grade is awarded.**
2. **Conduct that can cause injury to person or property**
3. **Leaving classrooms, school grounds, or school-sponsored events without permission**
4. **Using profanity, lewd or vulgar language, or obscene gestures**
5. **Scuffling or fighting or other inappropriate physical contact that does not meet the definition of simple assault**
6. **Stealing**
7. **Lying about the conduct of other students or making false accusations about district employees**
8. **Disobeying school rules about conduct on school buses**
9. **Failing to comply with reasonable directives given by school personnel**
10. **Failing to comply with campus or district policies**
11. **Bullying or harassment, which may include the following offenses:**
  - a. **Engaging 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 that has or will have the effect of physically harming a student, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property**
- b. Committing extortion (obtaining money or other property by force or threat from an unwilling person), coercion, or blackmail, or forcing an individual to act through the use of force or threat of force**
  - c. Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability**
  - d. Verbal abuse or derogatory or offensive remarks addressed to others**
  - e. Damaging or vandalizing property of other students**
  - f. Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors**
  - g. Dating violence, meaning the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in, or who has been in the past in, a dating relationship with the perpetrator, or because of the victim's marriage to or dating relationship with a person with whom the perpetrator is or has been in a dating relationship or marriage.**
- 12. Making a hit list, i.e., a list of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm**
  - 13. Harassing or threatening school employees or volunteer through inappropriate, offensive, or sexually explicit or suggestive comments made orally in person or by telephone or in writing through letters, emails, text messages, journals, or in any other way.**
  - 14. Committing or assisting in a robbery, theft, or burglary**
  - 15. Any conduct that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence**
  - 16. Damaging or vandalizing district property or property of any school employee or volunteer.**
  - 17. Possessing stereo head sets, CD players, cassette players, MP3 players, iPods, electronic games, or a similar device without permission**
  - 18. Possessing or displaying sexually explicit photographs, films, or images.**
  - 19. Possessing a paging device or cellular telephone, camera telephone, handheld computer or PDA, voice or video recording device or a similar device without permission.**
  - 20. Using a paging device, cellular telephone, camera telephone, hand-held computer or PDA, voice or video recording device, or a similar device**

without permission or in any way, such as recording a voice or image, that invades the privacy of others or without the consent of those being recorded.

21. Using or possessing a taser, stun-gun, or similar device
22. Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
23. Using or exhibiting school supplies (i.e., pencils, pens, scissors, etc.), or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person
24. Possessing drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.)
25. Possessing or using martial arts objects (such as shurikan [throwing stars], nunchakus [“nun-chucks”], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end])
26. Possessing or using fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
27. Inappropriate or offensive physical or sexual contact, whether or not it is consensual, e.g., public displays of affection.
28. Inappropriate exposure of a student’s body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
29. Behaving in any way that disrupts the school environment or educational process
30. Possessing, smoking, or using tobacco products, non-tobacco smoking materials or tobacco substitutes
31. Possessing or using matches or a lighter
32. Possessing or using a knife with a blade of 5 ½ inches or less
33. Truancy, i.e., skipping school or cutting class without the parent’s or school’s knowledge or permission
34. Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
35. Violating computer or acceptable use policies, rules, or agreements signed by the student and/or agreements signed by the student’s parent or guardian
36. Gambling of any kind
37. Violating safety rules
38. Violating dress or grooming standards

39. Being a member of, pledging to become a member of, or soliciting another person to join or pledge a public school fraternity, sorority, secret society, or gang
40. Gang-related behavior or activity
41. Attempting to commit any serious offense.
42. Assisting, encouraging, promoting, or attempting to assist in the commission of a serious offense
43. Failing to report the commission of a serious offense by another student to a school official
44. Hazing
45. Making a false alarm or report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
  - a. Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by MFISD, when there is no smoke, fire, or danger that requires evacuation
  - b. Calling 911 when no emergency exists
46. Making a terroristic threat involving a public school
47. Retaliating against any school employee or volunteer
48. Threatening death or injury to other student(s), school employee(s), or volunteer(s).
49. Repeatedly violating previously communicated campus or classroom standards of behavior
50. Violating DAEP rules while assigned to the DAEP
51. Engaging in any conduct punishable as a felony, which includes the offenses of:
  - a. Causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
  - b. placing graffiti on any tangible property owned by the district
  - c. distributing, selling, delivering, or attempting to distribute, sell or deliver any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
  - d. online impersonation.
52. Committing an assault of any kind
53. Selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance or a dangerous drug

54. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol
55. Engaging in conduct that would be an offense relating to an abusable volatile chemical
56. Engaging in conduct that would be considered public lewdness or indecent exposure
57. Engaging in conduct that would be disorderly conduct
58. Using, exhibiting, or possessing a firearm except as permitted for participation or preparation for a school-sanctioned shooting sports educational activity sponsored by Texas Parks & Wildlife and that is not located on school property
59. Using, exhibiting, or possessing an illegal knife
60. Using, exhibiting, or possessing a club
61. Using, exhibiting, or possessing a prohibited weapon of any kind
62. Engaging in conduct that would be aggravated assault, sexual assault, or aggravated sexual assault
63. Engaging in conduct that would be arson
64. Engaging in conduct that would be murder, capital murder, or criminal attempt to commit murder or capital murder
65. Engaging in conduct that would be indecency with a child
66. Engaging in conduct that would be aggravated kidnapping
67. Engaging in conduct that would be aggravated robbery against another student
68. Engaging in conduct that would be manslaughter
69. Engaging in conduct that would be criminally negligent homicide
70. Engaging in conduct that would be deadly conduct
71. Engaging in conduct that would be continuous sexual abuse of a young child or children
72. Engaging in conduct that would be breach of computer security

## **Disciplinary Consequences**

In assessing discipline, administrators will consider:

1. The seriousness of the offense.
2. The student's age.

3. The student's attitude.
4. The potential effect of the misconduct on the school environment.

In making a decision concerning suspension, removal to the DAEP, expulsion, or placement in a JJAEP, regardless of whether the decision concerns mandatory or discretionary disciplinary action, administrators shall also consider:

1. Whether the student was defending himself or herself.
2. The student's intent or lack of intent at the time the student engaged in the conduct.
3. The student's disciplinary history.
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, but only as required by federal law and regulations related to discipline of students with disabilities.

As required by state law, a student who, after investigation, is found to be a victim of bullying shall not be subject to a disciplinary measure when the student uses reasonable self-defense in response to bullying.

The following discipline management techniques may be used, alone or in combination, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- Oral correction
- Cooling-off time or "time-out" in a setting separate from other students that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object
- Seating changes within the classroom
- Transfer to another class
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher or parent-administrator conferences
- Confiscation of items that disrupt the educational process. The District will charge the student or parent an administrative fee of \$15 for second and any subsequent offenses before releasing the confiscated device. The District may also dispose of a confiscated paging device, cellular phone, camera phone, or similar device in any reasonable manner after 30 days notice to the parent and company whose name and address or phone appear on the device.
- Grade reductions as permitted by policy
- Rewards or demerits
- Behavioral contracts

- Sending the student to the office or other assigned area
- Assigned school duties other than class tasks
- Withdrawal of privileges, such as participation in extracurricular activities, participation in graduation exercises, and eligibility for seeking and holding honorary offices and/or membership in school-sponsored clubs or organizations
- Consequences or penalties identified in individual student organizations' codes of conduct, bylaws, constitutions, or rules
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Assignment to Y.A.L.E. (High School only)
- Citation or ticket from School Resource Officers or school security personnel with the limitation that no citation may be issued to a student in the sixth grade or a lower grade for disruption of classes under Tex. Educ. Code 37.124, disruption of transportation under Tex. Educ. Code 37.126, or disorderly conduct involving use of profanity, offensive gesture, chemically created noxious odor, unreasonable noise, or fighting. The absence of a citation, however, does not mean that the student will escape disciplinary consequences for those offenses.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District

The following disciplinary measures may be used, alone or in combination with each other or any of the above techniques, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- Corporal Punishment [District Policy FO (Local)]
- In-school suspension
- Detention
- Suspension from school, not to exceed three school days at one time
- Formal removal from class by the teacher
- Removal to a disciplinary alternative education program
- Extension of disciplinary alternative education program removal term for additional offenses while in the alternative program
- Expulsion from school

***What minimum procedures will be provided each student facing discipline other than detention?*** Each student will be told what infraction the administrator believes the student to have committed. Each student will then be given the opportunity to tell his or her side of the incident. The student's admission of the offense eliminates the

need for further investigation or procedures, though the administrator may seek further information if desired.

***How and when will we contact you about disciplinary action?*** Parents are responsible to provide to the campus administration each year the address and telephone number(s) at which parents can be reached and to update those numbers as necessary during the school year. School officials will use the information provided by the parent to contact parents about disciplinary matters. Parents will be notified of all code of conduct violations that can result in suspension, removal to DAEP, or expulsion in a reasonable amount of time by telephone or in writing. Campus administrators will make every attempt to, but are not required to, notify parents of incidents by telephone on the day of the incident.

***What consequences will occur when a student is an accomplice in an offense?*** Any student who assists, encourages, promotes, or attempts to assist in the commission of a serious offense (see Definitions section) will receive the same punishment as a student who actually engages in the conduct.

***What are the expectations for student reporting of offenses?*** A student who has knowledge that another student or students have committed a serious offense (see Definitions page 48) is expected to report that information to a school official. If the administrator learns that a student failed to report the commission of a serious offense, the student will be subject to a lesser disciplinary consequence, either one step lower than that imposed for the serious offense of which the student had knowledge or a shorter term of discipline.

## **Physical Restraint**

In some circumstances, it may be necessary for a district employee to use force, but not deadly force, to physically restrain a student in order to lead, guide, and direct the student or to protect the student or any other person from physical injury, to obtain possession of a weapon or other dangerous object, to protect property from serious damage, to remove a student who is refusing to comply with a legitimate directive from a school employee from a specific location in order to restore order or to impose disciplinary measures, or to restrain an irrational student, or to maintain order and discipline in the class or activity. Restraint under these circumstances or in accordance with laws and regulations related to the restraint of students with disabilities is not corporal punishment.

## **Corporal Punishment**

Corporal punishment has been approved by the MFISD Board of Trustees as an appropriate disciplinary consequence for Code of Conduct violations. All students are subject to the corporal punishment policy unless a parent has provided a written, signed statement to the campus principal indicating that corporal punishment must not be used with the parent's child or children. Parents must provide such a statement to the campus principal no later than the end of the first week of school or the first week after a student enrolls. The parent may revoke such a decision at any time by submitting a written, signed statement to that effect to the campus principal.

*Are there any guidelines for administering corporal punishment?* Corporal punishment is limited to spanking or paddling the student and will be administered only in accordance with the following guidelines: (FO Local)

1. The student shall be told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by the principal, assistant principal, or a teacher after discussion with the Superintendent's designee.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. When corporal punishment is administered, it shall be done in the presence of one other District professional employee and shall take place in a designated place out of view of other students.

The District shall honor a parent request that corporal punishment not be administered to his or her child; however, the District shall impose other disciplinary measures consistent with the offense.

Coaches and physical education teachers and classroom teachers supervising students during athletic training, competition, or physical education or supervising students outdoors during recess or lunch may use reasonable physical exercises or activities to encourage moderate or vigorous physical activity by students and as a measure to enforce class or team rules in their classes and activities. These exercises or activities are not considered to be "corporal punishment." No other employees may use exposure to the physical elements (e.g., standing outside in heat or cold) or physical exertion (e.g., running, sit-ups, etc.) as a disciplinary measure.

## **In-School Suspension**

For minor infractions of the Student Code of Conduct that is not specified as "serious offense" (See Definitions p. 48 for "serious offense"), or campus or classroom rules, teachers or administrators may assign a student to one or more days of in-school suspension where, under the supervision of school personnel, students will complete assignments given them by their regular teachers. Both the length of the suspension and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the administrator (see p. 12, "Disciplinary Consequences").

If we place your child in in-school suspension for an extended period of time, we will offer an opportunity for the student to complete the courses in which he or she was enrolled at the time of the placement before the beginning of the next school year. This opportunity may be by summer school, correspondence courses, distance learning, or other avenues. You will be responsible for the ordinary charges

associated with the program.

***How long are ISS assignments?*** Students are assigned to ISS with a written order that states the number of school days that must be successfully served. The length of all ISS assignments is at the discretion of the administration.

***What is a “successful day”?*** Students will be credited with a “successful day” of ISS assignment if the student is present, completes all assigned work, follows all rules for the ISS, and engages in no additional violations of the Student Code of Conduct.

***Are there any other circumstances that could warrant placement in ISS?*** Students may be placed in ISS during an investigation of suspected code of conduct violations.

***What if a student transfers within the District while assigned to ISS?*** Students, who transfer to another school within the District, will be required upon enrollment in the new school of this District to complete the number of days assigned to the ISS program before being allowed to attend their regular campus schedule. This requirement to complete the ISS assignment includes students who withdraw from this District for the purpose of home schooling.

## **Detention**

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours or during lunch on one or more days. When after school detention is used, notice shall first be given to the student's parents to inform the parent of the reason for the detention and permit arrangements for the necessary transportation of the student.

## **Suspension**

***When and for how long will a student be suspended?*** The principal or other appropriate administrator may suspend a student for a maximum of three school days at a time if the student violates the Code of Conduct by engaging in any prohibited conduct. Both the length of the suspension and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the administrator.

***How many times can a student be suspended?*** Neither state law nor this Code of Conduct imposes a limit on the number of times a student may be suspended during a semester or school year.

## **Formal Removal from Class by Teacher**

***What is the difference between being sent to the office and formal teacher removal?*** Students may be sent to the principal's office for committing minor classroom infractions. However, a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class or with the ability of the students to learn, or who behaves in a manner the teacher

determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn will be formally removed from the teacher's classroom.

*What is the process for formally removing a student from a teacher's classroom?* Within three days of the removal, a conference will be held between the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student. Pending the conference, the principal may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program. Following the conference, the principal will order the placement of the student. The principal will not return the student to the teacher's class without that teacher's consent, unless the Placement Review Committee determines that such placement is the best or only alternative.

*Are there any special limitations associated with formal teacher removal?* If a teacher removes a student from class because the student committed any kind of assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent.

## **Disciplinary Alternative Education Program**

### **General DAEP Information**

*What is a DAEP?* The District operates a Disciplinary Alternative Education Program (DAEP) for students who have violated this code of conduct or committed serious offenses (see page 53). The DAEP:

1. is in a setting other than the student's regular classroom;
2. is located off a regular school campus;
3. separates students in the DAEP from students in the regular program or in another disciplinary setting in the same building as the DAEP;
4. separates elementary school students assigned to DAEP from secondary school students assigned to DAEP;
5. focuses on English language arts, mathematics, science, history, and self-discipline;
6. provides for students' educational and behavioral needs; and
7. provides supervision and counseling.
8. employs only teachers who are fully certified; and
9. provides at least a 7-hour school day, including lunch and other breaks, but not longer than 10 hours each day.

No student who has engaged in behavior warranting a DAEP assignment will be placed in an unsupervised setting, other than an out-of-school suspension pending the DAEP conference.

***Where is the DAEP? Will it operate during the school day? Is transportation provided?*** MFISD's disciplinary alternative education program, EPIC, is located at 1800 Colt Circle, and operates between the hours of 8:00 and 3:00. District transportation is not provided, and parents are responsible for making sure students attend while assigned. Failure to attend the DAEP is a violation of compulsory attendance laws, and students and parents may be prosecuted for failure to attend while assigned.

***What kinds of courses are taught at the DAEP?*** Instruction in the DAEP will focus on English language arts, mathematics, science, history, and self-discipline. The District will provide an opportunity for students who have been placed in the DAEP to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, if the term of the student's placement is such that the student is not able to continue enrollment in all his or her courses. The district will make every possible attempt to continue enrollment in Pre-AP and AP courses during the term of the student's placement. The opportunity to complete coursework will be provided through any method available, which may include summer school, distance learning, credit by exam, or correspondence courses. The District will not assess any charge for the student to complete a course under this provision.

**TERM OF PLACEMENT:** Students are assigned to DAEP with a written removal order that states a specific term of placement that is the number of successful school days that must be served. Students will be credited with a "successful day" of DAEP assignment if the student is present, completes all assigned work, follows all rules of the DAEP, and engages in no additional violations of the Student Code of Conduct. The length of all DAEP assignments is at the discretion of the administration, within the guidelines stated below.

***What are the guidelines for the term of DAEP placement?*** The duration of a student's placement in a DAEP will be determined by the campus principal or designee; and maybe for as brief a time as 3 days or up to as much as a calendar year. The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will 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.

Ordinarily a DAEP assignment will not extend beyond the end of a school year. However, if the administrator making the placement determines: 1) that the student's presence in the regular classroom or at the student's regular campus poses a danger of physical harm to the student or another individual; or 2) the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct, then the assignment may be continued to the next school year. Serious offenses occurring during the last grading period of the school year will generally extend into the next school year.

"Persistent misbehavior" is defined in the Definitions section.

The DAEP administrator may extend the original term of removal based on new violations that occur while the student is assigned to the DAEP, including violation of DAEP rules, by following the procedures for initial DAEP placement, i.e., a conference with student and parents.

*Are some offenses subject to a different length of assignment?* Yes. A student who has received punishment through the criminal or juvenile justice system for sexually assaulting another student, regardless of whether the conduct occurred on or off school property, and who cannot be assigned to a campus other than a campus where the victim of the assault is assigned may be assigned to the DAEP for so long as both students are enrolled in the district.

**SCHOOL-RELATED ACTIVITIES:** Students assigned to a DAEP may not attend or participate in extracurricular activities during the term of their assignment.

**STUDENTS YOUNGER THAN TEN:** Students younger than ten who commit an expellable offense will be placed in a disciplinary alternative education program for elementary age students.

**STUDENTS YOUNGER THAN SIX:** Students younger than six will not be placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

**EFFECT OF WITHDRAWAL:** Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference on the student's conduct and enter an order of removal, regardless of whether the student or parent is present to participate. The order of removal will be included with the records sent to any transferring school, including another public school, a campus charter program, or an open-enrollment charter school, and that district or school has authority to exercise its authority to honor the removal. Furthermore, even if we do not complete the removal process and issue a removal order, we will send disciplinary records to the next school, and that school has the authority to complete the removal process and issue a removal order.

Students who transfer out of this District to another public or private school, including students who withdraw from this District for the purpose of home schooling, and students who do not attend MFISD's disciplinary alternative education program for the duration of the placement for any reason (other than reasons that constitute an "excused absence" under District policy) will be required, upon return to this District, to complete the number of days missed in the disciplinary alternative education program before being allowed to return to the regular campus, unless their records indicate that the term of removal was served in another school district or charter school.

**EFFECT OF TRANSFER INTO DISTRICT:** If a student transfers into this District from another school district in which the student was placed in a disciplinary

alternative education program, the District may continue the DAEP placement under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the removal order in the records from the other school, the district may enforce the terms of that removal order, provided the grounds for removal to DAEP in the charter school or other state are grounds for removal in the District.

**GRADUATING SENIORS IN THE DAEP:** When a student is placed in the DAEP during the 12<sup>th</sup> grade, the District may allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met and provided that the student has successfully completed all of the days that the student was placed in the DAEP. If the student in question has unexcused absences or has not completed his or her days in the DAEP for any other reason, such as withdrawal or transfer to another school district, the student will not be allowed to participate in graduation ceremonies. Furthermore, senior students initially assigned to the DAEP during the final grading period of the school year generally will not be permitted to participate in graduation ceremonies or activities. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

## **Conduct That Warrants DAEP Placement**

**DEFINITIONS:** Definitions of offenses and other key terms are found in the Definition section of the Code of Conduct, beginning on page 36.

**SCHOOL-RELATED CONDUCT:** The campus principal or other appropriate administrator will place a student in DAEP if the student:

- makes a false report of bombing, fire, or other emergency involving a public school, regardless of when the false report is made or the place from which the false report is made, or
- makes a terroristic threat involving a public school, regardless of when the threat is made or the place from which the threat is made.

The campus principal or other appropriate administrator will place a student in DAEP if the student commits 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:

- Conduct punishable as a felony
- Assault resulting in bodily injury
- Offenses relating to marijuana, controlled substances, and dangerous drugs
- Offenses relating to alcohol

- Offenses relating to abusable volatile chemicals
- Public lewdness or indecent exposure
- Retaliation against a school employee, regardless of where the conduct takes place
- Serious or persistent misbehavior, subject to administrative discretion as described in the following section

A student who is charged with an offense warranting expulsion will be suspended for three days and then placed in the DAEP pending the expulsion hearing.

***What is “serious offense” or “persistent misbehavior?”*** “Serious offense” includes the following offenses, which will always result in DAEP placement:

- Conduct punishable as a felony, which includes without limitation:
  - distribution of any substance represented to be an illegal drug, a dangerous drug, or a controlled substance
  - placing graffiti on any tangible property owned by the district
  - harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
  - online impersonation
- Assault resulting in bodily injury
- Making a false report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
  - pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the district when there is no smoke, fire, or danger that requires evacuation
  - calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place

Serious misconduct also includes the following offenses. The campus administrator will exercise discretion in making assignments for the serious

offenses listed here and will consider all the facts and circumstances in determining appropriate disciplinary action:

- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about district employees
- Failing to comply with campus or district policies (see building principal for campus specific procedures)
- Violating computer or acceptable use policies, regulations, or guidelines
- Bullying or harassment, which include the following offenses:
  - Engaging 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 that has or will have the effect of physically harming a student, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property
  - Committing extortion (obtaining money or other property by force or threat from an unwilling person), coercion, or blackmail, or forcing an individual to act through the use of force or threat of force
  - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability against students, employees, or volunteers
  - Verbal abuse or derogatory or offensive remarks addressed to others
  - Damaging or vandalizing property of other students
  - Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors
  - Dating violence, meaning the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in, or who has been in the past in, a dating relationship with the perpetrator, or because of the victim's marriage to or dating relationship with a person with whom the perpetrator is or has been in a dating relationship or marriage.
- Making a hit list, i.e., 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
- Threatening death or injury to other student(s), school employee(s), or volunteers(s)

- Harassing or threatening school employees or volunteers through inappropriate, offensive, or sexually explicit or suggestive comments made orally in person or by telephone or in writing through letters, emails, text messages, journals, or in any other way
- Possessing or displaying sexually explicit photographs, films, or images
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing district property other than graffiti, when the value of the damage is less than \$1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Using or possessing a taser, stun-gun, or similar device
- Conduct that can cause injury to another person
- Possessing or using martial arts objects, other than those that would be prohibited weapons, unless the conduct amounts to assault resulting in bodily injury.
- Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence
- Inappropriate physical or sexual contact, whether or not it is consensual, e.g., public displays of affection
- Inappropriate exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Gang-related behavior of any kind
- Hazing
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind

“Persistent misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense during the school year.

**CONDUCT UNRELATED TO SCHOOL - TITLE 5 OFFENSES/ AGGRAVATED ROBBERY:**

A student will be removed from class and placed in a disciplinary alternative education program based on off-campus criminal conduct punishable as a felony under Title 5, Texas Penal Code or aggravated robbery. **See the chart on page 37**

in the Definitions for a list of these offenses. However, if more than a year passes from the date of the off-campus criminal offense to the time that a school administrator learns of the offense, the administrator is not required to place the student in the DAEP.

**CONDUCT UNRELATED TO SCHOOL - NON-TITLE 5 OFFENSES:** A student will be removed from class and placed in a disciplinary alternative education program for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, or aggravated robbery, if the administration determines that the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. However, if more than a year passes from the date of the off-campus criminal offense to the time that a school administrator learns of the offense, the administrator is not required to place the student in the DAEP.

**RELATIONSHIP OF CRIMINAL OR JUSTICE SYSTEM AND THE SCHOOL DISTRICT:** The school district may place a student in the DAEP regardless of any action or lack of action taken by the criminal or juvenile justice system. However, in some circumstances, the district may re-assess the punishment based on information from law enforcement authorities.

*When will the school contact law enforcement about a student's conduct?* The principal or designee is required to notify the sheriff's department or the city police department if he or she has reasonable grounds to believe that a student or anyone else has engaged in certain criminal conduct on school property or at a school activity. Those activities include any conduct that would be an offense listed in Government Code § 508.149 (see Definitions); deadly conduct; a terroristic threat; drug, paraphernalia, or marijuana offenses; possession of a prohibited weapon; organized criminal activity; criminal conduct that would support mandatory expulsion. The District may contact law enforcement officials at any time the administrator determines that their presence will assist the District. Reasonable effort will be made to contact the parents with the exception of cases deemed otherwise by law enforcement agencies.

*Does a student have to be arrested or convicted of a felony offense before the District can place the student in a DAEP?* No. A student may be removed from class and placed in a DAEP if the administration determines that the student committed an offense requiring DAEP assignment while he or she was under the school's jurisdiction. The district will send the required information about the removal to the juvenile authorities.

When the assignment is necessary because of CONDUCT UNRELATED TO SCHOOL, the removal is based on the administrator's reasonable belief that the student has committed a felony offense. If the out-of-school offense is a non-Title 5 felony, before the student is placed in the DAEP, the administration must also determine that the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense in the Penal Code, the administrator will consider all information available, including information furnished by law enforcement.

***What options does the school have if the student is found guilty of a Title 5 felony offense or aggravated robbery?*** The administration must place the student in DAEP if the conviction, deferred prosecution, or determination of delinquency occurs during the school year while the student is enrolled in a district school and the student is not otherwise confined under the authority of the criminal or juvenile justice system. The administration also has the authority to expel the student to the DAEP or a JJAEP in which the district participates. See Permissive Expulsion to JJAEP or DAEP of Students with Criminal Histories in the Expulsion portion of the Code for more complete information.

***What happens if the courts say the student did not commit the offense or the student is not prosecuted for other reasons?*** If, after the placement, the administration receives notice from an appropriate law enforcement agency that the student was found not guilty of the felony offense and the case was dismissed with prejudice, or that the student was not prosecuted and no formal proceedings, deferred adjudication, or deferred prosecution was initiated, the administration will review the student's placement in the DAEP. The student will remain in the DAEP pending the review, which will take place within three class days of the administration's receiving the notice. The parents or guardian will be provided an opportunity for input. However, if after the review the administration believes that the presence of the student in the regular classroom threatens the safety of other students or teachers, the administration may continue the student's placement in the DAEP.

**This review is not necessary if the reason for the removal is an offense that must result in DAEP placement because (1) it is a false report or terroristic threat or (2) the conduct occurred on or within 300 feet of school property or at any school-related activity or event, regardless of time or place. The student will ordinarily remain in the DAEP until the term of removal has been completed, regardless of additional information from an appropriate law enforcement agency.**

***If the student is not being prosecuted for the out-of-school offense, but the school wants to continue the DAEP placement, what rights of appeal does the student have?*** The student or the parent or guardian may appeal the decision of the administration to continue the student's placement in the DAEP to the MFISD Board of Trustees. The appeal will be heard at the next regularly scheduled board meeting, where the board will review the notice letter from law enforcement and receive information from the administration and the student or the student's parent or guardian. The decision of the Board of Trustees is appealable to the Commissioner of Education. The student remains in the DAEP pending all appeals.

**JUVENILE COURT-ORDERED PLACEMENT IN DAEP:** The juvenile court may order a student to attend the district's DAEP as a condition of probation, regardless of whether the school district has a basis for imposing discipline on the student. When the juvenile court orders a student to attend the DAEP as a condition of probation, the district, after receiving a copy of the order, will immediately transfer the student to the DAEP for the period of time designated by the court. However, state law prohibits the juvenile court from ordering a student who has been expelled from the district to attend the DAEP.

**OTHER COURT-ORDERED PLACEMENT IN DAEP:** When the district receives a copy of an order from a justice or municipal court indicating that a student must attend the DAEP as a condition of a term of probation under Code of Criminal Procedure 45.051, the principal or other administrator will hold a conference as described in Procedures for Removal to an DAEP and determine whether the student should be assigned to the DAEP or should remain in the regular school setting. The principal or other administrator will consider the nature of the misdemeanor offense resulting in the order in making this determination.

**PLACEMENT OF STUDENTS WHO ARE REGISTERED SEX OFFENDERS:** A student who is currently required to register as a sex offender may be removed from the regular classroom and placed in another setting according to the requirements of state law.

A student who is a registered sex offender under any form of court supervision must be placed in the DAEP or a JJAEP in which the District participates, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester. If a student who is a registered sex offender under court supervision moves or transfers into the District, the District may require the student to complete an additional semester in the appropriate alternative setting without conducting a review or it may count any time the student has been in an alternative setting toward the mandatory one semester assignment.

A student who is a registered sex offender and who is not under any form of court supervision may be placed in the DAEP or a JJAEP available to the District, in accordance with the District's agreement with the juvenile board or in accordance with a court order, for at least one semester or in the regular classroom. However, the District may not place a student in the regular classroom if District officials determine that 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.

At the end of the first semester of placement in an appropriate alternative setting, the District shall convene a committee to review the student's placement. The committee will be composed of a teacher from the student's home campus, the student's parole, probation, or juvenile probation officer, an instructor from the alternative setting, the principal of the home campus or other person designated by the District, and a District counselor. The committee by majority vote will determine a recommendation to be made to the superintendent or designee regarding

whether the student should continue placement in the alternative setting or be returned to the regular campus.

The superintendent or designee shall follow the committee's recommendation on placement unless the superintendent or designee determines that the student's presence in the regular classroom (1) threatens the safety of other teachers and students, (2) will be detrimental to the educational process, or (3) is not in the best interest of the District's students. If the superintendent or designee determines that the student should remain in the alternative setting, then before the beginning of the next school year, and any additional school years, the District must convene the committee to review and determine the student's placement, using the same standards set out in this paragraph.

A student who is a registered sex offender not under court supervision who moves or transfers into the District will be placed in the regular classroom or an appropriate alternative setting using the committee recommendation and review process described above.

The student or parent may appeal the District's decision regarding placement by asking for a conference among the superintendent or designee, the parent, and the student. The conference is limited to the factual question of whether the student is or is not a registered sex offender. If the District determines that the student is a registered sex offender, then student will be placed as described above, and that decision is final and cannot be appealed.

An ARD committee will make decisions about a student with disabilities who is a registered sex offender.

## **Procedures for Removal to DAEP**

*Will the student have a chance to dispute the allegations?* Before a student is placed in a disciplinary alternative education program, the principal or other administrator will tell the student briefly why he or she is being removed to that program and explain that the student will have an opportunity to give his or her version of events at a conference to be scheduled and held within three class days. In most circumstances, the student will be suspended pending the placement conference.

*Will parents have an opportunity to provide input?* Within three class days after the date the student is charged with the offense, the principal or other administrator will contact the parent by telephone or in writing to schedule and hold a conference with the student, the teacher who removed the student from class (if any), and the parents and will make efforts to ensure that all invited parties can attend.

*What if the parent cannot attend the conference?* The District may proceed with the conference without the parents or student present, so long as the parents and student have been notified of the conference. Whether or not the parents attend the conference, the student will receive oral or written notice at the conference from the administrator of the reason(s) for the removal and the offense the student is charged with violating. The student will have an opportunity at that time to explain or respond to the reasons for removal. The student and parents will receive a written

notice no later than two days after the conference memorializing the conference and stating the length of the removal to the DAEP, if applicable, and any conditions or other requirements related to the DAEP assignment, i.e., a written removal order.

*What information will be provided to the juvenile authorities?* When a student is placed in the DAEP for a mandatory placement reason, a copy of the removal order, the child's and parent's names and address, names and address of any witnesses, and a complete statement of the circumstances surrounding the conduct will be forwarded to the authorized officer of the juvenile court in the county in which the student resides.

## **Emergency Placement**

A campus administrator or the superintendent may order a student immediately placed in a disciplinary alternative education program if his or her behavior is so unruly, disruptive, or abusive that it seriously interferes with school operations or activities. At the time the student is placed in DAEP under this emergency provision, the student will be told of the reason for the placement, which must be one of the District's reasons for DAEP placement under this Code.

## **Appeal of DAEP Placement**

**The student remains in the DAEP during all appeals.**

The student or the student's parent or guardian may appeal the decision to place a student in the DAEP to the Superintendent. The request for appeal must be in writing and must be received by the Superintendent within 5 days of the date of the DAEP order. The Superintendent will schedule a conference with the student and the parent to be held within 5 days after which a written decision will be issued. If the parent is dissatisfied with the decision of the Superintendent, the student or the student's parent may appeal the decision to the MFISD Board of Trustees. The request for appeal must be in writing and must be received by the Superintendent within 7 days of the date of the Superintendent's decision. The appeal will be heard at the next regularly scheduled board meeting. The student remains in the DAEP pending all appeals. Any decision by the Board is final and may not be appealed.

## **Academic Assessment**

**and**

## **120-Day Review of DAEP Status**

***How will the District assess a student's academic growth in DAEP?*** If a student will be assigned to DAEP for a term of 90 school days or more, the District will administer a test approved by the commissioner of education to the

student initially on placement and again on the day the student leaves the DAEP, or as near that date as possible.

*What does a review consist of? Who attends?* Both the discipline and the academic status of students assigned to the DAEP will be reviewed as needed, but in any event, at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The District is not required to provide all a student's courses necessary for graduation while the student is assigned to the DAEP, but must offer an opportunity for the student to complete courses before the beginning of the next school year without charge to the student.

## **Expulsion**

**STUDENTS YOUNGER THAN TEN:** Students younger than ten who commit expellable offenses will be placed in a disciplinary alternative education program.

**STUDENTS YOUNGER THAN SIX:** Students younger than six will not be expelled or placed in a disciplinary alternative education program for any reason other than bringing a firearm to school.

## **Conduct that Warrants Expulsion**

**MANDATORY EXPULSION:** A student will be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off school property:

1. Uses, possesses, or exhibits a firearm, an illegal knife or any knife prohibited by local policy, a club, or a prohibited weapon, unless pursuant to written regulations or written authorization of the District;
2. Commits aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, or criminally negligent homicide, or continuous sexual abuse of a young child or children;
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or a dangerous drug, if the conduct is punishable as a felony.
4. Sells, possesses, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol, or uses or is under the influence of an alcoholic beverage, if the conduct is punishable as a felony.

A student will also be expelled if he or she commits any offense listed in items 1-4 above against a District employee or volunteer in retaliation for or as a result of the person's employment or other work in the District, without regard to where the conduct occurs.

Definitions of the above offenses can be found in the Definitions section of the Code of Conduct.

Please note that a student **will not** be expelled **solely** because of a firearm offense when the use, possession, or exhibition of the firearm occurs at an approved target range facility that is not located on school property while the student is participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Texas Parks & Wildlife Department or a shooting sports organization working with TPWD. Furthermore, the exception stated in this paragraph does not by itself authorize a student to bring a firearm on school property.

**PERMISSIVE EXPULSION FOR CONDUCT ON OR IN PROXIMITY TO SCHOOL:** A student may be expelled, at the discretion of the administration in view of all the facts and circumstances, for any of the following offenses when they occur on or within 300 feet of school property, as measured from any point on the school's real property boundary line:

1. Drug, alcohol, or abusable volatile chemical offenses, regardless of the amount
2. Assault resulting in bodily injury against a school employee or volunteer
3. Deadly conduct
4. Making a false alarm or report of bombing, fire, or other emergency involving a public school
5. Making a terroristic threat involving a public school
6. Committing any offense stated in item 1 and 2 under MANDATORY EXPULSION
7. Engaging in documented serious misbehavior while assigned to the DAEP and on the campus where the DAEP is located despite documented behavioral interventions. For purposes of this provision, "serious misbehavior" is limited to deliberate violent behavior that poses a direct threat to the health and safety of others; extortion; coercion; or conduct that constitutes the offenses of public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment under Penal Code 42.07 (a)(1) of a student or employee;
8. Engaging in a breach of computer security if the conduct involves accessing a District-owned or -operated computer, computer network, or computer system and the student knowingly alters, damages, or deleted District property or information or commits a breach of any other computer, computer network, or computer system.

**PERMISSIVE EXPULSION FOR CONDUCT OUTSIDE OF SCHOOL:** A student may be expelled, at the discretion of the administration in view of all the facts and circumstances, for any of the following offenses, regardless where they occur:

1. Intentionally or knowingly damaging personal property, including real estate and tangible personal property belonging to any public school or institution of higher education, and the amount of loss is greater than \$1,500
2. Intentionally or knowingly damaging the property of any other person without the person's consent, and the amount of loss is greater than \$1,500
3. Making a false report or alarm or a terroristic threat involving a public school
4. Assaulting an employee or volunteer in retaliation for or because of the person's relationship with the school and the assault results in bodily injury
5. Committing aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery against another student
6. Committing any offense listed at item 1-4 under MANDATORY EXPULSION on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district

**PERMISSIVE EXPULSION TO JJAEP OR DAEP FOR STUDENTS WITH CRIMINAL HISTORIES:** Unless a student would be subject to mandatory expulsion, a student may be expelled and placed in a JJAEP in which the District participates or the DAEP if the student has any criminal history described as follows:

1. Received deferred adjudication under the Family Code for a Title 5 felony offense or aggravated robbery;
2. Been found to have engaged in delinquent conduct under the Family Code for a Title 5 felony offense or aggravated robbery;
3. Is charged with engaging in a Title 5 felony offense or aggravated robbery;
4. Has been referred to a juvenile court for allegedly engaging in a Title 5 felony offense or aggravated robbery;
5. Has received probation or deferred adjudication for a Title 5 felony offense or aggravated robbery;
6. Has been convicted of a Title 5 felony offense or aggravated robbery; or
7. Has been arrested for or charged with a Title 5 felony offense or aggravated robbery.

A student will be expelled and placed as indicated if the board or its designee determines, after the student has an opportunity for a hearing, that the student has a criminal history as described above and that 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 interests of the District's students. At the hearing, the issues shall be limited to the determination whether or not the student has a criminal history, as described, and the District's determination as indicated.

The decision of the board or its designee is final and may not be appealed.

The student may be expelled and placed in a JJAEP in which the District participates or the DAEP regardless of the date on which the conduct occurred, the location at which the conduct occurred, whether the student was enrolled in the District at the time the conduct occurred, or whether the student has completed any court disposition requirements associated with the conduct.

A student expelled and placed under these circumstances is subject to that placement until one of the following occurs:

1. The student graduates from high school;
2. The charges described above are dismissed or reduced to a misdemeanor offense; or
3. The student completes the term of the placement or is assigned to another program.

The term of placement continues to apply if the student transfers to another Texas school district.

The student will receive the periodic assessment and review during the expulsion and JJAEP or DAEP placement as described above for students assigned to the DAEP.

## **Procedures for Expulsion**

Before a student is expelled, the student will have an opportunity for a due process hearing that will include the following:

1. At least three days prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation, including a written invitation to the student's parent or guardian to attend the expulsion hearing. The notice will also include the date, time, and location of the hearing and the names of adult witnesses who will present evidence at the hearing;
2. Right to a hearing before the Superintendent or a designee;
3. Opportunity to testify and to present evidence and witnesses in his or her defense; and
4. Opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

In an expulsion hearing, the District may rely on testimony of school administrators who investigate disciplinary infractions. This means that the school administration may present evidence or statements taken from students without revealing the identity of the student. The decision will be based exclusively on the evidence presented at the hearing. The student may be expelled based on the Superintendent or designee's reasonable belief that the evidence shows it is more likely than not that the student engaged in the conduct with which he or she was charged.

**REPRESENTATIVE:** At the hearing, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District. The District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends, provided the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing.

**EVIDENCE:** In an expulsion hearing, the District may rely on the testimony of school administrators who investigate disciplinary infractions. This means that the school administration may present evidence or statements taken from students without revealing the identity of the student. The decision will be based exclusively on the evidence presented at the hearing. The student may be expelled based on the Superintendent or designee's reasonable belief that the evidence shows it is more likely than not that the student engaged in the conduct with which he or she was charged.

**EXPULSION ORDER:** The administration will deliver a copy of the order expelling the student to the student's parent or guardian, who is responsible for providing adequate supervision for the student during the period of expulsion. In addition to notifying the parents, and not later than the second business day after the date an expulsion hearing is held, the administration will deliver a copy of the expulsion order to the authorized officer of the juvenile court in the county in which the student resides. The administration will also provide the child's and parent's names and address, names and addresses of any witnesses, and a complete statement of the circumstances surrounding the conduct to the juvenile board, as required by Family Code § 52.041.

**GUIDELINES FOR TERM OF EXPULSION:** An expulsion may be for as brief a time as four school days up to one full year from the date of the order. The administrator issuing the expulsion order will use his or her best professional judgment, taking into account the factors considered in all disciplinary actions, in setting a term of expulsion.

**EFFECT OF WITHDRAWAL:** Withdrawal from school does not affect the District's authority to schedule and conduct a hearing on the student's conduct and enter an order of expulsion, regardless of whether the student or parent is present to participate. The order of expulsion will be included with the records transferred to the new school district, including another public school, a campus charter program, or an open-enrollment charter school, and that district will be

empowered to exercise its authority to honor the expulsion. Furthermore, even if we do not complete the expulsion process and issue an expulsion order, we will send disciplinary records to the next school, and that school has the authority to complete the expulsion process and issue an expulsion order.

Students who transfer out of this District to another public or private school, including students who withdraw from this district for the purpose of home schooling, will be required upon return to the District, to complete the term of expulsion before being allowed to return to the regular campus, unless the student's records indicate the student served the days of expulsion in another district.

**EFFECT OF TRANSFER INTO DISTRICT:** If a student transfers into this District from another school district in which the student was expelled, MFISD may continue the expulsion under the terms of the order provided by the sending school district.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the expulsion order in the records from the other school, the District may enforce the terms of that expulsion order, provided the grounds for expulsion in the open-enrollment charter school or other state are grounds for expulsion in the District.

If a student transfers into this District from another school district in which the student was placed in the juvenile justice alternative education program, this District shall continue the term of the expulsion under the previous school's order, or assign the student to DAEP for the term of the previous school's expulsion order.

**EFFECT ON CREDITS:** Expelled students will not receive credit for courses not completed because of an expulsion. Students may use correspondence courses or credit by examination, within the limits set by District policy, to earn graduation units. Students are responsible for all costs associated with correspondence courses or credit by examination.

**GRADUATING SENIORS AND EXPULSION:** Students who have been expelled during the senior year and whose expulsion term ends at the end of the school year will not be permitted to participate in graduation exercises. Furthermore, a senior student initially expelled during the final grading period of the school year generally shall not be permitted to participate in graduation ceremonies. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal, whose decision is final.

## **Appeal of Expulsion to Board of Trustees**

**A student is expelled during all appeals.**

A decision by the administration to expel a student may be appealed to the Board. The request for appeal must be in writing and must be received by the Superintendent within 5 days of the day of order of expulsion. The appeal will be heard at the next regularly scheduled board meeting. At the meeting, the Board will

review the record made at the expulsion hearing and will provide the parent and/or student with an opportunity to make a presentation to the Board. The administration may also be asked to speak. No new evidence, including witnesses or documents, will be admitted. The Board may set reasonable time limitations for presentations. The student is expelled pending appeal.

If the Board permits an oral presentation, the administration may also be asked to speak. No new evidence or information, including witnesses or documents, will be permitted or considered. The Board may set reasonable time limitations for presentations.

## **Emergency Expulsion**

A campus administrator or the superintendent may order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect people or property from imminent harm. At the time of the emergency expulsion, the student will be given oral notice of the reasons for the action, which must be a reason for which the student could be expelled on a non-emergency basis. Formal due process as explained on page 30 will occur within a reasonable time thereafter.

## **Summer School**

Our summer school program is not part of the regular school year program. Students voluntarily attend summer school to earn additional credits, to re-take courses they did not pass in the regular school year, to receive intensive instruction in subject areas where they did not demonstrate mastery on the state assessment instruments, or to complete courses necessary for graduation that were incomplete because of the student's expulsion or placement in DAEP. Other students are required to attend summer school in order to receive intensive instruction in those subjects or areas where the student was not successful on the state assessment instruments. During summer school, all students are expected to abide by the rules of conduct that are in place during the school year. We will handle minor, isolated violations of conduct expectations through parent conferences; however, students who commit serious offenses or who have persistent behavior problems while enrolled in summer school will be withdrawn from the program after a parent conference for DAEP removal or expelled after an expulsion hearing if the conduct warrants expulsion. When a student is withdrawn from summer school for conduct that would warrant DAEP removal or expulsion, the summer campus administrator may withdraw the student and defer the assessment of the term of removal or expulsion to be served during the following school year.

# Definitions

## **ABUSABLE VOLATILE CHEMICAL OFFENSES**

No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical;
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical that does not contain additive material in accordance with rules adopted by the Commissioner of Health.

Health and Safety Code 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use, or otherwise introduce into the human body an abusable volatile chemical.

Health and Safety Code 485.033

## **AGGRAVATED ASSAULT**

"Aggravated assault" is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of any assault.

Penal Code 22.02(a)

"Serious bodily injury" is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Deadly weapon" is defined as a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

Penal Code 1.07(46), (17)

## **AGGRAVATED KIDNAPPING**

(a) A person commits an offense if he intentionally or knowingly abducts another person with the intent to:

- (1) hold him for ransom or reward;

- (2) use him as a shield or hostage;
- (3) facilitate the commission of a felony or the flight after the attempt or commission of a felony;
- (4) inflict bodily injury on him or violate or abuse him sexually;
- (5) terrorize him or a third person; or
- (6) interfere with the performance of any governmental or political function.

(b) A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.

Penal Code 20.04

**AGGRAVATED ROBBERY**

A person commits an offense if he commits robbery and he:

- (1) causes serious bodily injury to another;
- (2) uses or exhibits a weapon; or
- (3) causes bodily injury to a person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or a disabled person, i.e., an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Penal Code 29.031

A person commits robbery if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he (1) intentionally, knowingly, or recklessly causes bodily injury to another; or (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

Penal Code 29.02

**AGGRAVATED SEXUAL ASSAULT**

“Aggravated sexual assault” is defined as sexual assault (also see definition of sexual assault) in which the actor:

- 1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
- 2. By acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
- 3. By acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or
- 4. Uses or exhibits a deadly weapon in the course of the same criminal episode; or

5. Acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
6. Assaults a victim who is younger than 14 years of age or is 65 years of age or older.

Penal Code 22.021

### **ARSON**

(a) A person commits an offense if the person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

- (1) any vegetation, fence, or structure on open-space land; or
- (2) any building, habitation, or vehicle:
  - (A) knowing that it is within the limits of an incorporated city or town;
  - (B) knowing that it is insured against damage or destruction;
  - (C) knowing that it is subject to a mortgage or other security interest;
  - (D) knowing that it is located on property belonging to another;
  - (E) knowing that it has located within it property belonging to another; or
  - (F) when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

(a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:

- (1) recklessly damages or destroys a building belonging to another; or
- (2) recklessly causes another person to suffer bodily injury or death.

(b) It is an exception to the application of Subsection (a)(1) that the fire or explosion was a part of the controlled burning of open-spaced land.

Penal Code 28.02

### **ASSAULT**

Assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another. Penal Code 22.01(a)(1)
2. Intentionally or knowingly threatening another with imminent bodily injury. Penal Code 22.01(a)(2)

3. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Penal Code 22.01(a)(3);

“Bodily injury” is defined as physical pain, illness, or any impairment of physical condition. Penal Code 1.07(8)

### **BREACH OF COMPUTER SECURITY**

Knowingly accessing a computer, computer network, or computer system without the effective consent of the owner.

### **BULLYING**

Engaging 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 that the administration determines:

(1) has 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 student’s person or of damage to the student’s property; or

(2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Conduct under (1) is considered bullying if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct and interferes with a student’s education or substantially disrupts the operation of a school.

Education Code 37.0832

### **COERCION**

A threat, however communicated, to:

(1) commit an offense;

(2) inflict bodily injury in the future on the person threatened or another;

(3) accuse a person of any offense;

(4) expose a person to hatred, contempt, or ridicule;

(5) harm the credit or business repute of any person; or

(6) take or withhold action as a public servant, or to cause a public servant to take or withhold action.

Penal Code 1.07 (9)

### **CONDUCT UNDER TEX. GOV’T CODE § 508.149 (A)**

- (1) drugging a person to enable a crime to be committed

- (2) murder (first or second degree felony);
- (3) capital murder;
- (4) aggravated kidnapping (first or second degree felony);
- (5) harassment of a public servant;
- (6) sexual assault (felony);
- (7) aggravated assault (first or second degree felony);
- (8) aggravated sexual assault (first degree felony);
- (9) injury to a child, elderly individual, or disabled person  
(first degree felony)
- (10) arson (first degree felony);
- (11) robbery (second degree felony);
- (12) aggravated robbery (first degree felony);
- (13) bribery (first degree felony);
- (14) an offense enhanced because it occurred in a drug-free school zone;
- (15) sexual performance of a child; or
- (16) continuous sexual abuse of a young child or children.

**CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD OR CHILDREN**

A person commits an offense if:

- (1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
- (2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.

For purposes of this definition, “act of sexual abuse” means any of the following:

- (1) aggravated kidnapping, if with the intent to violate or abuse the victim sexually;
- (2) indecency with a child in a manner other than by touching, including touching through clothing, the breast of a child;
- (3) sexual assault;
- (4) aggravated sexual assault;

(5) burglary punishable as a felony if with the intent to commit an offense listed in items (1) – (4);

(6) sexual performance of a child.

Certain affirmative defenses may apply.

Penal Code 21.02

### **CONTROLLED SUBSTANCE AND DANGEROUS DRUG**

Controlled substances or dangerous drugs include, but are not limited to, marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; anabolic steroid; or prescription medicine provided to any person other than the person for whom the prescription was written.

Policy FNCF Local

### **CRIMINAL MISCHIEF**

(a) A person commits an offense if, without the effective consent of the owner:

(1) he intentionally or knowingly damages or destroys the tangible property of the owner;

(2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or

(3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

(b) An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$1,500 or more but less than \$20,000 and the damage or destruction is inflicted on a public or private elementary school, a secondary school, or institution of higher education.

Penal Code 28.03

### **CRIMINALLY NEGLIGENT HOMICIDE**

Causing the death of an individual by acting with criminal negligence, i.e., with respect to circumstance surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.05, 6.03(d)

## **DATING RELATIONSHIP**

“Dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of the relationship will be determined based on consideration of the (1) the length of the relationship, (2) the nature of the relationship, and (3) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintance or ordinary fraternization in a school or social context does not constitute a “dating relationship.”

Family Code 71.0021 (b)-(c)

## **DATING VIOLENCE**

Dating violence, meaning the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in, or who has been in the past in, a dating relationship with the perpetrator, or because of the victim’s marriage to or dating relationship with a person with whom the perpetrator is or has been in a dating relationship or marriage.

Education Code 37.0831 (b)

## **DEADLY CONDUCT**

A person engages in deadly conduct if he recklessly engages in conduct that places another in imminent danger of serious bodily injury or knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied. Recklessness and danger are presumed if the person knowingly points a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor’s viewpoint.

Penal Code 22.05, 6.03(c)

## **DISORDERLY CONDUCT**

Disorderly conduct occurs when a person intentionally or knowingly:

- (1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
- (2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediately breach of the peace;

- (3) creates, by chemical means, a noxious and unreasonable odor in a public place;
- (4) abuses or threatens a person in a public place in an obviously offensive manner;
- (5) makes an unreasonable noise in a public place other than a shooting range or in or near a private residence that he has no right to occupy;
- (6) fights with another in a public place;
- (7) discharges a firearm in a public place other than a public road or shooting range;
- (8) displays a firearm or a deadly weapon in a public place in a manner calculated to alarm;
- (9) discharges a firearm on or across a public road;
- (10) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or
- (11) for a lewd or unlawful purpose, while on the premises of a public place, looks into an area such as a restroom or shower stall or changing or dressing area that is designed to provide privacy to a person using the area.

Penal Code 42.01

**DISRUPTION OF CLASSES, TRANSPORTATION, AND/OR LAWFUL ASSEMBLY**

Conduct by students either in or out of class that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.

4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

For purposes of this provision, “school property” shall include the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, “public property” shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Education Code 37.123

A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

- (1) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a public school; or
- (2) on a school bus being used to transport children to and from school-sponsored activities of a public school.

Education Code 37.125

## GANG ACTIVITY

A “gang” is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121.

Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
  - a. Soliciting others for membership.
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
  - c. Committing any other illegal act or other violation of District policies.
  - d. Inciting other students to act with physical violence toward any other person.
  - e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
  - f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property, or on property of students or staff.

## GANG-FREE ZONES

All District schools and any other property owned, rented, or leased by the District are “gang-free zones.” Certain criminal offenses that occur in, on, or within 1,000 feet of a school or any other property owned, rented, or leased by the District will be enhanced **in the criminal justice system** to the next highest category of offense if they are determined to be committed by a person who is a member of a criminal street gang, unless the offense is already punishable as a first degree felony. Affected offenses include (1) murder, capital murder, arson, aggravated robbery, robbery, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, and assault resulting in bodily injury; (2) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons; (3) obscene display or distribution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, possession or promotion of child pornography when a child younger than 18 years of age is depicted or involved in the offense.

Penal Code 72.028; Subchapter B, Chapter 43, Penal Code

## **GRAFFITI**

A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner with (1) paint; (2) an indelible marker; or (3) an etching or engraving device.

Penal Code 28.08 (a)

## **HARASSMENT**

“Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health and safety.

Education Code 37.001 (b) (2)

## **HARASSMENT OF PUBLIC SERVANT**

A person commits an offense if, with the intent to assault, harass, or alarm, the person causes another person the actor knows to be a public servant to contact the bodily fluid [as defined by statute] of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant’s official power or performance of an official duty.

Penal Code 22.11 (a)(2)

## **HARASSMENT UNDER PENAL CODE 42.07 (A)(1)**

A person commits an offense, if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, he or she:

(1) Initiates communication by telephone, in writing, or by electronic communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

“Electronic communication” means a transfer of signs, signals, writing, images, sounds, data, or intelligence or any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, including electronic mail, instant message, network call, or facsimile machine and a communication made to a pager.”

“Obscene” means containing a patently offensive description or solicitation to commit an ultimate sex act [as defined by statute].

Penal Code 42.07

## **HAZING**

“Hazing” means any intentional, knowing, or reckless act occurring on or off school property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office

in, or maintaining membership in any organization whose members are or include other students. The term includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to any unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Education Code 37.151

A person commits an offense if the person commits any of the following:

1. Engages in hazing.
2. Solicits, encourages, directs, aids, attempts to aid another in an act of hazing.
3. Recklessly permits hazing to occur.
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent or designee.

Education Code 37.152

### **HIT LIST**

“Hit list” means 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.

Education Code 37.001(b)(2)

## **INDECENCY WITH A CHILD**

- (a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex, the person:
  - (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or
  - (2) with intent to arouse or gratify the sexual desire of any person:
    - (A) exposes the person's body parts [as defined by statute], knowing the child is present; or
    - (B) causes the child to expose the child's body parts [as defined by statute].
- (b) It is an affirmative defense to prosecution under this section that the actor:
  - (1) was not more than three years older than the victim and of the opposite sex; and
  - (2) did not use duress, force, or a threat against the victim at the time of the offense.
  - (3) was the spouse of the child at the time of the offense.
- (c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:
  - (1) any touching by a person, including touching through clothing, of the body parts [as defined by statute] of a child; or
  - (2) any touching of any part of the body of a child, including touching through clothing, with the body parts [as defined by statute] of a person.

Penal Code 21.11

## **INDECENT EXPOSURE**

A person commits an offense if he exposes his body parts [as defined by statute] with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended by his act.

Penal Code 21.08

## **MANSLAUGHTER**

Recklessly causing the death of an individual, i.e., acting, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

**MURDER**

[Subsections (a) and (b) are not pertinent to school offenses.]

- (c) A person commits an offense of murder if he:
  - (1) intentionally or knowingly caused the death of an individual;
  - (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that caused the death of an individual; or
  - (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

**CAPITAL MURDER, CRIMINAL ATTEMPT TO COMMIT CAPITAL MURDER**

- (a) A person commits an offense of capital murder if he commits murder as defined under Section 19.02(b)(1) and:
  - (1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;
  - (2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation;
  - (3) the person commits the murder for remuneration or employs another to commit the murder for remuneration or the promise of remuneration;
  - (4) the person commits the murder while escaping or attempting to escape from a penal institution;
  - (5) the person, while incarcerated in a penal institution, murders another:
    - (A) who is employed in the operation of the penal institution; or
    - (B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
  - (6) the person:
    - (A) while incarcerated for an offense under this section or Section 19.02, murders another; or

- (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
- (7) the person murders more than one person:
  - (A) during the same criminal transaction; or
  - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or
- (8) the person murders an individual under six years of age.

Penal Code 19.03

### **ONLINE IMPERSONATION**

(a) A person commits an offense if the person, without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any persons, uses the name or persona of another person to:

- (1) create a web page on a commercial social networking site or other Internet website; or
- (2) post or send one or more messages on or through a commercial social networking site or other Internet website, other than on or through an electronic mail program or message board program.

(b) A person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that references a name, domain address, phone number, or other item of identifying information belonging to any person:

- (1) without obtaining the other person's consent;
- (2) with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
- (3) with the intent to harm or defraud any person.

Penal Code 33.07

“Identifying information” means (A) name, social security number, date of birth, and government-issued identification number; (B) unique biometric data, including the individual's fingerprint, voice print, and retina or iris image; (C) unique electronic identification number, address, and routing code, financial institution account number; and (D) telecommunication identifying information or access device.

Penal Code 32.51

### **PAGING DEVICE OR CELLULAR TELEPHONE**

A “paging device or cellular telephone” is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Education Code 37.082

## **PERSISTENT MISBEHAVIOR**

“Persistent misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense during the school year.

## **POSSESSION**

“Possession” means having actual or constructive control of an item either on the student’s person or in a car, locker, bag, or other article under the actual or constructive control of the student, regardless of the student’s knowledge or intent to possess the item.

## **PROHIBITED WEAPONS**

“Prohibited weapons” are defined as follows:

1. 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; any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer). Penal Code 46.03(a), 46.01(3); 18 U.S.C. § 921(a)(3)
2. A destructive device (any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of these devices. The term does not include an antique firearm). 18 U.S.C. § 921(a)(4)
3. An illegal knife as defined by law (knife with a blade over 5 ½ inches, hand instrument designed to cut or stab another by being thrown, dagger, bowie knife, sword, or spear). Penal Code 46.01(6), 46.03(a)
4. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine 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, and includes a device designed, made or adapted for delivery or shooting an explosive weapon). Penal Code 46.01(2)
5. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). Penal Code 46.01(9)
6. A short-barrel firearm (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). Penal Code 46.01(10)

7. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force, but not a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife) Penal Code 46.01 (11)
8. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). Penal Code 46.01(8)
9. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). Penal Code 46.01(12)
10. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being). Penal Code 46.01(14)
11. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). Penal Code 46.01(16)
12. A club (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). Penal Code 46.01(1), 46.03(a)

#### **PUBLIC LEWDNESS**

A person commits an offense if he knowingly engages in any acts [as defined by statute] in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed.

Penal Code 21.07

#### **RETALIATION**

A person commits an offense if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a:

(A) public servant

(B) person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a:

- (A) public servant, witness, prospective witness, or informant; or
- (B) person who has reported or who the actor knows intends to report the occurrence of a crime.

“Informant” means a person who has communicated information to the government in connection with any governmental function.

“Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

Penal Code 1.07 (25), 36.06

### **SELF-DEFENSE**

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

- (1) in response to verbal provocation alone;
- (2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);
- (3) if the actor consented to the exact force used or attempted by the other;
- (4) if the actor provoked the other's use or attempted use of unlawful force, unless:
  - (A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and
  - (B) the other nevertheless continues or attempts to use unlawful force against the actor; or
- (5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:
  - (A) carrying a weapon in violation of Section 46.02; or
  - (B) possessing or transporting a weapon in violation of Section 46.05.

Penal Code 9.31 (a)-(b)

### **SERIOUS OFFENSE**

“Serious offense” includes, but is not limited to, the following offenses:

- Conduct punishable as a felony, which includes without limitation:

- distribution of any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- placing graffiti on any tangible property owned by the district
- harassment of a public servant, i.e., causing an employee to be in contact with the bodily fluid [as defined by statute] with the intent to assault, harass, or alarm
- “online harassment”
- Assault resulting in bodily injury
- Making a false report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
  - pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the district when there is no smoke, fire, or danger that requires evacuation
  - calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place
- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about district employees
- Failing to comply with campus or district policies
- Bullying, harassment, and making hit lists, which include the following offenses:
  - Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
  - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability against students, employees, or volunteers
  - Verbal abuse or derogatory or offensive remarks addressed to others
  - Damaging or vandalizing property of other students

- Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing district property other than graffiti, when the value of the damage is less than \$1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Using or possessing a taser, stun-gun, or similar device
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury
- Inappropriate physical or sexual contact, whether or not it is consensual
- Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Hazing
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind

TEC Chapter 37.007

### **SEXUAL ASSAULT**

“Sexual assault” is defined as intentionally or knowingly causing physical sexual contact [as defined by statute] of a child at any time or of another person without that person's consent. Sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent.

Penal Code 22.011

### **TERRORISTIC THREAT**

A “terroristic threat” is a threat to commit any offense involving violence to any person or property with the intent to:

- (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; or

- (2) place any person in fear of imminent serious bodily injury; or
- (3) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
- (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.

Penal Code 22.07

**TITLE 5 FELONY OFFENSE**

<b>Chapter</b>	<b>§ and Offense</b>	<b>A felony when:</b>
19	19.02 Murder	Always
	19.03 Capital Murder	Always
	19.04 Manslaughter	Always
	19.05 Criminally Negligent Homicide	state jail felony
20	20.02 Unlawful Restraint	the actor recklessly exposes the victim to substantial risk of serious bodily injury
	20.03 Kidnapping	Always
	20.04 Aggravated Kidnapping	Always
21	21.02 Continuous Sexual Abuse of a Young Child or Children	Always
	21.06 Homosexual Conduct	Never
	21.07 Public Lewdness	Never
	21.08 Indecent Exposure	Never
	21.11 Indecency with a Child	Always
22	21.15 Improper Photography or Visual Recording	state jail felony
	22.01 Assault	against a person the actor knows is a public servant while servant lawfully discharging an official duty or in retaliation or on account of an exercise of official power
	22.011 Sexual Assault	Always
	22.015 Coercing Gang Membership	Always
	22.02 Aggravated Assault	Always
	22.021 Aggravated Sexual Assault	Always
	22.04 Injury to a Child, Elderly Individual, or Disabled Individual	Always
	22.041 Abandoning or Endangering Child	Always
	22.05 Deadly Conduct	knowingly discharge a firearm at or in direction one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied
	22.07 Terroristic Threat	cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service
	22.08 Aiding Suicide	causes suicide or attempted suicide that results in serious bodily injury
22.09 Tampering with Consumer	Always	

Product	
22.10 Leaving a Child in a Vehicle	Never
22.11 Harassment of Public Servant	state jail felony

**UNDER THE INFLUENCE**

“Under the influence” means not having the normal use of mental or physical faculties; however the student need not be legally intoxicated.

District officials may determine that a student is under the influence based on information from other students, employees, or patrons or the student’s admission that student used a prohibited substance (alcohol, dangerous drug, controlled substance, or any other intoxicant) at school or recently enough prior to being at school or a school activity that the student would experience the effects of using the substance while at school or the school activity.

**USE**

“Use” means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, or speech.

## Drink Machine Vending Contract

Recently our 15 year contract with Austin Coca-Cola expired. We posted and put out an RFP for a vending partner. All bids were due in Monday July 9 at 10:00AM. I personally contacted Austin Coca-Cola and Highland Lakes Vending in late June to let them know that an RFP had gone out. I even sent both of these companies via email the RFP's. I did this because both had expressed interest.

On Thursday, July 5 a representative from Austin Coca-Cola called and stated that the area manager had been relocated and the RFP had not been passed along to the proper person when the employee changed regions. They asked for an extension. At which we stated our efforts to communicate and send them the paper work with little or no response until a few days before the bid was due. At 10:00AM MFISD had one proposal turned in, which was Highland Lakes Vending.

In our previous contract with Coca-Cola MFISD was given \$50,000 up front and \$2.00 per case (24 count) on carbonated drinks and \$1.00 per case (24 count) on non-carbonated drinks.

Highland Lakes Vending has given us a bid of \$5.76 per case (24 count) at \$.75 cents per drink or \$7.68 per case (24 count) at \$1.00 per drink.

They have also offered several different options for us to choose.

After checking references, their great quality of taking care of our snack vending machines, their ability to service and communicate with the district daily and being local, we would like to recommend that you approve the district to negotiate a three year contract with Highland Lakes Vending.

Any existing contract MFISD may have shall be made whole or exist until the end of its term with no extension options.

**PROPOSAL**

As per specifications, instructions, and conditions, we agree to supply the Marble Falls Independent School District with drink products and equipment for the contract period. The following commissions shall be in force for the length of the contract.

**PRODUCT COMMISSION**

**VENDING PRICE**

Carbonated Drinks

See attached options

Non-Carbonated Drinks

\_\_\_\_\_

Tea

\_\_\_\_\_

Juice

\_\_\_\_\_

Proposal Submitted by

Carrie Epler

Signature

Vendor

Highland Lakes Vending & Coffee Inc

Address

PO Box 299

**Name** Garrie Elen  
**Title** President  
**Date** 7-9-12  
**Phone/Fax #** 325-388-3426 - PHONE  
325-388-2213 - FAX

**INSURANCE**

Vendor shall provide evidence of liability insurance. MFISD retains the right of approval for insurance coverage. Copies of the successful contractor's liability insurance and workman's compensation certificates will be required. This certificate DOES NOT AMEND, EXTEND, OR ALTER the coverage afforded by the policies below:

**Insurance Requirements**

**Limits of Liability**

- |   |   |
|---|---|
| <p>1. Workers' Compensation<br/>and<br/>limit<br/>Employer's Liability<br/>employee</p>                                   | <p>\$500,000 each accident<br/>\$500,000 disease policy<br/><br/>\$500,000 disease each</p> |
| <p>2. Commercial General Liability<br/>limit<br/><br/>(Property damage deductible not to exceed \$500 per occurrence)</p> | <p>\$1,000,000 combined single</p>  |

HIGHLAND LAKES VENDING AND COFFEE SERVICE, INC  
PO BOX 299/4418 RR 1431  
KINGSLAND, TEXAS 78639  
PH: 325-388-3426  
FAX: 325-388-2213  
EMAIL:hlvc@verizon.net

July 9, 2012

David Hemond  
Marble Falls Independent School District  
1800 Colt Circle  
Marble Falls, TX 78654

Dear Mr. Hemond

Re: Beverage Vending Proposal

Thank you for the opportunity to bid on the beverage vending services for the Marble Falls Independent School District

Highland Lakes Vending and Coffee Service, Inc. offers for your consideration.

Summary of Services-Highland Lakes Vending and Coffee Service, Inc. will at its sole cost and expense inventory and fill all equipment with merchandise, maintain equipment in clean, sanitary and good working condition, handle all funds from the machines, pay all applicable taxes, pay commission to MFISD, make refunds when loss is due to machine malfunction.

Machine Specification-Machines provided by HLVC will be 7-8 select 12 oz beverages and 16 oz. water and some machines with 7-12 oz beverage selections and 5 - 6oz juice selections. All machines will be refurbished to like new condition, but will be older than 4 years. Student machines will have generic or waterfall fronts and teachers lounges may have product ID'd fronts (Coke, Dr. Pepper, Pepsi). Any machines found unacceptable to MFISD will be replaced

Vend price= \$1.00 all beverages for students  
.75 cents all beverages for teachers lounges

Contract Length- Three years

Service Type- Full Service

Frequency of service-1-5 times per week depending on volume

Vending Products-Dr Pepper, Diet Dr Pepper, Coke, Diet Coke, Sprite, Pepsi, Mt. Dew, Country Time Lemonade, Gatorade Lemon Lime, Gatorade Orange, Gatorade Punch, Lipton Tea, Fanta Orange, Ozarka water

### Commission

Option #1- A monthly commission payment of 32% of net sales of student machines and teachers lounge machines (net sales is gross sales less sales tax and refunds) which is \$5.76 per 24 count case at a 75 cent vend and \$7.68 per 24 count case at a \$1.00 vend.

Option #2- A monthly commission payment of 30% of net sales of student machines and teachers lounge machines (net sales is gross sales less sales tax and refunds) which is \$5.40 per 24 count case at a 75 cent vend and \$7.20 per 24 count case at a \$1.00 vend. Including a scholarship payment of \$500.00 per school year

Option #3- A monthly commission payment of 30% of net sales of student machines and teacher lounge machines (net sales is gross sales less sales tax and refunds) with coffee and beverage invoices deducted from the commission totals and a check written for the balance to Marble Falls ISD for the balance. Including a scholarship payment of \$500.00 per school year

Option #4- A monthly commission payment of 26% of net sales of student machines and teachers lounge machines (net sales is gross sales less sales tax and refunds) which is \$4.68 per 24 count case at a 75 cent vend and \$6.24 per 24 count case at a \$1.00 vend. Free goods in the amount of \$1500.00 per school year. Including a scholarship payment of \$500.00 per school year

Option #5- A monthly commission payment of 24% of net sales of student machines and teachers lounge machines (net sales is gross sales less sales tax and refunds) which is \$4.32 per 24 count case at a 75 cent vend and \$5.76 per 24 count case at a \$1.00 vend. Free goods in the amount of \$1750.00 per school year. Including a scholarship payment of \$500.00 per school year.

### Restrictions

1. All products offered for sale to students will comply with the Texas Public School Nutrition Policy;
2. High school students will have unrestricted access to vending machines.

Installation will be done by Jim Eplen owner of Highland Lakes Vending.

Service will be done by Ms Holly Wright. Ms Wright is presently servicing snack machines on each campus of MFISD, with the exception of Spicewood, servicing of the beverage machines will be done off the same truck and the same time the snack machine is serviced.

Enclosed you will find a price list indicating the value of the free goods. If needed HLVC will provide a commercial grade, pour thru, two burner Bunn coffee brewer and decanters for your use for the term of the contract

Thank you for the opportunity to bid on the vending services for Marble Falls Independent School District.

Cordially,



Carrie Eplen

President

Highland Lakes Vending and Coffee Service, Inc.

Highland Lakes Vending and Coffee Service, Inc.

References:

Lampasas Independent School District

Mr. Shane Jones

207 West 8<sup>th</sup> Street

Lampasas, Texas 76550

Ph: 1-512-556-6224

HLVC provides Snack and Soda Vending services for the district

Marble Falls High School

Ms. Julie Docherty

2101 Mustang Dr

Marble Falls, Texas 78654

PH: 830-693-4375

HLVC provides Snack Vending services for the students and teachers lounge

Boys & Girls Club of the Highland Lakes

Mr. Bill Drake

Ms. Crystal Hilburn

P. O. Box 190

Marble Falls, Texas 78654

Ph: 830-798-2582

HLVC provides Snack and Soda Vending for the Boys & Girls Club

DESCRIPTION	COUNT	PRICE
BUTTERNUT-HOT CHOC	50	12.50
CAN LINERS 30 GAL	200	32.00
CAN LINERS 60 GAL	200	41.50
COFFEE FOLGERS VAC PACK DECAF .9 OZ	42	31.20
COFFEE FOLGERS .9 OZ FILTER PAK	40	31.85
COFFEE FOLGERS .9 OZ VAC PACK	42	28.00
COFFEE FOLGERS CLASSIC ROAST 1.5 OZ	40	40.00
COFFEE FOLGERS DECAF FILTER PAK .9 OZ	40	33.60
COFFEE FOLGERS SPECIAL ROAST .8 OZ	42	26.90
COFFEE MAX HSE DECAF 1.1 OZ	42	34.00
COFFEE MAX HSE MB 1.1 OZ	42	29.50
COFFEE MAX HSE SP DEL FILTER PAK 1.2 OZ	42	33.00
COFFEE MAX HSE SP DEL FILTER PAK 2.0 OZ	42	62.65
COFFEE SEATTLES BEST 2.0 OZ	72	130.25
COFFEE SEATTLES BEST 2.0 OZ	18	34.50
COFFEE SEATTLES BEST DECAF 2.0 OZ	72	140.75
COFFEE SEATTLES BEST DECAF 2.0 OZ	18	37.50
COFFEE MATE CANISTER ORIGINAL	11 oz	2.75
COFFEE MATE CANISTER- VANILLA	15 oz	3.75
COFFEE MATE CANISTER-HAZELNUT	15 oz	3.75
COFFEEMATE LQD HAZELNUT	50	5.50
COFFEEMATE LQD ORIGINAL	50	5.00
COFFEEMATE LQD FR VANILLA	50	5.50
COFFEEMATE PACKS ORIGINAL	50	2.75
CUP 8 OZ STYRO	1000	25.50
CUP 12 OZ STYRO	1000	34.90
CUP 16 OZ STYRO	500	25.65
DECANTERS	EACH	9.50
DOUBLE BUBBLE 6X380CT	6	65.00
DUM DUM POPS	1800	95.00
EQUAL	100	6.25
FILTERS BUNN 12 CUP	1000	12.50
HOT CHOCOLATE SWISS MISS	50	11.50
HOT CHOCOLATE SWISS MISS SUGAR FREE	24	8.50
PITCHER PLASTIC	1	6.00
SPLENDA	100	7.75
STIR STIX	1000	3.10
SUGAR CANISTER	20 Oz.	2.00
SUGAR PACKET	1000	13.00
SWEET-N-LOW	400	9.00
TEA LIPTON DECAF W TAG IW	72	7.00
TEA LIPTON W TAG IW	100	5.75
TEA LIPTON-GAL	24	9.00
TEA-ATLANTIC TEA COMPANY-GAL BAG	96	27.00
CARBONATED BEVERAGES-12 OZ. CAN	24	12.00
NONCARBONATED BEVERAGES 12 OZ CAN	24	12.00
GATORADE 12 OZ CAN	24	14.00
WATER 16.9 OZ PLASTIC BOTTLE	24	10.00

ORDINANCE TO SET TAX RATE

Date 7-16-12

On this date, we, the Board of Trustees of the Marble Falls Independent School District, hereby levy or set the tax rate on \$100 valuation for the District for the tax year 2012 at a total tax rate of \$ 1.28, to be assessed and collected by the duly specified assessor and collector as follows:

\$ 1.0533 for the purpose of maintenance and operation, and

\$ 0.2267 for the purpose of payment of principal and interest on debts.

Such taxes are to be assessed and collected by the tax officials designated by the District.

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

IN CERTIFICATION THEREOF:

Signed: \_\_\_\_\_  
President

Attest: \_\_\_\_\_

Secretary

**AN ORDER CALLING A TAX RATIFICATION ELECTION;  
PROVIDING FOR THE CONDUCT AND THE GIVING OF NOTICE OF  
SAID ELECTION; AND RESOLVING OTHER MATTERS RELATED  
THERE TO**

WHEREAS, the Board of Trustees (the "Board") of the Marble Falls Independent School District, located in Burnet County, Texas (the "District") has adopted an ad valorem tax rate that exceeds the District's rollback tax rate and, therefore, finds and determines that it is necessary and advisable to call and hold the election hereinafter ordered pursuant to Section 26.08 (a), Texas Tax Code, as amended, and the Texas Election Code, as amended; and

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE MARBLE FALLS INDEPENDENT SCHOOL DISTRICT THAT:

**Section 1.** The statements contained in the preamble of this Order are true and correct and adopted as findings of fact.

**Section 2.** An election shall be held on August 25, 2012 in the District, which date is 30 or more days from the date of this Order, at which election the following propositions shall be submitted in accordance with law:

**PROPOSITION 1**

**APPROVING THE AD VALOREM TAX RATE OF \$1.28 PER \$100 VALUATION IN MARBLE FALLS INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT IS \$0.0133 HIGHER PER \$100 VALUATION THAN THE SCHOOL DISTRICT ROLLBACK TAX RATE.**

**Section 3.** The polling places hereby designated for holding the election in the school District are identified in "Exhibit A" to this Order, and this exhibit is incorporated by reference for all purposes. The Superintendent shall appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this election, together with any other necessary changes to election practices and procedures.

The Presiding Judge shall appoint not less than two resident qualified voters of the District to act as clerks in order to properly conduct the election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on election day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open as designated on "Exhibit A."

The main early voting location is designated in "Exhibit B." The individual named as the Early Voting Clerk as designated in "Exhibit B" hereto is hereby appointed as the Early Voting Clerk to conduct such early voting in the election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting each day with the exception of Saturdays, Sundays, and official State holidays as stated in "Exhibit B."

Early voting shall commence as provided on “Exhibit B” and continue through the date set forth on “Exhibit B” all as provided by the provisions of the Texas Election Code.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in “Exhibit B” as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the District to serve as members of the Early Voting Ballot Board.

In the event that the Superintendent shall determine from time to time that a polling place hereafter designated shall become unavailable or unsuitable for such use, or it would be in the District’s best interests to relocate such polling place, the Superintendent is hereby authorized to designate and appoint in writing a substitute polling place, giving such notice as required by the Texas Election Code and as deemed sufficient.

**Section 4.** The Election shall be conducted utilizing an electronic voting system, as described and defined in Title 8 of the Texas Election Code, by election officers, including the Presiding Election Judges appointed hereunder and Alternate Presiding Election Judges or clerks, in accordance with the Texas Education Code, the Texas Election Code and the Constitution and laws of the State of Texas and the United States of America.

**Section 5.** The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid propositions, which shall appear on the ballot substantially as follows:

PROPOSITION 1

FOR

APPROVING THE AD VALOREM TAX RATE OF \$1.28 PER \$100 VALUATION IN MARBLE FALLS INDEPENDENT SCHOOL DISTRICT FOR THE CURRENT YEAR, A RATE THAT IS \$0.0133 HIGHER PER \$100 VALUATION THAN THE SCHOOL DISTRICT ROLLBACK TAX RATE.

AGAINST

**Section 6.** All resident, qualified voters of the District shall be permitted to vote at the election, and, on the day of the election, such voters shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, except as modified by the provisions of the Texas Education Code, as amended, and as may be required by law. To the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

**Section 7.** A substantial copy of this Order shall serve as proper notice of the election. This notice, including a Spanish translation thereof, shall be published at least one time in a newspaper of general circulation in the District, and the publication of this notice of election shall

occur in such newspaper not more than 30 days and not less than 10 days before the day of the election. Additionally, this notice shall be posted on the bulletin board used for posting notices of District meetings not later than 21 days prior to Election Day.

**Section 8.** It is officially found, determined, and declared that the meeting at which this Order is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Order, was given, all as required by Chapter 551, as amended, of the Texas Government Code.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

PASSED AND APPROVED, this 16th day of July, 2012.

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President, Board of Trustees  
Marble Falls Independent School District

ATTEST:

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Secretary, Board of Trustees  
Marble Falls Independent School District

(District Seal)

**EXHIBIT A**  
Marble Falls ISD  
POLLING LOCATIONS

Election Day Polling Locations open from 7:00 a.m. to 7:00 p.m.

**Election Day Polling Places**

Marble Falls ISD Administrative Offices – Community Room  
1800 Colt Circle  
Marble Falls, Texas 78654

**EXHIBIT B**

**MAIN AND PERMANENT EARLY VOTING POLLING PLACES, DATES, AND TIMES**

Early voting begins August 8, 2012 and ends August 21, 2012.

Early Voting Clerk: Barbara Agnew

Early Voting Clerk's address: 220 S. Pierce, Burnet, Texas 78611

Early Voting Hours 8:00 am to 5:00 pm. Monday - Friday

Presiding Judge of the Early Voting Ballot Board: Annette Ussery

**EARLY VOTING LOCATION:**

Marble Falls ISD Administrative Offices – Community Room  
1800 Colt Circle  
Marble Falls, Texas 78654

**Address for Early Application for Early Voting by Mail**

220 S. Pierce Street  
Burnet, Texas 78611



Marble Falls  
Independent  
School District

INTEROFFICE MEMORANDUM

Date: July 11, 2012

To: Board of Trustees and Dr. O'Connor

From: David Hemond, Accounting Supervisor

Subject: Consider Approval of Budget Amendments

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Budget amendments included for approval (copies follow):

- 11-00054      To increase budget for fuel and professional services - \$430,000
- 11-00055      To fund facility and transportation projects - \$499,050

JUL 11 2012

MARBLE FALLS ISD  
BUDGET AMENDMENT

<b>Batch #:</b>	11-00054		<b>Reason for amendment:</b>	To adjust budget to meet needs.	
<b>Fiscal Year:</b>	2011-12		<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>
<b>Account Number</b>	<b>Account Description</b>	<b>Debit</b>	<b>Debit</b>	<b>Debit</b>	<b>Credit</b>
<b>EXPENDITURES</b>					
1	199-34-6311.00-939-099-000	Fuel	395,000.00		
2	199-61-6299.00-999-099-000	Professional Services	10,000.00		
3	199-31-6119.00-999-023-000	Professional Salaries	25,000.00		
4	199-11-6119.00-001-011-000	Professional Salaries			30,000.00
5					
6					
7					
8					
9					
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14					
15					
16					
17					
18					
19					
20					
<b>REVENUE</b>					
21	199-00-5931.00-000-000-000	SHARS Revenue			400,000.00
22					
23					
24					
<b>Totals</b>			430,000.00		430,000.00

Board Approval Required  Yes  No

Prepared by: Lisa LeMon Date: 07/11/12

Approved by: *ll* Date: 07-11-12

Reviewed by: *apm* Date: 07-11-12

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

JUL 11 2012

MARBLE FALLS ISD  
BUDGET AMENDMENT

<b>Batch #:</b>	11-00055	<b>Reason for amendment:</b>	To fund facility and transportation projects.	
<b>Fiscal Year:</b>	2011-12	<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>
<b>Account Number</b>			<b>Increase</b>	<b>Decrease</b>
<b>EXPENDITURES</b>				
1	199-34-6631.00-939-099-000	Vehicle Purchases	216,000.00	
2	199-53-6398.00-999-099-000	Technology Purchases	150,000.00	
3	199-51-6631.00-936-099-000	Vehicle Purchases	23,000.00	
4	199-81-6629.00-999-099-000	Buildings and Improvements	110,050.00	
5	199-91-6224.00-999-099-000	Student Education Credits (Chapter 41 Payments)		499,050.00
6				
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11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
<b>REVENUE</b>				
21			<b>Decrease</b>	<b>Increase</b>
22				
23				
24				
<b>Totals</b>			499,050.00	499,050.00

Board Approval Required  Yes  No

Prepared by: Lisa LeMon      Approved by: *LL*      Reviewed by: *pmc*      Entered by:

Date: 07/11/12      Date: 07-11-12      Date: 07-11-12      Date:



# Marble Falls ISD

Budget Update

**July 16, 2012**

By [PresenterMedia.com](http://PresenterMedia.com)



# 2011-12 Projection

Marble Falls ISD  
End of Year Projection  
As of June 26, 2012

	Projected	Budgeted	Difference
<b>Revenues:</b>			
5700	30,379,667.42	30,402,849.00	23,181.58
5800	7,585,857.25	7,640,504.00	54,646.75
5900	581,185.48	210,000.00	(371,185.48)
<b>Total</b>	<u>38,546,710.15</u>	<u>38,253,353.00</u>	<u>(293,357.15)</u>
<b>Expenditures:</b>			
11	17,039,595.39	17,998,041.00	958,445.61
12	495,859.55	482,143.00	(13,716.55)
13	142,997.31	157,828.00	14,830.69
21	547,230.07	594,595.00	47,364.93
23	2,092,783.52	2,165,227.00	72,443.48
31	1,111,750.07	1,103,203.00	(8,547.07)
33	386,342.44	391,009.00	4,666.56
34	1,823,875.99	1,347,686.29	(476,189.70)
36	1,390,010.02	1,331,897.00	(58,113.02)
41	1,147,530.95	1,142,880.00	(4,650.95)
51	4,025,871.90	4,363,243.00	337,371.10
52	24,227.63	83,082.00	58,854.37
53	798,574.17	857,053.00	58,478.83
61	64,520.45	53,341.00	(11,179.45)
91	5,214,297.00	5,567,564.00	353,267.00
99	822,818.12	667,570.00	(155,248.12)
<b>Total</b>	<u>37,128,284.58</u>	<u>38,306,362.29</u>	<u>1,178,077.71</u>
<b>Revenues less Expenditures</b>	<u>1,418,425.57</u>	<u>(53,009.29)</u>	<u>(1,471,434.86)</u>

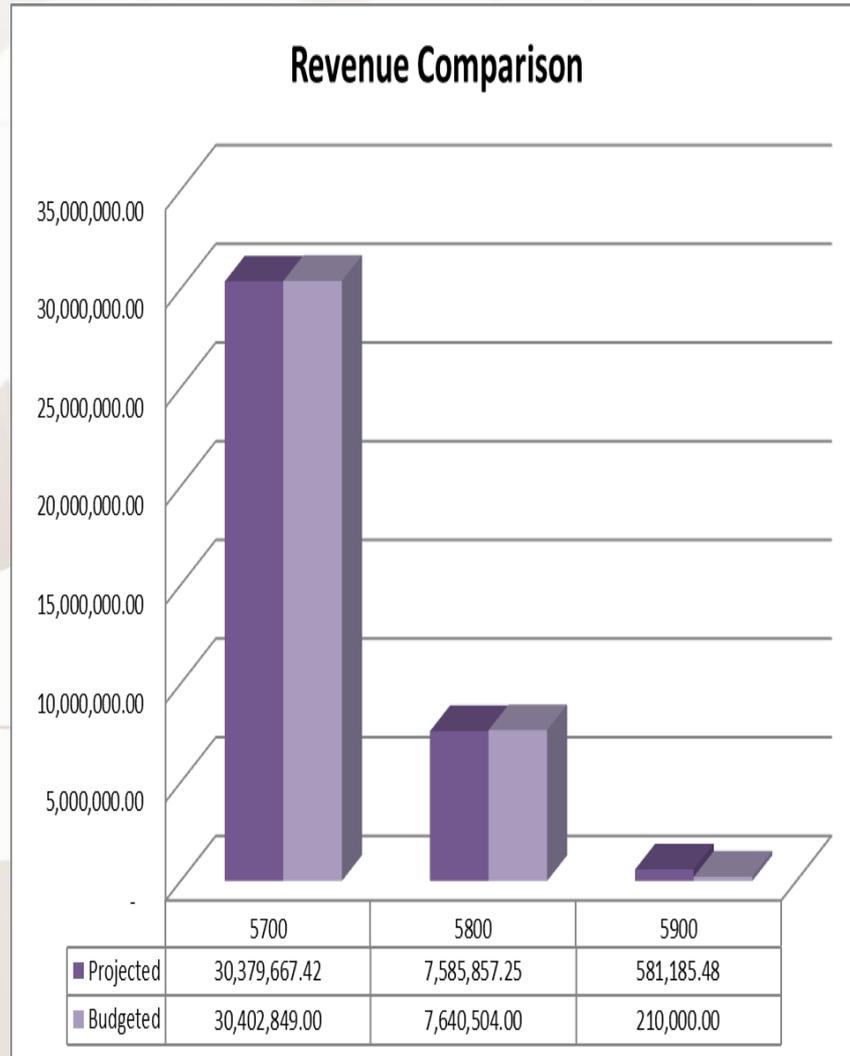


# Revenues

Marble Falls ISD  
 End of Year Projection  
 As of June 26, 2012

	Projected	Budgeted	Difference
Revenues:			
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5800	7,585,857.25	7,640,504.00	54,646.75
5900	581,185.48	210,000.00	(371,185.48)
<b>Total</b>	<b>38,546,710.15</b>	<b>38,253,353.00</b>	<b>(293,357.15)</b>

### Revenue Comparison





# Expenditures

Marble Falls ISD  
 End of Year Projection  
 As of June 26, 2012

	Projected	Budgeted	Difference
Expenditures:			
11	17,039,595.39	17,998,041.00	958,445.61
12	495,859.55	482,143.00	(13,716.55)
13	142,997.31	157,828.00	14,830.69
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<b>Total</b>	<b>37,128,284.58</b>	<b>38,306,362.29</b>	<b>1,178,077.71</b>

