



Learners Today...

Leaders Tomorrow...

*Mustangs
Forever!*

**Marble Falls ISD
Regular Meeting**

**Monday, December 10, 2012
6:00 PM**

AGENDA OF REGULAR MEETING
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES
MONDAY, DECEMBER 10, 2012 – 6:00 PM
Marble Falls ISD Central Office Community Room

Notice is hereby given that on December 10, 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. Roll Call
2. Invocation
Presenter: Kelly Fox
3. Pledge to the Flags
Presenter: Rick Edwards
4. Spotlight on Excellence
 - A. Marble Falls High School Cross Country Regional & State Qualifiers
Presenter: Todd Dodge/Anthony Torns
 - B. Region XIII Special Education Teacher of the Year
Presenter: Susan Maughan
 - C. Colt Elementary Students
Presenter: Keith Powell
 - D. Highland Lakes Elementary Students
Presenter: Michael Pittard
5. Citizen Comments
6. Consent Agenda
 - A. Approval of Minutes 4
 - B. Approval of Financial Report 7
 - C. Budget Amendments 21
 - D. Discussion and Possible Approval of TASB Policy Update 95 Affecting Local 24
Policies: DFBB - Term Contracts/Nonrenewal; DFE - Termination of
Employment/Resignation; DGBA - Personnel-Management Relations/Employee
Complaints/Grievances; EIE - Academic Achievement/Retention & Promotion; FNG -
Student Rights & Responsibilities/Student & Parent Complaints/Grievances and GF -
Public Complaints
Presenter: Rob O'Connor
 - E. Revisions to Local Policies: BDB - Board Internal Organization/Internal Committees; 307
DCB - Employment Practices/Term Contracts; DEC - Compensation and
Benefits/Leaves and Absences
7. Action Items
 - A. Discussion and Possible Approval of Resolution Providing for the Sale of Property 315
Acquired by the Burnet Central Appraisal District at Delinquent Tax Sale
Presenter: Wade Stanford
 - B. Discussion and Possible Approval of Waiver Application 321
Presenter: Eric Penrod

8. Superintendent's Reports
 - A. Announcement of Continuing Education Hours 322
Presenter: Rick Edwards
 - B. Quarterly Financial Report 323
Presenter: Wade Stanford
 - C. January Board Meeting Date Change
Presenter: Rob O'Connor
9. Executive Session
 - A. Discussion of Board/Superintendent Goals/Superintendent's Evaluation Form
 - B. Discussion of Personnel Matters, TX Govt. Code, Section 551.074
10. Discussion and Possible Approval of Action Arising from Executive Session
Presenter: Rob O'Connor
 - A. Approval of Personnel
11. 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

Rob O'Connor, Superintendent of Schools

Marble Falls Independent School District
Board Meeting Minutes
November 12, 2012

Rick Edwards, President, called the regular meeting to order at 6:01 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, Craig Mabray, Kevin Naumann, Mike Savage and Karl Westerman

Board Members Absent: Kelly Fox and Tommy Chaney were absent.

Administrators Present: Dr. Rob O'Connor, Superintendent, Allen Roberts, Wade Stanford, Janice Mauldin, John Schumacher, Eric Penrod, Susan Maughan, Bruce Peckover, Leslie Baty, Michael Pittard, Peggy Little, Kevin Wier, George Hamilton, Keith Powell, and Manuel Lunoff

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

Spotlight on Excellence

The Board recognized the following individuals:

Marble Falls High School PBIS (Positive Behavior Intervention Support) Students of the Month:

Britainy Fuss and Brennen Wooten – 9th Grade

Annalease Teeter and Jimmy Fermin – 10th Grade

Carolina Rivara & Sammy Pearce – 11th Grade

Kendall Walker and Lupe Gomez – 12th Grade

Marble Falls Elementary students, Omar Rodriguez and Elizabeth Bray, were recognized for exhibiting exceptional character especially in their willingness to help others. Spicewood Elementary students, Hunter McDonough and Bailey Kelley, were described as being the total package: great grades, great attendance, outstanding behavior and particularly, amazing attitudes.

Update from City of Marble Falls

Ralph Hendricks, City Manager, reviewed the status of many of the major projects taking place in the city including the Scott & White Clinic and the beginning of construction of the hospital, the new visitors center, the repair and improvement of several major city streets, the bridge construction over Lake Marble Falls, the sports complex feasibility study and the upgrades to the wastewater plant.

Public Hearing

At 6:37 p.m. Mr. Edwards opened a public hearing regarding the Financial Integrity Rating System of Texas (FIRST). Lisa LeMon, Director of Business Operations, reviewed several of

the indicators used in scoring the district noting the overall rating of “Superior Achievement” or perfect score of 70. No patrons asked to be heard and the public hearing was closed @ 6:43

Citizen Comments

No patrons asked to be heard.

Consent Agenda

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

- Minutes from previous meetings
Regular – October 15, 2012
Special – October 30, 2012
- Financial Report as of October 2012
- Budget Amendments as recommended by David Hemond, Accounting Supervisor
- School Health Advisory Committee: Melissa Hemond, Sarah Garrett, Kelly Harris, Shannon O’Connor, Gary Boshears, Amber Garcia, Sandra Pollock, Mandy Grubbs, Jaime Ludwig, Sharon Dare, Allyson Black, Jack Kelly, Sherry Mack, Emily Kelly, Jana Holley, Janice Eppler, Allen Roberts, Seth Zaragallons, Lane Moss and Mary Davidson
- Instructional Materials Selection Committee: Central Office - Eric Penrod, Lee Courville; Marble Falls High School - Kelly Bolin, Shirlene Bridge, Kendra Powell and Diane Woods; Middle School – Paula Clymer, Marti Futrell, Lisa Persyn, and Krissy Sralla; Colt Elementary – Margo Lane, Kathy Schumacher, and Chrystal Whiteside; Marble Falls Elementary – Cristi Chisholm, Jane Greer, & Erika O’Connor; Highland Lakes Elementary – Linda Angelosante, Kay Batch and Cynthia Dixon; Spicewood Elementary – LeeAnn Harkins and Michelle Jacoby.

For: 5

Against: 0

Absent: 2

Action Item

No action was taken on the resolution providing for the sale of property acquired by the Burnet Central Appraisal District at a delinquent tax sale; 150 lots located in Horseshoe Bay South, Burnet, TX.

Superintendent’s Report

Curriculum Update

Dr. Janice Mauldin, Assistant Superintendent of Academic Programs, reported on the first nine-weeks assessments focusing on the purpose of the tests. Dr. Mauldin reported that the tests will be taken every nine weeks to allow for better use of the data that is gathered and to provide earlier interventions as needed.

Maintenance Department Report

Michael Phillips, Maintenance Director, presented an update on the status of current major

projects that are being done and a short summary of the department's overall support of programs district-wide.

Report on NCLB Teacher Highly Qualified Status

Wade Stanford, Executive Director of Financial Services, reported that all district teachers teaching core subject areas met the guidelines of "highly qualified" as required by the Federal No Child Left Behind Act. He further reported that all instructional aides employed by the district also met the federal guidelines of "highly qualified."

Adjournment:

Hearing no objection the Board adjourned at 7:29 p.m.

Approved:

Rick Edwards, President

Craig Mabray, Secretary

Marble Falls ISD
Statement of Revenues and Expenditures - General Fund
As of November 30, 2012

25%	Of Fiscal Year	CURRENT YEAR				PRIOR YEAR		
		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	BUDGET	YTD ACTIVITY	% OF FINAL BUDGET
REVENUES								
5710	LOCAL TAX REVENUES	\$ 30,984,171	\$ 2,111,076	\$ 28,873,095	6.81%	\$ 29,990,749	\$ 2,164,221	7.22%
57XX	OTHER LOCAL REVENUES	\$ 375,500	\$ 216,192	\$ 159,308	57.57%	\$ 412,100	\$ 106,679	25.89%
58XX	STATE PROG. REVENUES	\$ 5,006,153	\$ 3,345,149	\$ 1,661,004	66.82%	\$ 7,640,504	\$ 3,854,149	50.44%
5900	FEDERAL REVENUE	\$ 410,000	\$ 362,932	\$ 47,068	88.52%	\$ 210,000	\$ 38,650	18.40%
	TOTAL REVENUE	\$ 36,775,824	\$ 6,035,350	\$ 30,740,474	16.41%	\$ 38,253,353	\$ 6,163,699	16.11%
EXPENDITURES								
11	INSTRUCTION	\$ 17,437,632	\$ 4,265,722	\$ 13,171,910	24.46%	\$ 18,265,525	\$ 4,383,810	24.00%
12	LIBRARY	\$ 486,009	\$ 111,594	\$ 374,416	22.96%	\$ 481,185	\$ 132,120	27.46%
13	STAFF DEVELOPMENT	\$ 253,611	\$ 55,581	\$ 198,029	21.92%	\$ 157,828	\$ 35,850	22.71%
21	INST ADMINISTRATION	\$ 662,417	\$ 165,671	\$ 496,745	25.01%	\$ 594,595	\$ 155,973	26.23%
23	SCHOOL ADMINISTRATION	\$ 2,053,046	\$ 503,942	\$ 1,549,104	24.55%	\$ 2,174,416	\$ 547,108	25.16%
31	GUID AND COUNSELING	\$ 1,056,873	\$ 279,630	\$ 777,243	26.46%	\$ 1,104,464	\$ 282,707	25.60%
33	HEALTH SERVICES	\$ 361,535	\$ 88,920	\$ 272,615	24.60%	\$ 391,701	\$ 94,733	24.19%
34	PUPIL TRANSP - REGULAR	\$ 1,755,292	\$ 438,117	\$ 1,317,175	24.96%	\$ 1,222,029	\$ 543,927	44.51%
36	CO-CURRICULAR ACT	\$ 1,382,064	\$ 376,602	\$ 1,005,462	27.25%	\$ 1,332,452	\$ 384,023	28.82%
41	GEN ADMINISTRATION	\$ 1,281,989	\$ 298,211	\$ 983,778	23.26%	\$ 1,129,880	\$ 346,269	30.65%
51	PLANT MAINT & OPERATION	\$ 3,902,564	\$ 1,071,232	\$ 2,831,332	27.45%	\$ 4,199,618	\$ 1,208,767	28.78%
52	SECURITY & MONITORING	\$ 77,119	\$ 3,789	\$ 73,330	4.91%	\$ 83,082	\$ 6,785	8.17%
53	DATA PROCESSING	\$ 957,957	\$ 267,208	\$ 690,749	27.89%	\$ 857,053	\$ 296,185	34.56%
61	COMMUNITY SERVICES	\$ 52,790	\$ 27,129	\$ 25,661	51.39%	\$ 53,341	\$ 10,084	18.90%
81	FACILITIES ACQ & CONST	\$ -	\$ -	\$ -	0.00%	\$ -	\$ -	0.00%
91	STUDENT ATTENDANCE CR	\$ 4,418,176	\$ -	\$ 4,418,176	0.00%	\$ 5,567,564	\$ -	0.00%
99	PURCHASES & CONT SRVS	\$ 686,614	\$ 156,812	\$ 529,802	22.84%	\$ 667,570	\$ 166,007	24.87%
	TOTAL EXPENDITURES	\$ 36,825,688	\$ 8,110,161	\$ 28,715,528	22.02%	\$ 38,282,303	\$ 8,594,349	22.45%
7000	Other Sources		\$ -			Other Sources	\$ -	
8000	Other Uses		\$ -			Other Uses	\$ -	
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES		\$ (2,074,811)		EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES - FY 2011-12		\$ (2,430,650)	
3000	BEG FUND BAL 09/01/12	\$ 7,879,450	Unaudited					
3000	END FUND BAL 10/31/12	\$ 5,804,639	Unaudited					

Marble Falls ISD
Statement of Revenues and Expenditures - Food Service
As of November 30, 2012

25%	Of Fiscal Year	CURRENT YEAR				PRIOR YEAR		
		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	BUDGET	YTD ACTIVITY	% OF FINAL BUDGET
REVENUES								
57XX	Local & Intermed Revenues	\$ 606,453	\$ 187,034	\$ 419,419	30.84%	\$ 902,562	\$ 207,441	22.98%
58XX	State Program Revenues	\$ 12,110	\$ -	\$ 12,110	0.00%	\$ 12,110	\$ -	0.00%
59xx	Federal Program Revenues	\$ 1,452,229	\$ 388,722	\$ 1,063,507	26.77%	\$ 1,457,334	\$ 384,738	26.40%
	TOTAL REVENUE	\$ 2,070,792	\$ 575,756	\$ 1,495,036	27.80%	\$ 2,372,006	\$ 592,179	24.97%
EXPENDITURES								
61	PAYROLL COST	\$ 742,647	\$ 193,400	\$ 549,247	26.04%	\$ 1,261,933	\$ 187,773	14.88%
62	PURCHASE & CONTRACTED	\$ 19,644	\$ 9,344	\$ 10,300	47.56%	\$ 15,221	\$ 8,982	59.01%
63	SUPPLIES AND MATERIALS	\$ 980,348	\$ 312,043	\$ 668,305	31.83%	\$ 1,052,302	\$ 907,231	86.21%
64	OTHER OPERATING EXP	\$ 9,850	\$ 2,596	\$ 7,254	26.35%	\$ 10,225	\$ 1,839	17.99%
66	CPTL OUTLAY	\$ 25,000	\$ -	\$ 25,000	0.00%	\$ 32,325	\$ 4,820	14.91%
	TOTAL EXPENDITURES	\$ 1,777,489	\$ 517,383	\$ 1,260,106	29.11%	\$ 2,372,006	\$ 1,110,645	46.82%
7000	Other Sources		\$ -			\$ -	\$ -	
8000	Other Uses		\$ -			\$ -	\$ -	
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES		\$ 58,373		EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES - FY 2011-12		\$ (518,466)	
3000	BEG FUND BAL 09/01/12	\$ 497,135	Unaudited					
3000	END FUND BAL 10/31/12	\$ 555,508	Unaudited					

Marble Falls Independent School District

Financial Report

December 10, 2012

Check Payment Fund Summary

Expenditure to Budget Report

Check Payment Fund Summary

For Bills Paid

November 1 – November 30, 2012

FUND SUMMARY

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
199	GENERAL FUND	108,378.61	246.00	422,195.60	530,820.21
211	TITLE I PART A, BASIC PROGRAMS	3,670.94	0.00	1,050.00	4,720.94
224	IDEA PART B FORMULA	2,446.24	0.00	18,602.81	21,049.05
225	IDEA PART B PRESCHOOL	98.88	0.00	0.00	98.88
240	FOOD SERVICE	3,840.13	0.00	107,502.75	111,342.88
244	VOC. ED.-BASIC GRANT	0.00	0.00	7,002.79	7,002.79
255	TITLE II PART A TCHR & PRINCPL	338.37	0.00	0.00	338.37
263	TITLE III - BILINGUAL	212.23	0.00	197.78	410.01
270	TITLE VI, PART B	355.62	0.00	0.00	355.62
276	Texas Title I Priority Schools	6,496.04	0.00	228,945.57	235,441.61
863	PAYROLL CLEARING	732,482.46	0.00	0.00	732,482.46
***	Fund Summary Totals ***	858,319.52	246.00	785,497.30	1,644,062.82

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

Expenditure to Budget Report

December 10, 2012

General Operating Fund

&

Food Service Fund

Obj	Obj	2012-13 ESTIMATED REVENUE	November 2012-13 MTHLY ACTIVITY	2012-13 Activity	REVENUE BALANCE	PERCENT REALIZED	2012-13 YTD %
199	GENERAL FUND						
5700	REVENUE-LOCAL & INTERMED						
	571- LOCAL REAL-PROPERTY TAXES	30,984,171.00	1,947,798.96	2,111,076.33	28,873,094.67	6.81	6.81
	573- TUITION & FEES FROM PATRONS	50,000.00	4,703.00	20,123.00	29,877.00	40.25	40.25
	574- TRANS FROM WITHIN STATE	190,000.00	103,455.32	125,361.40	64,638.60	65.98	65.98
	575- ENTERPRISING ACTIVITIES	135,500.00	23,693.01	70,707.82	64,792.18	52.18	52.18
	57-- REVENUE-LOCAL & INTERMED	31,359,671.00	2,079,650.29	2,327,268.55	29,032,402.45	7.42	7.42
5800	STATE PROGRAM REVENUES						
	581- PER CAPITA-FOUNDATION REV	3,763,236.00	71,688.00	3,028,563.00	734,673.00	80.48	80.48
	582- STATE REVENUE DISTRBD BY TEA	5,000.00	1,200.00	1,200.00	3,800.00	24.00	24.00
	583- TRS ON BEHALF BENEFIT	1,237,917.00	105,635.63	315,386.38	922,530.62	25.48	25.48
	58-- STATE PROGRAM REVENUES	5,006,153.00	178,523.63	3,345,149.38	1,661,003.62	66.82	66.82
5900	FEDERAL PROGRAM REVENUES						
12	591- FEDERALLY DIST REVENUES	40,000.00	53,352.76	53,352.76	-13,352.76	133.38	133.38
	592-	20,000.00	0.00	0.00	20,000.00	0.00	0.00
	593- VOC ED NON FOUNDATION	350,000.00	33,249.34	309,579.34	40,420.66	88.45	88.45
	59-- FEDERAL PROGRAM REVENUES	410,000.00	86,602.10	362,932.10	47,067.90	88.52	88.52
	---- GENERAL FUND	36,775,824.00	2,344,776.02	6,035,350.03	30,740,473.97	16.41	16.41

Obj	Obj	2012-13 ESTIMATED REVENUE	November 2012-13 MTHLY ACTIVITY	2012-13 Activity	REVENUE BALANCE	PERCENT REALIZED	2012-13 YTD %
240	FOOD SERVICE						
5700	REVENUE-LOCAL & INTERMED						
	574- TRANS FROM WITHIN STATE	1,969.00	311.38	776.99	1,192.01	39.46	39.46
	575- ENTERPRISING ACTIVITIES	604,483.84	49,055.11	186,257.16	418,226.68	30.81	30.81
	57-- REVENUE-LOCAL & INTERMED	606,452.84	49,366.49	187,034.15	419,418.69	30.84	30.84
5800	STATE PROGRAM REVENUES						
	582- STATE REVENUE DISTRBTD BY TEA	12,110.00	0.00	0.00	12,110.00	0.00	0.00
	58-- STATE PROGRAM REVENUES	12,110.00	0.00	0.00	12,110.00	0.00	0.00
5900	FEDERAL PROGRAM REVENUES						
	592-	1,452,229.12	175,608.03	388,721.66	1,063,507.46	26.77	26.77
	59-- FEDERAL PROGRAM REVENUES	1,452,229.12	175,608.03	388,721.66	1,063,507.46	26.77	26.77
	---- FOOD SERVICE	2,070,791.96	224,974.52	575,755.81	1,495,036.15	27.80	27.80

13

Number of Accounts: 47

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

	Obj	Obj	2012-13 ESTIMATED REVENUE	November 2012-13 MTHLY ACTIVITY	2012-13 Activity	REVENUE BALANCE	2012-13 YTD %
199		GENERAL FUND					
	5---	REVENUE	36,775,824.00	2,344,776.02	6,035,350.03	30,740,473.97	16.41
	----	GENERAL FUND	36,775,824.00	2,344,776.02	6,035,350.03	30,740,473.97	16.41
240		FOOD SERVICE					
	5---	REVENUE	2,070,791.96	224,974.52	575,755.81	1,495,036.15	27.80
	----	FOOD SERVICE	2,070,791.96	224,974.52	575,755.81	1,495,036.15	27.80

Number of Accounts: 47

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

Obj	Obj	2012-13	ENCUMBRANCE	2012-13	November 2012-13	2012-13	
		BUDGET	YTD	EXPENDITURES	ACTIVITY	BALANCE	YTD %
199	GENERAL FUND						
11	INSTRUCTION						
61--	PAYROLL COSTS	16,563,961.81	0.00	4,073,750.60	1,373,547.69	12,490,211.21	24.59
62--	PURCHASE & CONTRACTED SVS	315,706.49	93,653.90	118,834.19	19,295.17	103,218.40	37.64
63--	SUPPLIES AND MATERIALS	524,694.20	25,842.68	66,730.20	28,473.20	432,121.32	12.72
64--	OTHER OPERATING EXPENSES	33,269.50	440.00	6,407.43	2,464.00	26,422.07	19.26
----	INSTRUCTION	17,437,632.00	119,936.58	4,265,722.42	1,423,780.06	13,051,973.00	24.46
12	INST. RESOURCES & MEDIA SVCS						
61--	PAYROLL COSTS	387,702.49	0.00	91,968.39	30,656.90	295,734.10	23.72
62--	PURCHASE & CONTRACTED SVS	17,768.00	0.00	867.19	23.17	16,900.81	4.88
63--	SUPPLIES AND MATERIALS	73,959.00	14,205.29	17,008.10	8,216.06	42,745.61	23.00
64--	OTHER OPERATING EXPENSES	6,580.00	0.00	1,750.00	600.00	4,830.00	26.60
----	INST. RESOURCES & MEDIA S	486,009.49	14,205.29	111,593.68	39,496.13	360,210.52	22.96
13	CURRICULUM DEV & INST STFF DEV						
61--	PAYROLL COSTS	181,239.86	0.00	44,963.60	14,802.29	136,276.26	24.81
62--	PURCHASE & CONTRACTED SVS	32,190.00	2,474.00	3,900.00	0.00	25,816.00	12.12
63--	SUPPLIES AND MATERIALS	5,315.00	315.00	443.93	443.93	4,556.07	8.35
64--	OTHER OPERATING EXPENSES	34,866.00	1,483.73	6,273.91	2,680.81	27,108.36	17.99
----	CURRICULUM DEV & INST STF	253,610.86	4,272.73	55,581.44	17,927.03	193,756.69	21.92
21	INSTRUCTIONAL LEADERSHIP						
61--	PAYROLL COSTS	627,536.71	0.00	155,347.81	51,493.48	472,188.90	24.76
62--	PURCHASE & CONTRACTED SVS	6,480.00	1,949.40	1,304.60	970.95	3,226.00	20.13
63--	SUPPLIES AND MATERIALS	20,700.00	750.08	6,554.52	2,542.13	13,395.40	31.66
64--	OTHER OPERATING EXPENSES	7,700.00	722.37	2,464.34	882.76	4,513.29	32.00
----	INSTRUCTIONAL LEADERSHIP	662,416.71	3,421.85	165,671.27	55,889.32	493,323.59	25.01

Obj	Obj	2012-13	ENCUMBRANCE	2012-13	November	2012-13	2012-13
		BUDGET	YTD	EXPENDITURES	ACTIVITY	BALANCE	YTD %
199	GENERAL FUND						
23	SCHOOL LEADERSHIP						
61--	PAYROLL COSTS	1,953,482.98	0.00	489,416.47	163,334.92	1,464,066.51	25.05
62--	PURCHASE & CONTRACTED SVS	23,794.00	13,869.63	4,541.37	2,235.37	5,383.00	19.09
63--	SUPPLIES AND MATERIALS	59,188.00	4,394.52	6,215.04	2,963.82	48,578.44	10.50
64--	OTHER OPERATING EXPENSES	16,581.50	1,994.18	3,769.24	545.91	10,818.08	22.73
----	SCHOOL LEADERSHIP	2,053,046.48	20,258.33	503,942.12	169,080.02	1,528,846.03	24.55
31	GUIDANCE & COUNSELING						
61--	PAYROLL COSTS	1,011,242.01	0.00	270,230.50	89,327.15	741,011.51	26.72
62--	PURCHASE & CONTRACTED SVS	14,235.00	2,086.00	959.50	544.50	11,189.50	6.74
63--	SUPPLIES AND MATERIALS	21,805.00	579.84	4,580.00	1,087.90	16,645.16	21.00
64--	OTHER OPERATING EXPENSES	9,591.00	927.32	3,859.81	1,874.18	4,803.87	40.24
----	GUIDANCE & COUNSELING	1,056,873.01	3,593.16	279,629.81	92,833.73	773,650.04	26.46
33	HEALTH SERVICES						
61--	PAYROLL COSTS	352,595.77	0.00	88,060.44	29,353.48	264,535.33	24.97
62--	PURCHASE & CONTRACTED SVS	348.00	0.00	0.00	0.00	348.00	0.00
63--	SUPPLIES AND MATERIALS	7,930.00	535.00	859.54	468.20	6,535.46	10.84
64--	OTHER OPERATING EXPENSES	661.00	0.00	0.00	0.00	661.00	0.00
----	HEALTH SERVICES	361,534.77	535.00	88,919.98	29,821.68	272,079.79	24.60
34	PUPIL TRANSPORTATION						
61--	PAYROLL COSTS	1,355,557.34	0.00	314,795.67	105,693.96	1,040,761.67	23.22
62--	PURCHASE & CONTRACTED SVS	21,350.00	8,189.01	10,089.52	1,629.55	3,071.47	47.26
63--	SUPPLIES AND MATERIALS	465,200.00	53,488.63	112,557.12	50,807.53	299,154.25	24.20
64--	OTHER OPERATING EXPENSES	-86,815.50	660.00	674.60	-10,898.97	-88,150.10	-0.78
----	PUPIL TRANSPORTATION	1,755,291.84	62,337.64	438,116.91	147,232.07	1,254,837.29	24.96

33
16

Obj	Obj	2012-13 BUDGET	ENCUMBRANCE YTD	2012-13 EXPENDITURES	November 2012-13 ACTIVITY	2012-13 BALANCE	2012-13 YTD %
199	GENERAL FUND						
36	COCURR./EXTRACURR.ACTIVITIES						
61--	PAYROLL COSTS	748,851.96	0.00	200,523.42	68,309.47	548,328.54	26.78
62--	PURCHASE & CONTRACTED SVS	134,000.00	29,928.03	32,129.27	12,540.83	71,942.70	23.98
63--	SUPPLIES AND MATERIALS	200,327.50	9,737.04	41,722.24	15,106.76	148,868.22	20.83
64--	OTHER OPERATING EXPENSES	298,885.00	3,375.44	102,227.53	43,692.98	193,282.03	34.20
----	COCURR./EXTRACURR.ACTIVIT	1,382,064.46	43,040.51	376,602.46	139,650.04	962,421.49	27.25
41	GENERAL ADMINISTRATION						
61--	PAYROLL COSTS	1,041,504.34	0.00	240,047.35	79,287.16	801,456.99	23.05
62--	PURCHASE & CONTRACTED SVS	118,693.00	55,865.93	9,338.73	3,692.74	53,488.34	7.87
63--	SUPPLIES AND MATERIALS	33,946.00	426.88	5,481.27	1,455.31	28,037.85	16.15
64--	OTHER OPERATING EXPENSES	87,846.00	4,556.78	43,343.53	10,392.84	39,945.69	49.34
----	GENERAL ADMINISTRATION	1,281,989.34	60,849.59	298,210.88	94,828.05	922,928.87	23.26
51	PLANT MAINTENANCE & OPERATIONS						
61--	PAYROLL COSTS	1,866,149.56	0.00	498,076.35	175,944.30	1,368,073.21	26.69
62--	PURCHASE & CONTRACTED SVS	1,382,700.00	85,284.16	280,751.51	122,856.02	1,016,664.33	20.30
63--	SUPPLIES AND MATERIALS	407,939.00	60,116.54	101,463.18	31,733.26	246,359.28	24.87
64--	OTHER OPERATING EXPENSES	185,775.00	677.50	161,437.50	465.00	23,660.00	86.90
66--	CPTL OUTLY LAND BLDG & EQ	60,000.00	21,898.66	29,503.06	14,902.38	8,598.28	49.17
----	PLANT MAINTENANCE & OPERA	3,902,563.56	167,976.86	1,071,231.60	345,900.96	2,663,355.10	27.45
52	SECURITY & MONITORING SERVICES						
61--	PAYROLL COSTS	15,518.90	0.00	0.00	0.00	15,518.90	0.00
62--	PURCHASE & CONTRACTED SVS	56,900.00	0.00	0.00	0.00	56,900.00	0.00
63--	SUPPLIES AND MATERIALS	4,700.00	0.00	3,789.26	0.00	910.74	80.62
----	SECURITY & MONITORING SER	77,118.90	0.00	3,789.26	0.00	73,329.64	4.91

	Obj	Obj	2012-13	ENCUMBRANCE	2012-13	November 2012-13	2012-13
			BUDGET	YTD	EXPENDITURES	ACTIVITY	BALANCE
199		GENERAL FUND					
53		DATA PROCESSING SERVICES					
	61--	PAYROLL COSTS	407,942.17	0.00	103,732.95	33,521.56	304,209.22 25.43
	62--	PURCHASE & CONTRACTED SVS	246,000.00	40,002.68	126,844.94	79,562.21	79,152.38 51.56
	63--	SUPPLIES AND MATERIALS	258,515.00	25,423.51	36,013.35	18,869.09	197,078.14 13.93
	64--	OTHER OPERATING EXPENSES	10,500.00	445.94	616.56	88.32	9,437.50 5.87
	66--	CPTL OUTLY LAND BLDG & EQ	35,000.00	17,050.00	0.00	0.00	17,950.00 0.00
	----	DATA PROCESSING SERVICES	957,957.17	82,922.13	267,207.80	132,041.18	607,827.24 27.89
61		COMMUNITY SERVICES					
	61--	PAYROLL COSTS	39,789.71	0.00	23,628.50	9,274.85	16,161.21 59.38
	62--	PURCHASE & CONTRACTED SVS	13,000.00	0.00	3,500.00	0.00	9,500.00 26.92
	----	COMMUNITY SERVICES	52,789.71	0.00	27,128.50	9,274.85	25,661.21 51.39
91		INTERGOVERNMENTAL CHARGES					
	62--	PURCHASE & CONTRACTED SVS	4,418,176.00	0.00	0.00	0.00	4,418,176.00 0.00
	----	INTERGOVERNMENTAL CHARGES	4,418,176.00	0.00	0.00	0.00	4,418,176.00 0.00
99		OTHR INTERGOVERNMENTAL CHARGES					
	62--	PURCHASE & CONTRACTED SVS	686,614.00	0.00	156,812.44	0.00	529,801.56 22.84
	----	OTHR INTERGOVERNMENTAL CH	686,614.00	0.00	156,812.44	0.00	529,801.56 22.84
	----	GENERAL FUND	36,825,688.30	583,349.67	8,110,160.57	2,697,755.12	28,132,178.06 22.02

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MARBLE FALLS ISD

Obj	Obj	2012-13 BUDGET	ENCUMBRANCE YTD	2012-13 EXPENDITURES	November 2012-13 ACTIVITY	2012-13 BALANCE	2012-13 YTD %
240	FOOD SERVICE						
35	FOOD SERVICES						
61--	PAYROLL COSTS	742,646.93	0.00	193,400.36	67,034.82	549,246.57	26.04
62--	PURCHASE & CONTRACTED SVS	19,644.00	7,827.46	9,343.56	1,958.99	2,472.98	47.56
63--	SUPPLIES AND MATERIALS	980,347.69	525,394.79	312,043.17	104,034.93	142,909.73	31.83
64--	OTHER OPERATING EXPENSES	9,850.00	0.00	2,595.83	1,509.11	7,254.17	26.35
66--	CPTL OUTLY LAND BLDG & EQ	25,000.00	0.00	0.00	0.00	25,000.00	0.00
----	FOOD SERVICES	1,777,488.62	533,222.25	517,382.92	174,537.85	726,883.45	29.11
----	FOOD SERVICE	1,777,488.62	533,222.25	517,382.92	174,537.85	726,883.45	29.11

Number of Accounts: 1969

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

		2012-13	ENCUMBRANCE	2012-13	November 2012-13		2012-13
	Obj Obj	BUDGET	YTD	EXPENDITURES	ACTIVITY	BALANCE	YTD %
199	GENERAL FUND						
	6--- EXPENDITURES	36,825,688.30	583,349.67	8,110,160.57	2,697,755.12	28,132,178.06	22.02
	---- GENERAL FUND	36,825,688.30	583,349.67	8,110,160.57	2,697,755.12	28,132,178.06	22.02
240	FOOD SERVICE						
	6--- EXPENDITURES	1,777,488.62	533,222.25	517,382.92	174,537.85	726,883.45	29.11
	---- FOOD SERVICE	1,777,488.62	533,222.25	517,382.92	174,537.85	726,883.45	29.11

Number of Accounts: 1969

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



Marble Falls
Independent
School District

INTEROFFICE MEMORANDUM

Date: December 3, 2012

To: Board of Trustees and Dr. O'Connor

From: David Hemond, Accounting Supervisor

Subject: Consider Approval of Budget Amendments

Budget amendments included for approval (copies follow):

12-00015	Increase budget for travel expenses - \$143
12-00016	Increase budget for PE supplies - \$250

MARBLE FALLS ISD
BUDGET AMENDMENT

NOV 08 2012

Batch #: 12-00015		Reason for amendment: TRANSFER FUNDS TO COVER TRAVEL EXPENSES	
Fiscal Year: 2012-2013		Account Description	
Account Number	Account Description	Debit	Credit
EXPENDITURES			
1	199-11-6399-00-041-0-11-S-00		
2	199-13-6411-00-041-0-99-S-00	\$143.00	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
REVENUE			
21			
22			
23			
24			
Totals		143.00	143.00

Board Approval Required Yes No

Prepared by: Susan Beck Approved by: *[Signature]* Reviewed by: *[Signature]*

Date: 11/06/12 Date: 11-7-12 Date: 11-09-12

MARBLE FALLS ISD
BUDGET AMENDMENT

NOV 13 2012

Batch #:	12-00016	Reason for amendment:	TO ORDER SUPPLIES FOR PE
Fiscal Year:	2012-2013	Account Description	
Account Number			
EXPENDITURES			
1	199 11 6399 00 101 011 Q00	SUPPLIES	250.00
2	199 13 6411 00 101 019 Q00	TRAVEL	250.00
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
REVENUE			
21			
22			
23			
24			
Totals			250.00

Board Approval Required
 Yes No

Prepared by: B.FIELDS
 Date: 11/06/12

Approved by: *[Signature]*
 Date: 11/7/12

Reviewed by: *[Signature]*
 Date: 11-13-12

Entered by:
 Date:

Vantage Points

A Board Member's Guide to Update 95

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

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

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

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

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Update 95 addresses several employment-related issues, including termination and nonrenewal, probationary status, and resignation, and incorporates changes to the recommended local policies concerning employee, student/parent, and public complaints and grievances. In addition, recent Administrative Code changes regarding student curriculum and graduation requirements, bilingual education, retention and promotion, and tuition for transfer students have also been incorporated at this update, along with statutory provisions providing the official name of the district and provisions concerning competitive bidding for facilities construction.

Employment Issues

Termination and Nonrenewal

Several new exhibits issued at Update 95 are recommended for inclusion in districts' policy manuals and provide sample notices that can be used when a district is terminating or nonrenewing an employment contract under Chapter 21 of the Education Code:

- A new DF(EXHIBIT) includes forms to notify an employee when the board has proposed termination of the employee's probationary, term, or continuing contract during the contract term and when the board has taken final action to terminate the contract.
- A new form at DFAB(EXHIBIT) provides an employee notice when the board chooses to terminate the employee's probationary contract at the end of the contract period.
- And a new exhibit at DFFA includes forms to provide notice when the board has proposed termination of an employee's probationary or term contract during the contract term due to financial exigency and when the board has taken final action to terminate the contract.

Recommended revisions to DFBB(EXHIBIT) simplify the existing notice of proposed term contract nonrenewal and include a new form for documenting how the notice of proposed nonrenewal was delivered to the employee, including an attempt at hand delivery in accordance with provisions from the last legislative session, and a new form providing notice to the employee when the board has taken final action to nonrenew the contract.

At DFBB(LEGAL), provisions have been revised to better reflect statutory structure, and the policy now reflects all options available to districts regarding who conducts a nonrenewal hearing.

DFBB(LOCAL) POLICY CONSIDERATIONS

Recommended provisions have been clarified and cross-references have been updated in this local policy on nonrenewal hearings. Now that DFBB(LEGAL) includes all of the district's options regarding who conducts a nonrenewal hearing, make sure the district's practice is accurately reflected in this (LOCAL) policy.

Probationary Status

Legally referenced provisions at DFAC(LEGAL) have been revised to better match statutory language and to outline the two circumstances under which a district may return an employee to a probationary contract status:

- A district may give an employee a probationary contract if the employee voluntarily accepts an assignment to a new professional capacity that requires a different class of certificate from the employee's previous assignment. This provision is repeated at DCA(LEGAL), also issued in this update.
- A district may also return an employee to probationary contract status in lieu of discharge, termination, or nonrenewal.

Resignation

DFE(LOCAL) POLICY CONSIDERATIONS

Recommended language has been added to this local policy to clarify that, when an employee resigns effective at the end of the school year or submits a resignation after the last day of the school year and before the penalty-free resignation date, the district need not take action to accept the resignation because the resignation is considered to be automatically accepted upon receipt.

Revised language is also recommended to give the superintendent *or other person designated by board action* the authority to accept resignations at any other time. This change is based on a recent Commissioner of Education proposal for decision indicating that although the Education Code allows the board to delegate to one or more individuals the authority to consent to a resignation during the school year, it does not allow the board to grant to the superintendent the authority to further delegate that responsibility to another employee.

Work Load

New text at DL(LEGAL) reflects a Commissioner of Education decision clarifying that teachers’ planning and preparation time must occur during the time students are receiving instruction, not before or after the school day, while another new provision incorporates an attorney general opinion stating that teachers may not be required to spend their 30-minute duty-free lunch break on school property.

Staff Development

At DMA(LEGAL), we have incorporated language, from House Bill 1942 passed during the 82nd Legislative Session and effective with the 2012–13 school year, providing that staff development may include training related to bullying.

Complaints and Grievances

DGBA, FNG, AND GF(LOCAL) POLICY CONSIDERATIONS

Recommended changes to the local policies at DGBA (employee complaints), FNG (student and parent complaints), and GF (public complaints) clarify the types of complaints to which these policies apply. Some types of complaints must be filed in accordance with another policy rather than these complaint policies; other complaints must be filed initially in accordance with another policy and then may proceed to DGBA(LOCAL), FNG(LOCAL), or GF(LOCAL) for further appeal. To provide better direction to other relevant policies, we have moved provisions regarding other complaint processes to the beginning of each of these three (LOCAL) policies.

Instruction

Curriculum Requirements

Amendments to the Administrative Code, effective May 30, 2012, prompted several changes to provisions regarding graduation and curriculum requirements. At EIF(LEGAL), graduation requirements have been updated for each of the three graduation programs beginning with students entering grade 9 in the 2012–13 school year, while at EHAC(LEGAL), the list of required course offerings for grades 9–12 has been revised: A district must now offer at least two additional science courses from the list in addition to Integrated Physics and Chemistry, Biology, Chemistry, and Physics, as well as at least four of the listed technology applications courses. Economics is now listed as a required course under social studies, a change which is also reflected in the list of required curriculum for all grade levels at EHAA(LEGAL). Health Education has been deleted from the list of courses a district must offer in grades 9–12.

New Administrative Code provisions at EHAC(LEGAL) also require a district to teach each course required for graduation at least once in any two consecutive years, and a district must teach a course with an end-of-course as-

assessment each year or use alternate delivery methods so students can earn credit for those courses.

Bilingual Education

Numerous revisions regarding bilingual education have been incorporated at EHBE(LEGAL) to reflect changes to the Administrative Code effective May 28, 2012, including a requirement that bilingual and English as a second language (ESL) programs be selected from one of the program models outlined in the Administrative Code, and a new rule allowing a district under some circumstances to identify, exit, or place a student in a bilingual or ESL program without written approval of the student's parent or guardian. In addition, new Administrative Code rules clarify that a dual language immersion program (DLIP) is part of bilingual education; therefore, provisions regarding DLIP have been moved from EGA(LEGAL) to EHBE, the code addressing bilingual education and ESL programs. The Administrative Code continues to require a district implementing a DLIP to have a local policy addressing enrollment and continuation for students in the program.

Promotion and Retention

As reflected at EIE(LEGAL), recent amendments to the Administrative Code clarify that a student in grade 5 or 8 may not be denied promotion to the next grade level because the student failed to perform satisfactorily on a reading or mathematics assessment intended for use above the student's grade level.

EIE(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this local policy correspond with changes to EIE(LEGAL) to highlight the exception to grade advancement testing requirements when a student in grade 5 or 8 is assessed in reading or mathematics above his or her enrolled grade level.

To better reflect requirements regarding accelerated instruction, an additional recommended revision clarifies that accelerated instruction will be provided for any student, not just a student in grades 3–8, who fails a state-mandated assessment.

Other recommended changes include replacing detailed provisions regarding specific student populations with a statement that the district will comply with state and federal requirements when determining methods for students with disabilities and English language learners to demonstrate mastery of the curriculum.

**District
Operations
Tuition**

Changes to the Administrative Code, effective April 22, 2012, affect the calculation of tuition charged by the receiving district to the home district to educate students in grade levels not taught in the home district. These changes are reflected at FDA(LEGAL).

**District
Improvement
Plan**

A change to the statutory provisions at FNC(LEGAL) addresses the contents of the discipline management program that must be included in the district improvement plan. While the program is still required to provide for prevention and education about unwanted physical or verbal aggression and sexual harassment, HB 1942 from the 82nd Legislative Session deleted the language requiring the program to include education about other forms of bullying.

District Name

The recommended legally referenced policy at AB(LEGAL) includes existing statutory provisions that provide authority for a board to change the name of the district by a resolution, which must be sent to the Commissioner of Education.

AB(LOCAL) POLICY CONSIDERATIONS

This recommended local policy provides the official name of the district as determined by the board and provides a basis for use of “the District” throughout the manual, consistent with policy style.

**Bids for Public
Work Contracts**

Since Government Code Chapter 2267 prevails over other law relating to public work contracts and since section 2267.059 of that Code requires all public work bids and proposals to be sealed, Education Code provisions allowing a district to receive public work bids or proposals through electronic transmission, which are not required to be sealed, have been deleted from CV(LEGAL).

CVA(LOCAL) AND CVB(LOCAL) POLICY CONSIDERATIONS

For those districts whose CVA(LOCAL) and CVB(LOCAL) authorized the district to receive public work bids through electronic transmission, which are not required to be sealed, we recommend deletion of those provisions to correspond to changes made at CV(LEGAL).

Conflict of Interest

We have made minor revisions to the forms at BBFA(EXHIBIT) and DBD(EXHIBIT), addressing conflict of interest disclosures by board members and district employees, respectively, to update outdated language and simplify the portions of the affidavits to be completed by a notary public.

More Information

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

Update 95 contains (LOCAL) policies that require board action before we can incorporate Update 95 into your district's Policy On Line manual.

Please notify Loretta Jeschke of your policy adoption by faxing this form to 512-467-3618, or by e-mailing your notification to pol-support@tasb.org, or by completing the form electronically through Policy On Line Administrator Tools (<https://www.tasb.org/apps/PolicyAdmin>) using your myTASB login and clicking the "Notify TASB of Policy Adoption" link.

027904 Marble Falls ISD

Your Name: _____

Your E-mail: _____

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

Previous Updates (Part 1 of 2)

- I confirm that all updates prior to Update 95 have been adopted. (Policy Service cannot place Update 95 online unless the board has adopted all prior updates.)

Update 95 (Part 2 of 2)

Adoption Date: _____

Status (please check one):

- Adopted as presented by TASB—place online immediately
- Adopted with further changes, described 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, Angela De Los Santos, may contact you about these policies, if necessary.

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

**Update
95**

**Policy On Line®
Adoption Notification Form**

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.

Marble Falls ISD

Update 95 incorporates recent changes to the Administrative Code regarding bilingual education, student retention and promotion, the required instructional program, tuition for transfer students, and graduation requirements. The Update also includes statutory provisions addressing the official name of the district, board member powers and duties, procurement of legal services, and facilities construction. Several employment-related exhibits are included to notify employees when the district is terminating or nonrenewing an employment contract under Chapter 21 of the Education Code. Local policies in Update 95 address the additional topics of term contract nonrenewal, employee resignations, and grievances. In addition, Update 95 includes all of the tables of contents, without revision, to address a system configuration issue.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both 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 95 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.

Vantage Points—A Board Member's Guide to Update 95 may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 95 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.

Regarding board action on Update 95 . . .

- Board action on Localized Update 95 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as “Policy Update 95, 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 95, 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.
- A suggested motion for board action on Localized Update 95 is as follows:
“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 95 [with the following changes:]”
- The board’s action on Localized Update 95 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* available in the myTASB Policy Service Resource Library at 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 95 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 95 Adoption Notification Form enclosed), by e-mail (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 95 policy changes should be inspected and revised by the district as needed.

PLEASE NOTE: This localized update packet and the Update 95 *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 95

District Marble Falls ISD

Code	Action To Be Taken	Note
A25 (INDEX)	Replace cross-index	Revised cross-index
A (LEGAL)	Replace table of contents	See explanatory note
AB (LEGAL)	ADD policy	See explanatory note
AB (LOCAL)	ADD policy	See explanatory note
B (LEGAL)	Replace table of contents	See explanatory note
BBFA (EXHIBIT)	Replace exhibit	Revised exhibit
C (LEGAL)	Replace table of contents	See explanatory note
CKA (LEGAL)	Replace policy	Revised policy
CR (LEGAL)	Replace policy	Revised policy
CRE (LEGAL)	Replace policy	Revised policy
CV (LEGAL)	Replace policy	Revised policy
D (LEGAL)	Replace table of contents	See explanatory note
DBD (EXHIBIT)	Replace exhibit	Revised exhibit
DCA (LEGAL)	Replace policy	Revised policy
DF (EXHIBIT)	ADD exhibit	See explanatory note
DFAB (EXHIBIT)	ADD exhibit	See explanatory note
DFAC (LEGAL)	Replace policy	Revised policy
DFBB (LEGAL)	Replace policy	Revised policy
DFBB (LOCAL)	Replace policy	Revised policy
DFBB (EXHIBIT)	Replace exhibit	Revised exhibit
DFE (LOCAL)	Replace policy	Revised policy
DFFA (EXHIBIT)	ADD exhibit	See explanatory note
DGBA (LOCAL)	Replace policy	Revised policy
DL (LEGAL)	Replace policy	Revised policy
DMA (LEGAL)	Replace policy	Revised policy
E (LEGAL)	Replace table of contents	See explanatory note
EGA (LEGAL)	Replace policy	Revised policy
EHAA (LEGAL)	Replace policy	Revised policy
EHAC (LEGAL)	Replace policy	Revised policy
EHBAB (LEGAL)	Replace policy	Revised policy
EHBE (LEGAL)	Replace policy	Revised policy
EIE (LEGAL)	Replace policy	Revised policy

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EIE	(LOCAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	See explanatory note
FDA	(LEGAL)	Replace policy	Revised policy
FNC	(LEGAL)	Replace policy	Revised policy
FNF	(LEGAL)	Replace policy	Revised policy
FNG	(LOCAL)	Replace policy	Revised policy
G	(LEGAL)	Replace table of contents	See explanatory note
GF	(LOCAL)	Replace policy	Revised policy
GKG	(LEGAL)	Replace policy	Revised policy

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District: Marble Falls ISD
A25 (INDEX) CROSS-INDEX

The cross-index—shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual*—has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2010.

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

A (LEGAL) BASIC DISTRICT FOUNDATIONS

The A section table of contents is being issued without revision to address a system configuration issue. You will not be charged for this page.

AB (LEGAL) DISTRICT NAME

This legally referenced policy is recommended for inclusion in the district’s policy manual. It includes existing statutory provisions that provide authority for the board to change the name of the district by a resolution, which must be sent to the commissioner.

AB (LOCAL) DISTRICT NAME

This policy is recommended for inclusion in the district’s manual to provide the official name of the district as determined by the board and to provide a basis for use of “the District” throughout the manual, consistent with policy style.

B (LEGAL) LOCAL GOVERNANCE

The B section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

BBFA (EXHIBIT) ETHICS
CONFLICT OF INTEREST DISCLOSURES

We have lightly edited this exhibit to update outdated language and simplify the portions of the affidavits that a notary public completes.

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C (LEGAL) BUSINESS AND SUPPORT SERVICES

The C section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

CKA (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT INSPECTIONS

At MANAGEMENT PLAN, item 7, we have added an existing statutory provision requiring asbestos inspectors and persons who design or carry out response actions to be licensed by the Texas Department of State Health Services.

CR (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

A revision at PREMIUM PAYMENTS has been made to better reflect statutory language. The revised language clarifies that the district may deduct commercial insurance premiums from an employee's salary only if the employee authorizes the action in writing.

CRE (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT WORKERS' COMPENSATION

On page 4 we have added a Note with information from the 2011 Texas Supreme Court case, *Travis Central Appraisal District v. Norman*, which held that an employee claiming retaliatory discharge for filing a workers' compensation claim cannot bring suit against a school district without the district's consent. The Note further explains that the Texas Labor Code does not waive a school district's immunity and provide such consent.

CV (LEGAL) FACILITIES CONSTRUCTION

Government Code section 2267.059, as included at SUBMISSION on page 3, requires all public work bids and proposals to be sealed. Since Government Code Chapter 2267 prevails over other law relating to a public work contract, we have deleted from the policy the Education Code provisions that allow a district to receive public work bids or proposals through electronic transmission, which are not required to be sealed.

D (LEGAL) PERSONNEL

The D section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

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DBD (EXHIBIT) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

We have lightly edited this exhibit to update outdated language and simplify the portions of the affidavits that a notary public completes.

DCA (LEGAL) EMPLOYMENT PRACTICES PROBATIONARY CONTRACTS

This policy addressing employment under a probationary contract includes revisions at UPON REASSIGNMENT to better match statutory language and to duplicate this same language found at DFAC(LEGAL).

DF (EXHIBIT) TERMINATION OF EMPLOYMENT

As part of Update 95, several employment-related exhibits are recommended for inclusion in the district's policy manual. Along with the existing exhibits at DFBB providing notice of term contract nonrenewal, the exhibits added at Update 95 provide the district with an array of notices that can be used when the district is terminating or nonrenewing an employment contract under Chapter 21 of the Education Code. Most of the exhibits are customized based on the district's local policy choices.

The DF(EXHIBIT) includes forms to notify an employee when:

- The board has proposed termination of the employee's probationary, term, or continuing contract during the contract term; and
- The board has taken final action to terminate the contract.

DFAB (EXHIBIT) PROBATIONARY CONTRACTS TERMINATION AT END OF YEAR

As mentioned above, new exhibits recommended in Update 95 provide assistance when a district is terminating or nonrenewing a Chapter 21 employment contract. This exhibit provides an employee notice when the board has chosen to terminate an employee's probationary contract at the end of the contract period.

DFAC (LEGAL) PROBATIONARY CONTRACTS RETURN TO PROBATIONARY STATUS

This policy has been structured to reflect the two situations when an employee may be returned to a probationary contract status:

- At UPON REASSIGNMENT, the provisions explain that if an employee voluntarily accepts an assignment to a new professional capacity that requires a different class of certificate from the employee's previous assignment, the district may give the employee a probationary contract.

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- A district can also return an employee to probationary contract status IN LIEU OF DISCHARGE, TERMINATION, OR NONRENEWAL.

A change at NEW PROBATIONARY PERIOD has been made to better match statutory language.

DFBB (LEGAL) TERM CONTRACTS
NONRENEWAL

An existing statutory provision has been added on page 2 of this legally referenced policy to reflect the option provided by law for the district to have a HEARING EXAMINER appointed by the Commissioner of Education conduct a nonrenewal hearing instead of the board. The district's DFBB(LOCAL) reflects the board's decision that the board will conduct nonrenewal hearings.

Please note: Our records reflect that your district has a student enrollment below 5,000. Please contact your policy consultant if our records are incorrect and your district has 5,000 or more students enrolled.

DFBB (LOCAL) TERM CONTRACTS
NONRENEWAL

Recommended revisions to this local policy include:

- Updated cross-references to the reduction in force policies at items 9 and 10 in the list of REASONS for nonrenewal; and
- The addition of a paragraph at REQUEST FOR HEARING explaining that the board will hold the hearing within 15 days of receiving the request for a hearing and will notify the employee of the hearing date as soon as it is set.

Please note: Your district's current policy indicates that all nonrenewal hearings are held by the board. Please contact your policy consultant for alternative text if this does not reflect the practice in your district.

DFBB (EXHIBIT) TERM CONTRACTS
NONRENEWAL

Recommended revisions to this exhibit simplify the text in the notice of proposed term contract nonrenewal and add two additional forms:

- A form for the district to document how the notice of proposed nonrenewal was delivered to the employee, in accordance with provisions from the last legislative session requiring an attempt at hand delivery; and
- A form to provide the employee notice that the board voted to nonrenew the employee's term contract.

DFE (LOCAL) TERMINATION OF EMPLOYMENT
RESIGNATION

At CONTRACT EMPLOYEES, recommended language has been added to clarify that when an employee resigns effective at the end of the school year or submits a resignation after the last day of the school year and before the penalty-free resignation date, the district need not take action to accept the resignation because the resignation is considered to be automatically accepted upon receipt.

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A second change is based on a recent Commissioner of Education proposal for decision, *Harris v. Fort Bend Independent School District*, which indicated that although the Education Code allows the board to delegate to one or more individuals the authority to consent to a resignation during the school year, it does not allow the board to grant to the superintendent the authority to further delegate that responsibility to another employee. As a result, we recommend revising the policy language to give the superintendent *or other person designated by Board action* the authority to accept these resignations.

In Update 42 to the *Regulations Resource Manual*, to be issued in October and made available in the Policy Service Resource Library on myTASB, Policy Service will provide a sample resolution for the board to document when the board has delegated to someone in addition to the superintendent the authority to consent to mid-year contract resignations.

DFFA (EXHIBIT) REDUCTION IN FORCE FINANCIAL EXIGENCY

As mentioned above, new exhibits recommended in Update 95 provide assistance when a district is terminating or nonrenewing a Chapter 21 employment contract. This exhibit includes forms to notify an employee that:

- The board has proposed termination of the employee's probationary contract during the contract term due to financial exigency;
- The board has proposed termination of the employee's term contract during the contract term due to financial exigency; and
- The board has taken final action to terminate the contract.

DGBA (LOCAL) PERSONNEL-MANAGEMENT RELATIONS EMPLOYEE COMPLAINTS/GRIEVANCES

Recommended changes clarify the types of complaints to which the district's complaint policy, DGBA(LOCAL), applies. Some employee complaints must be filed in accordance with another policy in lieu of being filed in accordance with DGBA(LOCAL). For example, an employee whose term contract has been proposed for nonrenewal must proceed in accordance with DFBB(LOCAL). Other complaints must be filed initially in accordance with another policy and then may proceed to DGBA(LOCAL) for further appeal. For example, if an employee files a sexual harassment complaint in accordance with DIA(LOCAL) and is dissatisfied with the outcome of the investigation, the employee may then appeal in accordance with DGBA(LOCAL).

To clarify when an employee should submit a complaint in accordance with a policy other than DGBA(LOCAL), recommended revisions:

- Move the OTHER COMPLAINT PROCESSES provision to the beginning of the policy;
- Reword the introductory sentence to indicate that the employee may need to file a complaint in accordance with another policy; and
- Provide better direction to other relevant policies.

The NOTICE TO EMPLOYEES about the complaint policy has also been moved closer to the beginning of the policy.

A revision at LEVEL THREE specifies that the Level Two record must include the notice of appeal from Level One to Level Two.

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DL (LEGAL) WORK LOAD

The Commissioner of Education decision *Canutillo Educators Association v. Canutillo Independent School District* provides guidance on teachers' PLANNING AND PREPARATION time by explaining that it must occur during the time students are receiving instruction, not before or after the school day.

Per an attorney general opinion, teachers may not be required to remain on campus during their 30-minute DUTY-FREE LUNCH break.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

We have moved to TRAINING SPECIFICS an existing statutory provision explaining that a district may use district-wide staff development that was developed and approved through the district-level decision process and added a margin note regarding staff development relating to instruction of STUDENTS WITH DISABILITIES. In addition, effective with the 2012–13 school year staff development may include training related to bullying (see item 2 at TRAINING SPECIFICS). This change is from HB 1942 passed during the 82nd Legislative Session.

E (LEGAL) INSTRUCTION

The E section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

EGA (LEGAL) CURRICULUM DEVELOPMENT INNOVATIVE AND MAGNET PROGRAMS

As a result of recent revisions to the Administrative Code clarifying that dual language immersion programs are part of the bilingual education program, we have deleted provisions on dual language immersion from this policy on Innovative and Magnet Programs and moved the provisions to EHBE, Bilingual Education/ESL.

EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM REQUIRED INSTRUCTION (ALL LEVELS)

As a result of changes to the Administrative Code, effective May 30, 2012, economics was moved to the FOUNDATION CURRICULUM as part of social studies.

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

The required GRADES 9–12 COURSE OFFERINGS, beginning on page 2, have been revised based on changes to the Administrative Code, effective May 30, 2012:

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- In addition to Integrated Physics and Chemistry, Biology, Chemistry, and Physics, a district must now offer at least two additional science courses from those listed (see item 3);
- Economics is now listed as a required course under social studies (see item 4);
- Health Education has been deleted from the list of courses the district must offer; and
- A district must now offer at least four technology applications courses from those listed (see item 9).

In addition, a district must teach each course required for graduation at least once in any two consecutive years, and a district must teach a course with an end-of-course assessment each year or use alternate delivery methods, such as distance learning, so students can earn credit for those courses.

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

At INDIVIDUALIZED EDUCATION PROGRAM (IEP), item 10 (see page 6), we have updated the text to reflect the current Education Code requirement for districts to begin transition planning not later than the first IEP to be in effect when the child is 14.

EHBE (LEGAL) SPECIAL PROGRAMS BILINGUAL EDUCATION/ESL

Extensive changes to this legally referenced policy on bilingual education are based on changes to the Administrative Code, effective May 28, 2012.

- The Administrative Code now uses the term “English language learner” rather than “limited English proficient,” but includes a DEFINITION clarifying that the terms can be used interchangeably.
- At LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES (LPAC), on page 2, LPACs must discharge their duties within “20 school days” rather than “4 weeks.”
- In districts and grade levels without a bilingual education program, the MEMBERSHIP OF THE LPAC must include a campus administrator. See page 2.
- Additional details on administration of the HOME LANGUAGE SURVEY have been added on page 3.
- At PARENTAL NOTICE AND CONSENT, beginning on page 3, a district may now identify, exit, or place a student in a bilingual education program without written approval from the student’s parent under certain circumstances.
- As reflected on page 4, BILINGUAL AND ESL PROGRAMS must be selected from one of the program models outlined in the Administrative Code, as listed at BILINGUAL EDUCATION PROGRAM MODELS and ESL PROGRAM MODELS on page 6.
- As mentioned above, because a DUAL LANGUAGE IMMERSION PROGRAM (DLIP) is considered part of the bilingual education program, these provisions were moved from EGA with some minor changes.
- At FACILITIES, on page 9, recent immigrant English language learners may only be enrolled in newcomer centers for two years before they are returned to their home campus.

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- Documentation in a student's permanent record must be forwarded in the same manner as other student records to another school in which the student enrolls. See COOPERATION AMONG DISTRICTS on page 9.

Existing provisions from the Administrative Code were added at PROGRAM CONTENT, on page 5, to explain the elements that must be addressed in the ESL program; the required coordination between the ESL program and the regular education program; and to explain that the district must modify the instruction, pacing, and materials in bilingual and ESL programs to ensure that English language learners have a full opportunity to master the TEKS and that students participating in these programs may demonstrate mastery in either their home language or in English.

Please note: A district implementing a DLIP must have a local policy addressing certain aspects of the program. Please contact your policy consultant for sample language if your district has a DLIP.

EIE (LEGAL) ACADEMIC ACHIEVEMENT RETENTION AND PROMOTION

A clarification from recent amendments to the Administrative Code has been added at EXCEPTION on page 3. The new language explains that a student in grades 5 or 8 may not be denied promotion to the next grade level because the student failed to perform satisfactorily on a reading or mathematics assessment intended for use above the student's grade level.

Minor rewording at STUDENTS WITH DYSLEXIA, on page 10, corresponds with terminology used in the revised Administrative Code rules.

EIE (LOCAL) ACADEMIC ACHIEVEMENT RETENTION AND PROMOTION

Recommended changes at CURRICULUM MASTERY include the addition of a statement that the district shall comply with state and federal requirements, as included in the policy manual at the referenced codes, when determining methods for students with disabilities or students who are English language learners to demonstrate mastery of the curriculum. This sentence replaces more detailed text, previously included in the policy at STANDARDS FOR MASTERY, that listed the ways that English language learners could demonstrate mastery.

Text on STUDENTS RECEIVING SPECIAL EDUCATION SERVICES was revised and moved to the beginning of the policy, but it retains the requirement that the ARD committee must determine any modified promotion standards for such students.

At ACCELERATED INSTRUCTION, we have deleted text indicating that accelerated instruction is only required for students in grades 3 through 8; accelerated instruction requirements apply to all students who fail a state-mandated assessment.

In addition, new text at GRADE ADVANCEMENT TESTING acknowledges the exception for a student assessed in reading or mathematics above his or her enrolled grade level from the requirement to pass the grade 5 and 8 state-mandated assessments in order to be promoted to the next grade level.

Please note: We have retained unchanged your locally developed language at GRADES 9–12 and ASSIGNMENT OF RETAINED STUDENTS.

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EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

Beginning on page 4, amendments to the Administrative Code, effective May 30, 2012, update and clarify graduation requirements for each of the three graduation programs beginning with students entering grade 9 in the 2012–13 school year.

The rules also resulted in minor rewording of the provisions on page 7 addressing a STUDENT WITH A DISABILITY OR ILLNESS who is unable to participate in physical activity. When a committee is formed for a student who is not receiving special education services or services under Section 504 to determine the student's ability to participate in physical activity, the committee must follow the same procedures required of an ARD or Section 504 committee.

On page 8, new provisions from the revised Administrative Code rules govern enrollment and course credit for courses with a required PREREQUISITE.

F (LEGAL) STUDENTS

The F section table of contents is being issued without revision to address a system configuration issue. You will not be charged for these pages.

FDA (LEGAL) ADMISSIONS INTERDISTRICT TRANSFERS

Changes to the Administrative Code, effective April 22, 2012, affect the calculation of tuition charged by the receiving district to the home district to educate students in grade levels not taught in the home district. The tuition payment is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt revenue per enrollee. The base tuition limit was deleted from the calculation. (See TUITION FOR EDUCATION OUTSIDE DISTRICT.)

FNC (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT CONDUCT

Clarification about the contents of the discipline management program that must be included in the district improvement plan is from HB 1942 passed during the 82nd Legislative Session. The program is required to provide for prevention and education about unwanted physical or verbal aggression and sexual harassment, but HB 1942 deleted the language that required the program to include education about other forms of bullying.

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FNF (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES INTERROGATIONS AND SEARCHES

From *Horton v. Goose Creek Independent School District*, at USE OF TRAINED DOGS beginning on page 2, we have added further explanation about when a sniffer dog is considered to be reasonably reliable so that the district has reasonable cause to search a locker or a car. The case explains that the district does not need to show that the dog is infallible or reliable enough to provide probable cause, only that the dog is reasonably reliable.

FNG (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

To coordinate with the changes to the employee complaint policy [see DGBA(LOCAL), above], recommended changes to this policy clarify the types of student and parent complaints to which the district's complaint policy, FNG(LOCAL), applies. Some student and parent complaints must be filed in accordance with another policy in lieu of being filed in accordance with FNG(LOCAL). For example, a parent's complaint about Section 504 services to a student with a disability must proceed in accordance with FB(LOCAL). Other complaints must be filed initially in accordance with another policy and then may proceed to FNG(LOCAL) for further appeal. For example, if a student files a bullying complaint in accordance with FFI(LOCAL) and is dissatisfied with the outcome of the investigation, the student may then appeal in accordance with FNG(LOCAL).

To clarify when a student or parent should submit a complaint in accordance with a policy other than FNG(LOCAL), recommended revisions:

- Move the OTHER COMPLAINT PROCESSES provision to the beginning of the policy;
- Reword the introductory sentence to indicate that the student or parent may need to file a complaint in accordance with another policy and provide better direction to other relevant policies;
- Include retaliation from bullying at item 4;
- Include complaints concerning final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program at item 8; and
- Include complaints concerning admission, placement, or services provided for a homeless student at item 14.

The NOTICE TO STUDENTS AND PARENTS about the complaint policy has also been moved closer to the beginning of the policy.

A revision at LEVEL THREE specifies that the Level Two record must include the notice of appeal from Level One to Level Two.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents is being issued without revision to address a system configuration issue. You will not be charged for this page.

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GF (LOCAL) PUBLIC COMPLAINTS

To coordinate with the changes to the employee and student and parent complaint policies [see DGBA(LOCAL) and FNG(LOCAL), above], recommended changes to this policy clarify the types of complaints listed at OTHER COMPLAINT PROCESSES that must be filed initially in accordance with another policy and then may proceed to GF(LOCAL) for appeal.

To clarify when a member of the public should submit a complaint in accordance with a policy other than GF(LOCAL), recommended revisions:

- Move the OTHER COMPLAINT PROCESSES provision to the beginning of the policy;
- Reword the introductory sentence to indicate that a member of the public may need to file a complaint in accordance with another policy; and
- Provide better direction to the other relevant policies.

A revision at LEVEL THREE specifies that the Level Two record must include the notice of appeal from Level One to Level Two.

GKG (LEGAL) COMMUNITY RELATIONS SCHOOL VOLUNTEER PROGRAM

The provisions of this policy addressing the CRIMINAL HISTORY RECORD of volunteers have been re-ordered for clarity. The general provisions establishing that volunteers are subject to a criminal history record review before they may perform volunteer duties were moved to the beginning of the section, and specific language referring to the criminal history record review requirements was added at APPLICABILITY and EXCEPTION. The note referring to DBAA was moved to the bottom of the section.

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.

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 organizational meeting after election BDAA
 posting notice BE
 press services BEE, GBBA
 public hearing/participation AIB, AIC, BDF, BE, BEC,
 BED, BQA, BQB, CCG, CE, CFA, CQ, DCE, DFD,
 DGBA, EHBL, FFA, FFC
 quorum BBB, BE
 regular/special BE
 rules of order BE
 suspension of rules BE
 time and place BE
 transacting business BBE, BE
 by video/conference call/Internet BE
 voting method BE
 board of trustees
 advisory committees BDF
 agenda for meetings BE
 annual reports BAA, BBFA, BR
 attorney BDD
 authority BA, BAA, BBE
 campaigning on school grounds BBB
 candidate qualifications BBA
 committees BDB
 conflict of interest BBFA, BBFB
 consultants BDE
 conventions, conferences, workshops BBD, BBG, BE
 duties, general and specific BAA, BDAA
 election campaign funds BBBA
 elections BBB
 election of officers BDAA

employment, former board member BBC, DC
 ethics BBBB, BBF
 evaluation of superintendent BJCD
 financial statement BBFA
 goals BBD
 immunity from liability BBE
 legal status BA
 liability insurance CRB
 meetings (See board meetings)
 memberships BC
 oaths BBB
 officers/internal organization BDAA
 orientation BBD
 policies, development/amendment of BF
 powers and duties BAA, BDAA
 public information program GB, GBA, GBB, GBBA
 quorum for board meetings BE
 quorum for canvassing election results BBB
 records responsibility BBE, CDC
 reimbursement of expenses BBG
 reorganization of officers BDAA
 resignation, removal from office BBC
 self-evaluation BG
 technology resources BBI
 term of office BBB
 training and orientation BBD
 travel BBG
 vacancy BBC
 bomb threats CKK
 bonded employees CG, CKE
 bonds
 bonds and bond taxes CCA
 campaigns CCA
 for insured loss CV
 payment and performance CV
 proceeds CDA
 recreational facilities CCD, CCE
 referenda CCA
 refunding CCA
 revenue CDBA
 booster organizations GE
 borrowing funds CCF
 Boy Scouts of America GKD
 breakfast program (See food service)
 bribery BBFB
 broadcasting and taping
 school board meetings BE
 sports and special events GBB, GBBA
 budget (See annual operating budget)
 budget and finance
 accounting system CF
 data management CPC
 depository, bank BDAE
 financial exigency CEA
 payroll procedures CFE
 buildings, equipment, grounds
 ADA compliance GA
 evaluation CS
 insurance program CR, CRA, CRB
 leasing and renting CX, GKD
 maintenance CLB
 operations CL, CMA
 playgrounds GRA
 records CLD
 responsibility of principal DP
 safety CK, CKA, CKB, CKC, CKE, CLC
 security program CKE, CLA
 structural pest control CLB, DI, FD

bullying CQ, FFI
 burglary and vandalism CLA, FNCB
 burglary damage report CLD
 buses (See also transportation)
 accident reports CNB
 conduct, student FO
 drivers, commercial driver's license DBA, DHE
 drug/alcohol testing of drivers DHE
 emergency evacuation of CNC
 leases CH, CNB
 maintenance CNBA
 routes CNA
 special use CNB
 seat belts, use of CNB
 video cameras FO
 businesses, relations with GKE
 bylaws (See policy system)

- C -

cafeteria plan deductions/reductions CFEA
 cafeteria, school CO, COA, COB
 cafeteria workers (See support staff)
 calendar
 annual, school year EB
 appraisal/evaluation of employees BJCD, DN, DNA,
 DNB
 budget CE
 payroll CFE
 campaign funds BBBA
 campaigning on district premises BBB, CPAB, DGA, GKD
 campus improvement plans and objectives BQ, BQA, BQB
 campus incentive plan (See also educator excellence
 awards) BQA, BQB
 Campus Intervention Team (CIT) AIC, DFBB
 campus, open or closed FEE
 campus planning and decision-making process BQ, BQB
 campus program charter EL
 campus ratings AIA, AIB
 capital equipment purchasing CHD
 capitalization planning CFB
 cardiopulmonary resuscitation
 certification DBA
 instruction EHBK
 career and technical education CNA, EEL, EHBF, EIF
 career ladder DEAB
 care of school property CLB, FNCB
 cash in school buildings CFG
 cellular phones CPAC, FNCE
 censorship (See First Amendment)
 ceremonies and observances CLE, EMD
 certificate of coursework completion EI, EIF
 certificate of indebtedness CCC, CDA
 certification
 educator, failure to maintain DFBB
 lack of DBA, DK, DPB
 paraprofessional DBA
 professional DBA
 certified agenda BEC, GBA
 certified personnel (See educator certification)
 chain of command BKB
 change orders CH, CV
 character education EHBK
 character plus schools GND
 charter schools AG, AH, EL

checking accounts CFF
 check-writing procedures CFF, CHF
 cheerleaders FM, FMF
 chemicals, hazardous CKA, CLB, DI, GB
 child abuse BQ, DH, DIA, FFG, FFH, GRA
 child care, public school FFC
 Children's Internet Protection Act (CIPA) CQ
 child support CFEA
 chronic health conditions FFAF
 choral and music program EHAD, EMI, FM, FMF
 church, use of school facilities GKD
 CIPA (See Children's Internet Protection Act)
 city tax assessor-collector BDAF
 city tax office BDAF
 civic organizations GKE
 civil defense agency relations CKC, GKA, GKD, GRA
 civil defense and fire drills CKC
 civil rights DAA, DIA, FB, FFH, GA
 civil rights of minors FB, FFH, FN, GRA
 class gifts CDC, FJ
 classification of students by grade EIE
 class interruptions and disruptions EC, GKA
 class rankings EIC
 class size EEB
 cleanup procedures, bodily fluids FFAC
 closed board meetings BE, BEC
 closed campus FEE
 closed-circuit television EFF
 closing of school, emergencies CKC, GKD
 clubs FM, FNAB, FNCC
 COBRA (Consolidated Omnibus Budget Reconciliation Act)
 (See insurance)
 code of ethics
 board members BBD, BBF
 financial CAA
 personnel DBD, DH
 collateral BDAE, CDA
 collections, contributions, and membership fees FJ, FP
 college-bound students EJ
 college course work
 personnel DMC
 student EHDD
 college preparatory program EIF, EK
 colleges and universities, relations with GNC
 college visits FEA
 commencement FMH
 commercial sponsorship GKB
 commissioner, appeals to DFD, DGBA, FNG, GF
 committees
 administrative councils, cabinets, committees BM
 admission, review, dismissal (ARD) EHBA, EHBAA,
 EHBAB, EHBAC, EHBAD, EHBAAE
 attendance FEC
 board BDB
 board advisory BDF
 curriculum development EG
 faculty advisory council BQA, BQB
 food service advisory CO
 for selection of architects and engineers CV
 grade placement EIE
 instructional materials selection EFAA
 language proficiency assessment EHBE
 local school health advisory council BDF, EHAA, FFA
 parent advisory BDF, EHAA, FFA, GE
 placement review FOC
 planning and decision-making BQ, BQA, BQB
 special education advisory EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBAAE

communicable diseases DAA, DBB, FFAD
 community
 organizations, relations with GKE, GKF
 press, relations with GBB, GBBA
 resource persons EFC
 school-community cooperation GE, GK, GKA, GKB,
 GKC, GKD, GKDA, GKE, GKF, GKG
 school-community guidance FFC
 use of school facilities GKD
 welfare organizations GRA
 community instructional resources EFC
 community involvement
 in board meetings BED
 budget planning CE
 business and industry BQA, BQB, GKE
 facility planning CT
 guidance program FFC
 health education advisory council BDF, EHAA, FFA
 instructional resources EFC
 parent-teacher organizations GE
 planning and decision-making BQ, BQA, BQB
 policy development BF
 site-based decision making BQ, BQA, BQB
 staff participation in community activities DGA
 volunteers in public schools GKG
 comparability assurances EHBD
 compensation and benefits
 board members BBG
 employees DE, DEA, DEAA, DEAB, DEB, DEC, DECA,
 DECB, DED, DEE, DEG
 compensation for extra duties DEA, DEAA, DEAB, DK
 compensatory instruction EHBC, EIE
 compensatory time/pay, nonexempt employees DEA
 competency testing, student EIF, EK, EKB, EKBA, EKC,
 EKD
 competition, student FG, FM, FMF
 competitive bidding CH, CV, CVA
 competitive sealed proposals CVB
 complaints/grievances
 against peace officers CKE
 by personnel DAA, DGBA, DIA
 by public EFA, GA, GF
 by student/parent FB, FFH, FNAA, FNG
 whistleblower complaints DG, DGBA
 comprehensive guidance program FFEA
 compulsory attendance FEA, FED
 computer purchasing CH
 computer use BBI, CQ
 concessions CDG
 concussion oversight team FM
 conditions of employment
 credentials and records DBA
 medical examination DAA, DBB, DEC
 residence requirements DB
 restrictions on employing/assigning relatives of person-
 nel DBE, DC, DK
 restrictions on employing relatives of board members
 DBE
 restrictions on moonlighting DBD, DEC, DECA
 conduct
 on buses FO
 personnel DH
 on school premises, public GKA
 students FNC, FNCA, FNCB, FNCC, FNCD, FNCE,
 FNCF, FNCG, FNCH, FNCI, FO
 conferences
 board meeting videoconference calls BE
 board member attendance BBH

parent EHBB, EIA, FFC, FOA
 confinement (See restraint of students)
 conflict of interest
 board members BBFA, BBFB
 personnel DBD, DGA, DH
 conflict resolution DGBA
 construction plans and specifications CS, CV, CVA, CVB,
 CVC, CVD, CVE, CVF
 consultants
 board, external BDE
 facility planning CT
 outside consulting by staff DBD
 special education EHBA
 consultation agreements DGB
 consumer credit reports DBAA
 contagious diseases (See communicable diseases)
 contests for students FG, FM, FMF
 continuing contracts
 employment practices DC, DCC
 hearings before hearing examiner DFD
 reduction in force DFCA, DFFC
 resignation DFE
 return to probationary status DFAC
 suspension/termination DFCA
 contracted bus service CNA
 contracting for instruction with outside agencies EEL, FFC,
 GN, GNA, GNB, GNC, GND, GNE
 contracts
 administrators DC, DCA, DCB, DCC, DCE
 bidding, construction CH, CV, CVA, CVE, CVF
 career and technical EEL, FFC, GN
 continuing DC, DCC, DFCA, DFFC
 depository BDAE
 dual DCB, DK
 educator
 continuing DCC
 probationary DCA
 term (Chapter 21) DCB
 noncertified professional employees DC, DCE
 not under Chapter 21 DCE
 probationary DC, DCA, DFAA, DFAB, DFAC
 professionals (lawyer, engineer, auditor) BDD, CH
 superintendent BJC
 teacher (See educator, *above*)
 term contracts DC, DCB, DFB, DFBA, DFBB
 controlled substances DH, DHE, DI, FNCF, FNF, FOC, FOD,
 FOF
 controversial issues EFA, EFC, EMB
 controversial speakers EFC, EMB
 conventions, conferences, and workshops
 board members BBH
 personnel DMA, DMD
 cooperative purchasing agreements CH
 coordinated health program EHAC
 coordination of paid benefits CRE, DEC
 copyrighted material CY
 corporal punishment FO
 correspondence courses EHDE
 counseling and guidance programs EJ, FFE
 county government GRB
 county juvenile board FODA
 countywide appraisal district BDAF, CCH
 course credit requirements EHA, EHAA, EHAB, EHAC,
 EHAD, EI, EIF
 course offerings
 electives EHAD
 elementary EHAB
 secondary EHAC

graduation requirements EIF
 court-related students
 admission FD
 liaison officer FFC
 placement FODA
 CPR (See cardiopulmonary resuscitation)
 credit, award of EI, FEC
 credit by exam
 with prior instruction EHDB
 without prior instruction EHDC
 credit recovery EHDB, FEC
 criminal activity, reports of DH, DI, FL, FOD, GRA
 criminal history record
 contractors CJA
 employees DBAA
 volunteers GKG
 crisis management/intervention CKC, FFB, FFE
 crossing guards GRB
 crowd control GKA
 cultural institutions relations GKF
 curriculum
 design EHA, EHAA, EHAB, EHAC, EHAD
 development EG
 elective instruction EHAD
 enrichment EHAA
 essential knowledge and skills EHAA
 experimental courses EGA
 extended instructional programs EHDD, EHDE
 college course work EHDD
 distance learning EHDE
 honors program EHBN
 summer school EHDA
 travel study EHBM
 foundation EHAA
 guides and course outlines EG
 magnet schools and programs EGA
 pilot projects EGA
 planning EG
 required instructional program
 all levels EHAA
 elementary EHAB
 secondary EHAC
 research EG
 sex education EHAA
 special programs
 adult education EHBI
 at-risk students EHBC
 bilingual education EHBE
 career and technical education EHBFB
 character education EHBK
 community education EHBI
 compensatory education EHBC, EIE
 deaf or hearing-impaired EHBH
 dual language program EHBE
 English as a second language EHBE
 gifted and talented students EHBB
 high school equivalency EHBL
 homebound instruction EEH, EHBA
 life skills EHAA
 prekindergarten EHBG
 remedial instruction/tutorials EHBC
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAAE
 Title I EHBD
 custodial services CLB, GKD
 custodian of records CPC, FL, GBA
 cyberbullying CQ, FFI

- D -

dairy products, purchase of COA
damage reporting CLD
data management BBI, CPC, CQ, GBA
dating violence FFH
days of service DC
deaf or hearing-impaired BE, EHBA, EHBA, EHBAB,
EHBAC, EHBH
debt limitation CCA
debt service
bonds CCA
certificates CCC
revenue bonds CCD
tax rate CCG
warrants CCB
deductions/reductions, salary CFEA
deferred compensation CFEA, CRG
defibrillators CKD, DMA
delinquent taxes CCG
demonstrations and strikes DGA, FNCI, GKA
depository
of funds BDAE
student activity funds CFD
board member conflict BBFB
deputy voter registrar DP
design and construction of school facilities CS, CT, CVC
destruction of records CPC, FL, GBAA
detention FO
diabetes management treatment plan FFAF
dietary supplements DH, FFAC
diplomas EIF, FMH
directory information FL
disabilities
ADAAA (See Americans with Disabilities Act Amend-
ments Act of 2008)
IDEA (Individuals with Disabilities Education Act) EHB,
EHBA, EHBA, EHBAB, EHBAC, EHBAD,
EHBAE
Section 504 (for students) EHBH, FB
temporary (of employees) DBB, DEC
disaster drills CKC
disciplinary action, employees
continuing contract DFCA
noncontract DCD
probationary contract DFAA
suspension with or without pay DCD, DFAA, DFBA,
DFCA
term contract DFBA
disciplinary alternative education program (DAEP) FO, FOA,
FOB, FOC, FOCA, FOD, FODA, FOE, FOF
shared services arrangement BQ, FOCA
discipline of students
code of conduct FN, FNC, FO
corporal punishment FO
detention FO
disciplinary alternative education program, placement in
FOC
discipline management program FNC, FO, FOC, FOD,
FOE
discipline management techniques FO
disruptions and interference with the education process
FNCI, FOA, GKA
emergency placement FOE
excessive absence or tardiness FEC
expulsion FOD

extracurricular standards of behavior FO
fraternities, gangs, sororities, and other secret organiza-
tions FNCC
juvenile justice system FODA
juvenile residential facilities EEM
notice to parents FO, FOA, FOD
parent prohibition regarding corporal punishment FO
placement review committee FOA
possession and use of narcotics, dangerous drugs, and
alcohol FNCF, FOCA, FOD, FOF
records FL, FO
removal by teacher FOA
suspension FOB
unauthorized student assembly on school premises
FNCI
unexcused absences FEA, FEC
videotaping FNG, FO
disclosure, conflict of interest BBFA, DBD
discretionary personal leave DEC
discrimination
employment DAA, DAB, DAC, DIA
programs and services CS, DAA, DIA, GA
student EHBA, FB, FD, FDAA, FFH
dismissal, early (of school day) EC
dismissal, employees
continuing contract DFCA, DFFC
noncontract DCD
probationary contract DFAA, DFFA
term contract BJCE, DFBA, DFFA
disorderly student conduct FNCH, FNCI, FOA
disposal
of instructional material CMD
of real property CDB
of unnecessary personal property/surplus CI
dispute resolution, homeless students FDC
disruptions
of board meetings BED
of classes by outsiders GKA
of instruction EC
student FNCI, FOA
distance learning EHDE
distinguished achievement program EIC, EIF
distribution of equipment CM, CMA, CMB, CMD
distribution of printed material CPAB, FMA, FNAA, GKDA
district award for teacher excellence (DATE) DEAA
district-level planning and decision-making process BQ,
BQA
district teaching permit DBA
dogs, searches by trained DHE, FNF
donations
by district CE
to district CDC, GE
of leave DEC
DOT (U.S. Department of Transportation) DHE
dress and personal grooming
personnel DH
student FNCA
uniforms FNCA
drill squads FMF
driver education EHAD
dropout prevention/reduction BQA, BQB, EHBC, EHBD
dropout recovery program GNC
drug-free schools act DH, DI, FNCF
drug-free workplace act DH, DI
drug screening/testing
athletes/students FNF
bus drivers DHE
employees DHE

drug searches by trained dogs DHE, FNF
 drug use DH, DHE, DI, FFAC, FNCF, FOC, FOD, FOF
 dual contracts DCB, DK
 dual language immersion program (DLIP) EHBE
 due process
 regarding complaints alleging violation of constitutional rights DGBA, FNG, GF
 under continuing contracts DFCA
 hearings by hearing examiner DFD
 under probationary contracts DFAA
 for students FOA, FOD, FOE, FOF
 under term contracts BJCE, BJCF, DFBA, DFBB
 dues, membership for professional organizations CFEA
 duplicating and printing CFAA, FL, GBA
 duty-free lunch DL
 duty schedule DK
 dyslexia BQ, EHB, EHBC, EKB, EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
 early mental health intervention FFB
 ECPA (See Electronic Communication Privacy Act)
 education agency relations
 regional service center GNB
 state agency GND
 voluntary accreditation agency GNE
 education media and service centers GNB
 educational philosophy AE
 educational program access EHA
 educational specifications, facilities CS
 educational television EFF
 educator certification/credentials DBA, DCB, DFBB, DK, DPB
 educator excellence awards (See also campus incentive plan) DEAA
 election clerks BBB, FEB, FEC
 election of board members BBB
 elective instruction EHAD
 electronic bids and proposals CH, CV, CVA, CVB
 electronic communication BBI, CQ, FNCE
 security breach of CQ
 Electronic Communication Privacy Act (ECPA) CQ
 electronic communications system CQ
 electronic communications service CQ
 electronic courses, defined EHDE
 electronic devices, possession or use of CQ, FNCE
 electronic media CY, DH
 electronic storage CQ
 electronic textbook CMD, EFAA
 elementary instruction, required EHAB
 emergency
 board meetings BE
 first aid care CKD, FFAC
 placement FOE
 plans and procedures, drills CKC
 repairs CH, CLB, CV
 school closings CKC
 suicide attempts/threats FFB, FFE
 emotionally disturbed students (See also students: with disabilities) FFB, FFE
 employees
 organizations CFEA, CPAB, DGA, DGB, GKD
 qualifications BJA, DBA, DP
 relations with students DH, DIA, FFH

employment
 application DC
 annualized salary DEA
 architects and engineers CV, CVA, CVB, CVC, CVD, CVE, CVF
 board members, former BBC, DC
 conflict of interest DBD
 criminal history record DBAA
 early separation DEA
 furlough program DEAB
 medical examinations, screenings DBB, DEC
 nepotism restrictions DBE, DC, DCD, DK
 outside consultants BDE
 practices DAC, DC, DCA, DCB, DCC, DCD, DCE
 requirements
 bus driver annual physical DBA, DBB
 residency DB
 restrictions on moonlighting DBD, DEC, DECA
 after retirement DC, DPB
 status
 at-will DC, DCD
 continuing contract DC, DCC
 leave DEC, DECA, DECB
 non-Chapter 21 contract DC, DCE
 noncontract DC, DCD
 probationary DC, DCA
 reasonable assurance CRF, DCD, DCE
 return to probationary status DFAC
 temporary teacher contract DC, DCB, DPB
 term contract (educator) DC, DCB
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 energy conservation CH, CL
 engineers and architects selection CV, CVA, CVB, CVC, CVD, CVE, CVF
 English as a second language EHBE
 English language learners EHBC, EHBE, EIE, EKB, EKBA
 enrichment curriculum EHAA
 enrollment
 age requirements FD, FDA
 by attendance zone FC
 exemptions from health requirements FFAA, FFAB
 expelled transfer students FD, FOD
 health requirements FD, FFAA, FFAB
 immunizations FFAB
 projections CT
 residence requirements FD
 transfers from other districts FDA
 tuition FDA
 environmental authorities GRA
 equal access FNAB, GKD
 equal educational opportunities EHBA, FB
 equal employment opportunities DAA, DAB, DAC
 equalization allotment, state CBA
 equipment and supplies
 borrowing/loaning CMB, DG
 distribution CMB, CMD
 equipment maintenance CLB
 insurance program CRA, CRB
 inventory CFB, CMA
 receiving/warehousing CMA
 repair CLB
 E-rate CQ
 ethics
 board members BBBB, BBF, BBFA, BBFB, CAA
 personnel CAA, DBD, DH
 evacuation diagrams CKC
 evaluation
 administrative goals and objectives BI

board self-evaluation BG
 campus charter and program charter schools EL
 existing facilities CS
 fiscal management CA
 personnel DN, DNA, DNB
 programs BQ
 superintendent BJCD
 evening sessions EC, EHBI, FP
 examinations
 for acceleration EHDC
 credit by examination
 with prior instruction EHDB
 without prior instruction EHDC
 final EIAA
 state-mandated EKB
 exchange students FD
 executive session (See closed board meetings)
 exempt/nonexempt personnel DEA
 exit interviews DC, DCD, DF
 exit-level test EI, EIF, EKB, FMH
 expenditures of funds CE, CFD, CHD
 expense reimbursement
 board members BBG
 personnel DEE
 superintendent BJCA
 experimental courses EGA
 expulsion of students FOD, FODA, FOE
 extended instructional programs EHD
 extended instructional year (See year-round schools)
 extended year program EHBC, EIE
 extended year services EHBA, EHBAB
 extracurricular activities
 eligibility FM, FOA, FOC
 limits on absences FM
 related absences FEB, FM
 safety training of employees DMA
 standards of behavior FNC, FO
 students not enrolled FD
 suspension and reinstatement FM
 transportation to CNB, FMG
 eye-protective devices CKB

- F -

facilities
 climate control CL
 community use of GKD
 conduct on school premises GKA, GKC
 naming CW
 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 portable buildings CS
 faculty advisory council BQA, BQB, DGB
 fair employment CV, DAA, DAB, DAC
 Fair Labor Standards Act (FLSA) DEA
 falsification of records DFBB, FD
 Family Educational Rights and Privacy Act (FERPA) FL
 Family and Medical Leave Act (FMLA) CRD, DEC, DECA,
 DECB
 FAPE (See Free Appropriate Public Education)
 federal funds CBB, EHBD
 fees, fines, and dues
 copies of records FL, GBAA
 student FP
 transcript FL

tuition FDA
 felony offenses BBC, DF, DH, FOC, FOD, GRA
 FERPA (See Family Educational Rights and Privacy Act)
 field trips EFD
 filling employment vacancies DC
 final examinations EIAA
 finality of grades DGBA, FNG
 financial ethics BBFA, BBFB, CAA, DBD
 financial exigency CEA, DFF, DFFA
 financial reports and statements BR, CFA
 firearms CNC, EHAD, FNCG, FOD, GKA
 fire authorities GRA
 fire drills and civil defense KKC, GKD
 fire escapes CKC
 fire insurance CRA
 fireworks GKA
 first aid CKD, FFAC
 First Amendment BED, CPAB, DG, EFA, EMB, EMI, FMA,
 FNA, FNA, GKDA
 fiscal management CA
 fiscal year CE
 fixed assets CFB
 flag regulations CLE
 FLSA (See Fair Labor Standards Act)
 FMLA (See Family and Medical Leave Act)
 food allergy management plan FFAF
 food service
 breakfast program COB
 free and reduced-price meals program COB
 "junk food," sale restricted CO, FFA
 purchasing COA
 Summer Food Service Program COB
 surplus commodities CO
 vending/food dispensing machines COC, FFA
 foreign exchange students EKB, FD
 foreign language EHAB, EHAC
 foster care FD, FFC
 foundation curriculum EHAA
 foundation school program CBA
 four-year-olds EHBG, FD
 fraud CAA, CHE, DBD, DH
 Free Appropriate Public Education (FAPE) EHBA, EHBA,
 EHBAB, EHBAC, EHBAD, EHBAB
 free and reduced-price meals program (See food service)
 freedom of association DGA
 free speech (See First Amendment)
 fringe benefits DEB, DEC
 fund balance CE
 fund-raising activities DHA, FJ, GKB
 funds
 and accounts CFA
 activity, management of CFD
 depository BDAE
 investment, liquidity/diversification CDA
 furlough, gifted and talented EHBB
 furlough program, employees DEAB

- G -

gangs, gang-related activities FNCC
 gate receipts CDG
 GED (See general equivalency diploma)
 gender-based harassment DAA, DIA, FB, FFH, FNC
 general educational development EHBC, EHBL
 general equivalency diploma (GED) EHBL, FD, FEA

Genetic Information Nondiscrimination Act (GINA) DAB
geographic boundaries AC
gifted and talented student programs EHBB
gifts
 bequests to the district BAA, CDC
 board members BAA, BBFA, BBFB, BBG
 employees CAA, DBD, DHA
 instructional materials CDC, CMD, EFAA
 public CDC
 student CFD, FJ
GINA (See Genetic Information Nondiscrimination Act)
goals and objectives
 administration BI
 board BG
 district AE
 facility standards CS, CT
 fiscal management CA
 employment DA, DAC
 programs BQ, BQA, BQB
government, student FMB
grade advancement testing EIE
GPA (See grades: grade point average)
grade placement committee (GPC) EIE
grades
 average required for credit EI
 computation of averages EIA, EIC
 dyslexic students EHB, EIE
 end-of-course (EOC) assessments EI, EIA, EIC, EKB,
 FMH
 finality of DGBA, FNG
 guidelines EIA
 grade point average (GPA) EIC
 penalties EIAB
 recording/reporting to parents EIA
graduation
 early EIF, FMH
 exercises FMH
 honor graduates EIC
 prayer FMH, FNA
 ranking of graduates EIC
 requirements EIF
 special education students EIF, FMH
grandparent (resident caretaker) CNA, FD
grants CDC, DEAA
 classroom supply reimbursement DEE
 master teacher DEAA
 public education (PEG) FDAA
grievance procedures (See complaints/grievances)
grooming standards DH, FNCA
grounds management CLB
group health and life insurance CRD
grouping for instruction EEA
guest speakers EFC, GKC
guidance program
 academic EJ
 student assistance/counseling FFE, FFEA
guns DH, EHAD, FNCG, FOD, GKA

- H -

handbooks
 administrative regulations BP
 student FN, FNC
harassment
 employees DAA, DH, DIA

students DIA, FB, FFH, FFI, FNC
Hatch Amendment EF
hate literature FNAA, GKDA
Hazard Communication Act DI
hazardous routes CNA
hazing DH, FFI, FNCC
head lice FFAD
health
 care plans FFAF
 examinations/screenings
 diabetes FFAA
 drug/alcohol DHE, FNF
 dyslexia EHB
 hearing and vision, scoliosis FFAA
 personnel DBB, DHE
 students FFAA
 tuberculosis DBB, FFAA
 immunizations FFAB
 insurance CRD, FFD
 relations with health authorities GRA
 requirements for enrollment FFAB
 services DBB, FFA, FFAA, FFAC, FFAF
Health Information Portability Accountability Act (HIPAA)
 CRD
hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB,
 DFCA, DFD, DFF, DFFA, DFFB, DFFC
hearing impaired BE, EHBH
hearings
 board BE, DFBB, DGBA, FNG, GF
 budget CE
 challenging content of student records FL
 due process
 employees DFAA, DFBB, DFCA, DFD, DGBA
 students FOD, FOF
 expulsion of students FOD
 financial management report CFA
 independent hearing examiner DFBB, DFD
 nonrenewal BJCF, DFBB
higher education visits FEA
highly qualified DBA, DK, EHBD
High School Equivalency Program EHBL
HIPAA (See Health Information Portability Accountability Act)
hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 practices DAC, DC
 superintendent BJB
HIV (See AIDS/HIV)
holidays
 personnel DED
 school EB
 religious DEC, FEA, FEB
holdover doctrine BBC, DBE
homebound instruction EEH
homeland security BEC, CKC, GRC
homeless students EHBC, EHBD, EI, FB, FD, FDC, FFAB,
 FFC
home-rule school district AG
home-school instruction FDA, FEA
homework EIA
honor graduates EIC
honors courses EHBN, EIC, EIF
hospitalization insurance CRD
hours of school day EC
housing authorities relations GRA
HSEP (High School Equivalency Program) EHBL
human sexuality education EFAA, EHAA

hunter safety education EHAD
hurricane warnings CKC

- I -

IDEA (Individuals with Disabilities Education Act) EHBA,
EHBAA, EHBAB, EHBAC, EHBAD, EHBAAE
identification card CLA
illness
 personnel DBB, DEC
 student FEC, FFAC, FFAD
immunity (See liability)
immunizations FD, FFAB
incentives DEAA, DEC
incentive weather procedures CKC
income tax, salary deductions for CFEA
increments, salary DEA
independent auditors CFC
independent hearing examiners BJCE, BJCF, DFAA, DFBA,
DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
individualized learning
 correspondence course EHDE
 credit by examination EHDB, EHDC
 distance learning EHDE
 exams for acceleration EHDC
 remedial instruction EHBC
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAAE
 tutorial program EHBC
individualized education program EHBA, EHBAA, EHBAB,
EHBAC, EHBAD, EHBAAE
individualized health care plan FFAF
individualized services plan EHBAC
industrial development authorities GRA
infrastructure partnerships CDH
information
 access to district records BBE, GBAA
 access to employee records BBE, DBA, DN, GBAA
 access to student records FL
 demographic data CQ, GBA, GND
innovative programs EGA
inoculations FFAB
inspections
 facility CS, CV
 purchasing CHD
 safety CKA
instructional arrangements EE, EEA, EEB, EEC, EED, EEH,
EEJ, EEL, EEM, EEP
instructional contracts with outside agencies EEL, EHBAC
instructional day EC, EED
instructional facilities allotment CCA
instructional goals and objectives BQ, BQA, BQB, EA
instructional materials
 adoption of EFAA
 advertising materials, use of FMA
 allotment CMD
 Braille EFAA
 certification CMD
 committee EFAA
 complaints concerning EFA
 conflict of interest BBFB, CMD, DBD
 custodian CMD
 condition of CMD
 control of CMD
 copyrighted material CY

curriculum guides EG
destroyed CMD
distribution of CMD
electronic BBFB, CMD, EFAA
inventory CFB, CMD
library, media center EFB
open-source EFAA
ownership CMD
period of use EFAA
purchase CMD
rebates/commissions, accepting BBFB, DBD, EFAA
reports, forms to be completed for inventory CMD
responsibility for CMD, DG
requisitioning and responsibility for CMD
sale, disposal, or donation of CMD
samples and publisher contracts EFAA
selection of BBFB, DBD, EFA, EFAA, EHAA
supplemental CMD, EFAA
surplus CMD
teaching plans EEP
instructional program (See also special programs)
disciplinary alternative education program FOCA
distance learning EHDE
elective instruction EHAD
evaluation of BQ, BQA, BQB, EHBD, GND
extended instructional program EHDD, EHDE
 college course work EHDD
 honors courses EIC, EIF
 summer school EHDA
 travel study EHBM
innovative and magnet programs EGA
organization of instruction ED
required instructional program
 all levels EHAA
 elementary EHAB
 secondary EHAC
instructional resources
 community EFC, GKE, GKF
 field trips EFD, FMG
 interactive television EFF
 libraries/media centers EFB
instructional support services
 guidance program EJ, FFE
 health services FFA
 library, audio-visual center EFB
 school-community guidance program FFC
 special education programs EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBAAE
instructional television EFF
insurance
 adjustor and carrier CR
 change of coverage CR
 Consolidated Omnibus Budget Reconciliation Act (CO-
 BRA) CRD
 deductions/reductions from salary CFEA
 enrollment information CRD
 fire CRA
 Health Insurance Portability and Accountability Act
 (HIPAA) CRD
 health, life, disability CRD
 liability CRB
 school property CRA
 student FFD
 tax-sheltered annuities CFEA, CRG
 TRS-Active Care CRD
 unemployment CRF
 workers' compensation CRE, CV
intellectual property rights CY

intensive math and science program EHBC
interdistrict relations EHBA, FDA
interlocal agreements CH, GR, GRB
interlocal cooperation contracts GR, GRB
internal auditor CFC
international baccalaureate program EIC, EIF
Internet
 broadcast board meetings BE
 posting BBFA, BE, CHE, CQA, DBD, DC
 use of, by board members BBI
 use of, by employees/students CQ, FNCE
intern program GNC
interrogations and searches DHE, FNF, GRA
interruption of classes EC, GKA
interscholastic activities/athletics FM, FMF
Interstate Compact on Educational Opportunity for Military
 Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL,
 FM
intoxicants BBC, BJCF, DFBA, DFBB, DFCA, DH, DI, FNCF,
 FNF, FOC, FOD, FOF, GKA
intramural sports FMF
inventories CFB
investments, bond sales CDA
investments of school funds CDA
intrastate pipeline emergency response plan CS

- J -

job order contracts CVF
JROTC program CG, EHAD, EIF
junior colleges, high school credit program EHDD
jurisdiction
 district, over students FO, FNC
 peace officers CKE
jury duty DEC
juvenile justice system FODA
juvenile case manager, compulsory attendance FED
juvenile residential facilities EEM
juvenile service providers GRAC

- K -

key control CLA
kindergarten
 acceleration EHDC
 eligibility FD
 instructional requirements EHAB
 progress reports EIA
 retention EIE
 school day EC
knives FNCG, FOD, GKA

- L -

labor organizations DGA, DGB
land, sale of BAA, CDB, CDDBA
language other than English EHAB, EHAC
law enforcement

agencies GRA
district peace officers CKE
officers on district property GKA
reports from FL, GRA
reports to/refer to DH, FFG, FNF, GRA
lawful assembly, disruption of GKA
lay-offs (RIF) DFCA, DFF
learning disabilities EHB, EHBA, EHBAA, EHBAB, EHBAC,
 EIE
lease of real property by the district CX
leasing and renting
 authority BAA, GKD
 buildings and grounds CDB, GKD
 buses CNA, CNB
 equipment and supplies CMB
 payments CDD, CX
leaves and absences, employees
 assault (recuperative leave) DEC
 concurrent use of DEC
 continuation of health benefits CRD
 discretionary use of DEC
 extended DEC
 family and medical leave CRD, DEC, DECA, DECB
 funeral (bereavement) leave DEC
 infant care/child adoption DEC, DECA
 intermittent leave DEC, DECA
 mandatory court appearances/jury duty DEC
 maternity leave DEC, DECA
 military leave/reserve duty DEC, DECB
 nondiscretionary use of DEC
 on-the-job injury CRE, DEC
 paid/unpaid leave DEC
 payment for unused leave DEC
 personal illness DEC, DECA
 personal leave DEC
 professional development leave DEC
 professional meetings and visitations DMD
 qualifying exigency DECA
 sabbatical study/leave DEC
 state personal leave DEC
 state sick leave DEC
 temporary disability DEC
leaving campus, students
 employment FEF
 illness FEC, FFAC
 lunch FEE
 medical appointment FEB
 parental permission FEB
 private lessons FEF
legal services BDD
LEP (See Limited English Proficiency)
lesson plans EEP
liability
 board members BBE, CRB
 for damage to school property FNCFB
 insurance CRB
 school personnel CRB, DG, DH, FFAC, FFG, FOE
 volunteers GKG
liaison
 court-related FFC
 homeless FFC
libel FNAF, GKDA
library-media center
 materials, complaints EFA
 professional resources EFB
 records and reports EFB
 selection of materials EFA
lice FFAD

life insurance CRD
 life skills programs EHAD
 Limited English Proficiency (LEP) EHBC, EHBE, EIE, EKB, EKBA
 limited open forum FNAB
 line and staff relations BKB
 line item transfers CE
 litigation expenses CRB
 lobbying (restrictions) CH, BBFB
 Local Government Records Act CPC, GBA, GBAA
 local government relations GRA
 local tax revenues CCG
 locker searches DHE, FNF
 loitering GKA
 loss control CK, CKA, CKB, CKC
 loyalty oath BBB
 LPAC (Language Proficiency Assessment Committee) EHBE, EIE, EKBA
 lunchroom maintenance CLB

- M -

McKinney-Vento Homeless Education Assistance Improvements Act of 2001 CNA, EHBD, FD, FDC, FFC
 mail service CPAB
 maintenance
 bus maintenance CNBA
 changes and alterations CLB
 makeup work for students EIAB
 manifestation determination (IDEA) EHBAD
 married students FND
 master teacher grants DEAA
 maternity leave DEC, DECA, FNE
 meal service CO, COB
 media and service centers (regional) GNB
 mediation (See complaints/grievances)
 Medicaid FEB, FLA
 medical examinations DBB, FFAA
 medical insurance CRD, FFD
 medical treatment FFAC
 Medicare CFEA
 medication FFAC
 meeting notice
 board of trustees BE
 budget CE
 closed (board) BEC
 tax rate hearing CCG
 meetings
 board (See school board meetings)
 budget CE
 campus-level committee BQB
 closed (board) BEC
 community use of school facilities GKD
 district-level committee BQA
 emergency/regular/special (board) BE
 faculty/staff DLA
 juvenile justice board FODA
 media coverage BE, BEE, GBBA
 public complaints GF
 special education (ARD/IEP) EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAAE
 memorials CDC, CW
 mental health intervention FFB
 mentoring EHBC, GKG
 metal detectors FNF, GKA

microfilm CPC, GBAA
 migrant student EHBD, EI
 migratory child EEB, FD
 mileage reimbursement BBG, BJCA, DEE
 military
 dependents FD, FDD
 discharge records GBA
 instruction (JROTC) CG, EEL, EHAD, EIF
 leave CRD, DAA, DEC, DECA, DECB
 recruiters FL, GKC
 minerals, sale of BAA, CDB
 minimal nutritional value CO, FFA
 Minimum Foundation Program (See Foundation School Program)
 minimum high school program EIF
 minimum salary schedule DEAB
 minimum teaching duties DL
 minute of silence EC
 minutes of board meetings BDAA, BE, BEC
 mission statement, district AE
 mobile telephones FNCE
 modified duty DK
 mold damage remediation CL, CRB
 moment of silence EC
 moonlighting DBD, DEC, DECA
 moral turpitude BJCF, DFBB, DH
 moving costs reimbursement DEB
 multihazard emergency operations plan CKC
 municipal government GRA
 music program EHAD

- N -

name, changing district AB
 National Honor Society FG
 National School Boards Association BC
 National School Lunch Program COB
 NCLBA (See No Child Left Behind)
 neighborhood associations GKE
 neighborhood schools FC
 nepotism BBFB, CCH, DBE
 new facilities, naming/dedication CW
 new hire reporting DC
 news conferences and interviews GBBA
 news coverage
 board meetings BE, BEE, GBBA
 broadcasting and taping board meetings BE, BEC
 news media relations/news releases GBBA
 sports and special events GBBA
 newspaper, school distribution of FMA
 night school EHBI, FP
 No Child Left Behind (NCLBA)
 adequate yearly progress (AYP) AID, EHBD
 highly qualified DBA, DK, EHBD
 migratory child EEB
 parent involvement BQ
 recruiters FL, GKC
 school restructuring AIC, EHBD
 student/parent rights EF
 technology CQ
 noncertified personnel DBA, DC, DCD, DCE
 noncontract employment DC, DCD
 nondiscretionary personal leave DEC
 nondiscrimination CS, DAA, DAB, DAC, DIA, FB, FFH, GA
 noninstructional school activities FNAB

nonprinted materials and services EFB
nonprofit organizations FJ, GE, GKD
nonpublic information GBA
nonrenewal, term contract BJCF, DFBB, DFFB, DFD
nonresident students FD, FDA
nonservice animals EMG
nonschool employment DBD
nonschool literature FNAA, GKDA
No Pass, No Play FM
note and bond payments CCA, CCF
notice of position openings DC
notice to newspaper GC
notice to parents re uncertified substitutes DK, DPB, EHBD
notice to SBEC BJCE, DF, DFAA, DFBA, DH

- O -

oath of office BBB
objective criteria for personnel decisions DAC
obscenity DH, FMA, FNCA
observation days EHBK
office management
 communications CPA
 computer technology BBI, CQ, CY
 mail delivery CPAB
 printing CPAA
 records and reports CPC
 telephone CPAC
officer
 attendance FED
 board of trustees BDAA
 budget BJA, CE
 peace officer CKE
 death while on duty DEB
 public information (records) CPC, GBA
 public information coordinator GBAA
 records management CPC
offsetting paid leave benefits CRE, DEC
open campus FEE
open enrollment FDB
open-enrollment charter school AH
open meetings BDB, BE, BED
open records (See Public Information Chapter of Government Code)
operations, maintenance CLB
organization
 administrative BJA
 board of trustees BDAA
 line and staff relations BKB
organization charts BKA
organization of grade levels ED
organizations
 booster clubs GE
 parent organizations GE
 personnel DGA, DGB
 relations with community GKE, GKF
 relations with educational entities GNA, GNB, GNC, GND
 relations with governmental entities GR, GRA, GRAA, GRAC
 student FM, FNAB, FNCC
orientation/training
 board members BBD
 employees DMA
 substitutes DPB

other schools and/or districts, relations with FD, FDA, GNA
outside agencies, instructional contracts with EEL
outside employment DBD, DEC, DECA
overtime DEA, DEAB

- P -

paging devices FNCE
paperwork reduction BAA, DLB, GND
paraprofessional personnel
 certification, highly qualified DBA, EHBD
 dismissal DCD
 hiring DC, DCD
 reasonable assurance of re-employment CRF
parent advisory committee BDF, BQA, BQB, EHAA, GE
parent involvement
 campus-level planning committee BQB
 conferences EIA
 discipline management FNC, FO, FOC, FOCA, FOD, FODA, FOE
 district-level planning committee BQA
 No Child Left Behind EHBD
 school-parent compact EHBD
 special education EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
 wellness EHAA, FFA
parent notification DBA, DK, DPB, EHBD
parental rights (See also students: rights and responsibilities)
 access to board meetings BE, FNG
 access to instructional materials EF, EHAA, FNG
 access to student records FL
 consent to counseling of student FFE
 exempt student from instruction EHA, EHAA, FNG
 student placement FDB, FNG
parenting and paternity awareness program EHAC
parking controls CLC, FFFD
parochial schools FD
partnership, school/community GKE
part-time employees CRD, DC, DCD, DEC, DPB
pass/fail courses EHAD
patents CY
patriotic societies GKD
payment procedures CHF
payroll procedures
 salary deductions/reductions CFEA
 schedule CFE
peace officers CKE, DEB
pediculosis FFAD
PEG (See public education grants)
PEIMS (See Public Education Information Management System)
performance bonds CV
performance report AIB, BR, CQA, GND
performances, student FME
permits
 lunch FEE
 student work FEF
 teaching, issued by school district DBA
 visitors GKC
persistently dangerous FDE
personal graduation plan EIF
personal leave DEC
personal property
 disposal CI

purchases CH
 personnel
 complaints DGBA
 conduct DH, DHE, DIA
 gifts and solicitations DBD, DHA
 involvement in decision making BQ, BQA, BQB
 objective criteria DAC
 records
 confidential, access to BBE, DBA, FL, GBAA
 credentials DBA
 custodian of DBA, FL, GBA, GBAA
 requests for copies GBAA
 welfare DI
 personnel-student relations DH, DIA, FFH
 pest control program CLB, DI, FD, GB
 petition for student transfer (See also No Child Left Behind)
 FDA, FDAA, FDB, FDE
 petitions DG, FNAA, GKDA
 petty cash accounts CHB
 phones, cellular CPAC, FNCE
 physical education
 exemptions EHAC, EIF
 requirements EHAB, EHAC, EHAD, EIF
 student-to-teacher ratios EEB
 substitute courses EIF, EHAC
 physical examination DBB, FFAA
 physical fitness assessment FFAA
 physical restraint, student FO, FOF
 pilot projects EGA
 placement
 in alternative setting FOC
 of home-school students FD
 of transferred expelled students FDA
 of transfer students FDA
 placement review committee FOA, FOD
 plagiarism EIA
 planning and preparation time DL
 planning process BQ, BQA, BQB
 playgrounds CS
 pledge of allegiance EC
 police on school premises CKE, GKA, GRA
 policy system
 attorney involvement BDD
 community involvement BF
 development, adoption, amendment, distribution, review
 BF
 implementation through regulation BP, FN
 staff involvement BQA, BQB
 student involvement FNB
 political activities BBB, BBBB, DGA, GKD
 political advertising BBBB, CCA, CPAB, GKB
 political organizations GR
 politics, participation in DGA, DH
 pool drains CL
 portable buildings CS
 possession/use, alcohol and drugs DH, DHE, DI, FNCF,
 FOA, FOCA, FOD, FOE, FOF, GKA
 postings, required web site CQA
 postsecondary instructional program FP
 power of attorney FD
 practice teaching GNC
 prayer DMA, EC, EMI, FMH, FN, FNA, FNAB
 pregnant employees DEC
 pregnant students EHBC, FB, FNE
 prekindergarten EC, EHBC, EHBG
 preparation, teachers DMA
 press services
 board meetings BEE, GBBA
 sports and special events GBBA
 prevailing wage law CV
 prevention, dropout EHBC
 principal's performance incentive BQB
 principal's qualifications DP
 printed materials and services
 charges for copies FL, GBAA
 copyrighted materials CY
 printing and duplicating CPAA
 prior review FNAA, GKDA
 private lessons FEF
 private schools, relations with FD, FEA
 private tutoring DBD
 private vehicles, use of CNA, EFD, FFFD, FMG
 probationary contracts
 employment practices DC, DCA
 resignation DFE
 suspension DFAA
 termination at end of year DFAB
 termination during contract DFAA
 probationary status, return to DFAC
 professional conduct/ethics DH
 professional growth/development
 board member BBD
 personnel DM, DMA, DMC, DMD
 superintendent BJA, BJCB
 professional leaves and absences DEC
 professional meetings DLA, DMD
 professional organizations
 dues CFEA
 participation in DGA, DGB
 professional personnel
 academic freedom EMA
 accountability (See appraisal)
 appointment DC, DCA, DCB, DCC, DCD, DCE
 assignment DK
 compensation DEA, DEAA, DEAB
 conferences and visitations DMD
 consulting BJCC
 continuing contracts DCC, DFCA, DFFC
 contract nonrenewal BJCF, DFBB
 contracts BJC, DCA, DCB, DCC, DCE
 dismissal BJCE, DCD, DCE, DF, DFAA, DFBA, DFCA,
 DFFA, DFFC
 employment practices DC, DCA, DCB, DCC, DCD, DCE
 ethics DBD, DH
 evaluation/appraisal BJCD, DN, DNA, DNB
 expense reimbursement BJCA, DEE
 filling vacancies DC
 financial ethics CAA, DBD
 growth and development DM, DMA, DMC, DMD
 hearings before hearing examiner BJCE, DFBB, DFD,
 DFFA, DFFB, DFFC
 hiring BJB, DC, DCA, DCB, DCC, DCD, DCE
 leaves and absences DEC, DECA, DECB, DED
 medical examinations DAA, DBA, DDB
 noncertified personnel DCD, DCE
 non-Chapter 21 contract DCE
 nonrenewal BJCF, DFBB, DFFB
 nonschool employment DBD
 orientation DC, DMA, DPB
 part-time DPB
 principals, qualifications and duties DP
 probationary contract DC, DCA, DFAA, DFAB, DFAC
 probationary status, return to DFAC
 professional organizations DGA, DGB
 publishing DME
 qualifications/credentials DBA, DPB, EHBD

lease of CDB, CX
 sale or exchange CDB
 site acquisition CV
 reasonable absence control CRE, DEC
 reasonable assurance of employment CRF, DCD, DCE
 receiving equipment and supplies CMA
 recognition and awards
 board members BBG
 employees DJ
 students FG
 recommended high school program EIF
 records, access to
 confidential information BBE, DBB, DHE, FFAD, FL,
 GBAA
 cost of copies FL, GBAA
 custodian of records CPC, FL, GBA
 personnel files DBA
 public information
 personnel records CPC, DBA, GBAA
 students FL
 request for AG opinion GBAA
 request for copies FL, GBAA
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAE, FL
 records administrator defined BBFA
 records and reports
 attendance, student FE, FEA, FEB, FEC, FED, FEE,
 FEF
 budget CE, CFA
 burglary and damage report CLD
 certificate of coursework completion EI, EIF
 discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,
 FOE, FOF
 financial BBFA, CAA, DBD
 health appraisal FFAA
 immunizations FD, FFAB
 inventories CFB
 law enforcement BJA, DH, FL, GRA, GRAA
 leaves and absences DEC
 library, media center EFB
 microfilming CPC
 permanent record card FL
 progress reports to parents EIA
 quarterly investment CDA
 releasing student information BBE, FL, GBAA, GRAC
 retention and destruction CPC, FL, GBAA
 special education students EHBA, EHBAA, EHBAB,
 EHBAC, EHBAD, EHBAE, FL, FOE
 transcripts and permanent record EI, EIA, EIF, FL
 transfer of cumulative records FL
 records management functions
 officer for public information GBAA
 public information coordinator GBAA
 records administrator BBFA, CHE
 records management officer CPC
 records management plan CPC
 recreational facilities bonds CCD
 recreation department relations GRA
 recruitment of personnel BJB, DC
 recycling CH, CL
 redistricting BBB
 reduction in force
 financial exigency, due to DFF, DFFA, DFFC
 under continuing contract DFFC
 not under contract DCD
 program change, due to DFFB
 under probationary contract DFAB
 under term contract DFF, DFFA, DFFB

referenda, bond CCA
 regional service centers
 board member training BBD
 media contracts EFB
 participation in GNB
 regulations, administrative BP, BQ, BQA, BQB
 reimbursement for expenses BBG, BJCA, DEE
 reinvestment zones CCG
 release time, personnel DMD
 releasing students from school FEB, FEE, FEF, FFFA
 religion, study of EMI
 Religious Freedom Restoration Act (RFRA) DAA, EMI, FB,
 GA
 religious holy days, absence for DEC, FEA, FEB
 religious matters, neutrality in EMI, FNA
 Religious Viewpoint Antidiscrimination Act FNA
 remedial instruction EHBC, EIE
 removal
 board members, from office BBC
 individuals, from school premises BED, GKA
 students
 to disciplinary alternative education programs FOC
 emergency FOE
 by parents from class EF, EHA, EHAA
 special education students EHBA, FOF
 by teacher FOA
 out-of-school suspension FOB
 renewal of contracts BJCF
 rental
 charges by district CDD, GKD
 leasing by district CX
 use of facilities by community GKD
 repairs
 buildings, grounds, and equipment CH, CLB, CV
 bus CNB
 renovations (See facilities)
 report cards
 campus BQB, BR
 district BQA, GND
 student EIA
 reports
 accidents/hazards CKB
 annual financial management BR
 annual performance BAA, BJCD, BQA, BQB, BR
 audit CFC
 buildings, grounds, and equipment CLD
 compensatory education EHBC
 disciplinary alternative education program FO
 financial CAA, CDA, CFA
 inventories CFB
 law enforcement BJA, DH, GRAA
 leave DEC
 lesson plans EEP
 office management CPC
 on-the-job injuries CRE
 parent conference EIA
 PEIMS CQ
 press and news GBB, GBBA
 SBEC, to DBAA, DF, DFE, DH
 special education students (See ARD committee)
 student discipline FO, FOA, FOB, FOC, FOCA, FOD,
 FODA, FOE, FOF
 student progress EIA, EIE
 required instruction
 all levels EHAA
 elementary EHAB
 secondary EHAC
 requisitions CHD

research
 curriculum EG
 staff publishing DME
 reserve funds
 depository BDAE
 investments CDA
 residence requirements
 board members BBA
 personnel DB
 student enrollment FD, FDA
 superintendent BJC
 resignations
 board members BBC, DBE
 contract personnel DFE
 personnel not under contract DCD, DFE
 superintendent BJCG
 restraint of students FO, FOF
 retaliation CRE, DG, DIA, DGBA, FFH, FFI
 retention of records CPC, FL, GBA
 retention of students EIE
 retirement
 payment for unused leave DEC
 personnel DEG, DPB
 reemployment DC, DCA
 superintendent BJCG
 TRS withholding CFEA
 return to work CRE, DEC, DECA, DECB, DK
 revenue sources
 ad valorem taxes CCG
 athletic stadium authorities CCE
 bonds and bond taxes CCA, CCD
 bonds from proceeds of sale CDBA
 certificates of indebtedness CCC
 federal CBB
 gate receipts CDG
 grants from private sources CDC
 investments CDA
 rentals and service charges CDD
 royalties CDF
 school-owned property CDB
 shop sales CDE
 short-term notes CCF
 state CBA
 time warrants CCB
 risk management CK, CKA, CKB, CKC, CKD, CKE
 rodeo safety training FM
 routine repairs CLB
 rules
 administrative BP
 discipline management FNC, FO
 employee conduct/code of ethics DH
 Robert's Rules of Order BE
 student code of conduct FNC, FO
 suspension of rules BE

- S -

sabbaticals DEC
 safe harbor (See FLSA)
 safe schools FDE
 safety program
 accident prevention CKB
 buildings and grounds CLB, CLC
 crowd control GKA
 emergency plans CKC

employee participation DH
 inspections CKA
 student FFF
 student patrols FFFB
 student transportation CNA
 training CK, CKA, CKC
 salary deductions/reductions CFEA
 salary incentives DEAA
 salary reduction DEAB, DFFA
 salary schedules
 personnel DEA
 superintendent BJCA
 sales
 buses CNB
 equipment and supplies CI
 instructional materials EFAA
 personal property CI
 real property CDB
 sales calls and demonstrations CHE, GKC
 Sarbanes-Oxley (See financial ethics)
 SBEC (See State Board for Educator Certification)
 schedules
 annual calendar EB
 before/after-school activities FM, FNAB
 block EEC, EED, EIA, FM
 budget planning CE
 daily school program EC
 employee duty DEA, DK, DL
 faculty meetings DLA
 field trips EFD
 salary DEA
 student EED
 transportation, student CNA
 year-round schools EB
 scholarships CDC, EIC, FG
 school assemblies EC
 school attendance areas FC
 school attorney BDD
 school-based health centers FFAE
 school board (See board of trustees)
 school-community alternative education EHBC, EHBL
 school-community guidance program FFC
 school-community relations GK, GKA, GKB, GKC, GKD,
 GKDA, GKE, GKF, GKG
 school day DL, EC
 school directories FL, GBAA
 school facility planning and construction
 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 selection of architects and engineers CV, CVB
 school fairs FJ
 school health advisory council BDF, BQ, EFAA, EHAA,
 EHAC, FFA
 school holidays DED, EB
 school newspapers FMA, GBB
 school property, student care of FNCB
 school report card AIB, BR
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Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION A: BASIC DISTRICT FOUNDATIONS

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AE	EDUCATIONAL PHILOSOPHY
AG	HOME-RULE DISTRICTS
AH	OPEN-ENROLLMENT CHARTER SCHOOLS
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AIB	Performance Reporting
AIC	Investigations and Sanctions
AID	Federal Accountability Standards

DISTRICT NAME

AB
(LEGAL)

CHANGE OF DISTRICT
NAME

The Board, by resolution, may change the name of the District. The Board shall give notice of the change by sending to the Commissioner a copy of the resolution, attested by the President and Secretary of the Board.

The District, under its changed name, is considered a continuation of the District, as formerly named, for all purposes.

Education Code 11.160

Marble Falls ISD
027904

DISTRICT NAME

AB
(LOCAL)

The name of this school district is Marble Falls Independent School District, herein referred to as “the District.”

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SECTION B: LOCAL GOVERNANCE

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BBFB	Prohibited Practices
BBG	Compensation and Expenses
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BF	BOARD POLICIES
BG	BOARD SELF-EVALUATION
BI	ADMINISTRATIVE GOALS AND OBJECTIVES

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 B: LOCAL GOVERNANCE

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BM	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES
BP	ADMINISTRATIVE REGULATIONS
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BQA	District-Level
BQB	Campus-Level
BR	REPORTS

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(EXHIBIT)

See the following pages for forms that may be used for compliance with disclosure requirements:

Exhibit A: Affidavit Disclosing Substantial Interest in a Business Entity or Real Property, as defined in Local Government Code 171.002 — 2 pages

Exhibit B: Affidavit Disclosing Interest in Property, under Government Code Chapter 553, Subchapter A — 1 page

ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of members of the Board and the Superintendent by Local Government Code 176.003–.004 is available on the Texas Ethics Commission Web site at <http://www.ethics.state.tx.us>. See DBD(LOCAL) to determine if the Board has extended this filing requirement to other employees.

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST
IN A BUSINESS ENTITY OR REAL PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ (*name*), as a local public official of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I, or a person(s) related to me in the first degree, have a substantial interest in:
 - a business entity, as those terms are defined in Local Government Code Sections 171.001–.002, that would experience a special economic effect distinguishable from its effect on the public by a vote or decision of the Board.

or

 - real property for which it is reasonably foreseeable that the Board's action or my action will have a special economic effect on the value of the property distinguishable from its effect on the public.
2. The business entity or real property is _____
(*name/address of business or description of property*).

(*"I" or name of relative and relationship*) (have)(has) a substantial interest in this business entity or real property as follows:
(*check all that apply*)
 - Ownership of ten percent or more of the voting stock or shares of the business entity.
 - Ownership of ten percent or more of the fair market value of the business entity.
 - Ownership of \$15,000 or more of the fair market value of the business entity.
 - Funds received from the business entity exceed ten percent of _____ (*my, her, his*) gross income for the previous year.
 - Real property is involved and _____ (*I, she, he*) (have)(has) an equitable or legal ownership with a fair market value of at least \$2,500.
3. The statements in this affidavit are based on my personal knowledge and are true and correct.
4. Upon the filing of this affidavit with the Board's official record keeper, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Code 171.004(c).

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(EXHIBIT)

Signed _____ (date)

Signature of official _____

Title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ (month),
_____ (year).

_____, Notary Public, State of Texas

EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ (name of affiant), (check one of the following)

- as an officer of, or
- as a Board candidate for,

Marble Falls Independent School District make this affidavit and on my oath state the following:

1. I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is fully described as follows:
_____.
2. The nature, type, and amount of interest, including percentage of ownership, I have in the property is:
_____.
3. I acquired my interest in the property on _____ (date).
4. The information stated in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

Signed _____ (date)

Signature of affiant _____

Office or public title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ (month),
_____ (year).

_____, Notary Public, State of Texas

NOTE: This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant or candidate resides within ten days before the date on which the property is to be acquired by purchase or condemnation.

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

SECTION C: BUSINESS AND SUPPORT SERVICES

CA	FISCAL MANAGEMENT GOALS AND OBJECTIVES
CAA	Financial Ethics
CB	STATE AND FEDERAL REVENUE SOURCES
CBA	State
CBB	Federal
CC	LOCAL REVENUE SOURCES
CCA	Bond Issues
CCB	Time Warrants
CCC	Certificates of Indebtedness
CCD	Recreational Facilities Bonds
CCE	Athletic Stadium Authority
CCF	Loans and Notes
CCG	Ad Valorem Taxes
CCH	Appraisal District
CD	OTHER REVENUES
CDA	Investments
CDB	Sale, Lease, or Exchange of School-Owned Property
CDBA	Revenue Bonds From Proceeds
CDC	Grants From Private Sources
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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

SECTION C: BUSINESS AND SUPPORT SERVICES

CH	PURCHASING AND ACQUISITION
CHB	Petty Cash Account
CHD	Purchasing Procedures
CHE	Vendor Relations
CHF	Payment Procedures
CHG	Real Property and Improvements
CHH	Financing Personal Property Purchases
CI	SCHOOL PROPERTIES DISPOSAL
CJ	CONTRACTED SERVICES
CJA	Criminal History
CK	SAFETY PROGRAM/RISK MANAGEMENT
CKA	Inspections
CKB	Accident Prevention and Reports
CKC	Emergency Plans
CKD	Emergency Medical Equipment and Procedures
CKE	Security Personnel/Peace Officers
CL	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
CLA	Security
CLB	Maintenance
CLC	Traffic and Parking Controls
CLD	Records and Reports
CLE	Flag Displays
CM	EQUIPMENT AND SUPPLIES MANAGEMENT
CMA	Receiving and Warehousing
CMB	Authorized Uses of Equipment and Supplies
CMD	Instructional Materials Care and Accounting
CN	TRANSPORTATION MANAGEMENT
CNA	Student Transportation
CNB	District Vehicles
CNBA	Bus Maintenance
CNC	Transportation Safety
CO	FOOD SERVICES MANAGEMENT
COA	Food Purchasing
COB	Free and Reduced-Price Food Program
COC	Vending Machines

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

SECTION C: BUSINESS AND SUPPORT SERVICES

CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Web Sites
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-At-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	RENTING OR LEASING FACILITIES FROM OTHERS
CY	INTELLECTUAL PROPERTY

SAFETY PROGRAM/RISK MANAGEMENT
INSPECTIONS

CKA
(LEGAL)

ASBESTOS HAZARD
EMERGENCY
RESPONSE ACT

Under the Asbestos Hazard Emergency Response Act (AHERA), the District shall identify asbestos-containing materials and implement an appropriate management plan in a timely manner. *40 CFR 763.80*

DUTIES

The District shall ensure that:

1. All persons who perform inspections, reinspections, and periodic surveillance, who develop and update management plans, and who develop and implement response actions comply with federal and state law.
2. All custodial and maintenance employees are trained as required by law.
3. Workers and building occupants, or their legal guardians, are informed annually about inspections, response actions, and post-response action activities.
4. Short-term workers who may come in contact with asbestos in a school are informed of the locations of "asbestos-containing building material" (ACBM) and suspected ACBM assumed to be "asbestos-containing material" (ACM).
5. Warning labels are posted in accordance with 40 CFR 763.95 (see WARNING LABELS, below).
6. Management plans are available for inspection, and notice of their availability has been provided as specified in the management plan under 40 CFR 763.93(g).
7. An asbestos coordinator, trained in accordance with 40 CFR 763.84(g)(2), is designated to ensure that legal requirements are met.
8. Any conflict of interest that may arise among accredited asbestos personnel is considered, especially when selecting accredited personnel.

40 CFR 763.84

MANAGEMENT
PLAN

An asbestos management plan shall be developed for each school and submitted to the Texas Department of State Health Services (TDSHS) for approval. This plan shall be developed by an accredited management planner who may be required to sign a statement that the plan is in compliance with federal asbestos regulations. The plan shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

2. Specific information about inspections conducted before December 14, 1987.
3. Specific information about required inspections and reinspections.
4. The name, address, and telephone number of the designated asbestos coordinator and details of his or her required training. The plan must also contain a true and correct statement signed by the coordinator certifying that the general District responsibilities have been met.
5. The written recommendations on response actions from the District's accredited asbestos management planner(s), including the name, signature, state of accreditation, and accreditation number, if applicable, of each planner.
6. A detailed description of preventive measures and response actions to be taken.
7. In regard to asbestos inspectors and persons who design or carry out response actions, a statement that the District uses or will use person(s) who have been accredited by an Environmental Protection Agency (EPA)-approved course and licensed by TDSHS.
8. A detailed description of any material described in item 1 of this list that remains after the response actions are taken. The description shall be updated when response actions are completed.
9. A reinspection plan for operations and maintenance activities, a plan for periodic surveillance, a description of the management planner's recommendation regarding additional cleaning, and the District's response.
10. A description of steps taken to inform workers and building occupants or their legal guardians about inspections, reinspections, response actions, post-response action activities, and the availability of management plans.
11. An evaluation of resources needed to complete the response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.
12. The name of each consultant contributing to the plan and a statement that the consultant is accredited under another state's accreditation plan or accredited by an EPA-approved course.

SAFETY PROGRAM/RISK MANAGEMENT
INSPECTIONS

CKA
(LEGAL)

PLAN AVAILABILITY	<p>A copy of the plan submitted to TDSHS shall be kept in the District's administrative office and be available for inspection by the EPA, the state, and the public, including teachers, school personnel, employee representatives, and parents.</p> <p>Updated management plans for each school shall also be available for inspection during normal business hours in the administrative office and at the school itself. Individual school plans shall be made available for inspection within at least five working days after a request is received.</p>
NOTICE	<p>Annually, the District shall notify in writing parent, teacher, and employee organizations of the availability of the management plans.</p> <p><i>40 CFR 763.93; Occupations Code 1954.101</i></p>
INSPECTIONS	<p>Each building leased, owned, or used as a school building shall be inspected to determine the locations of friable and nonfriable ACBM. At least once every three years after a management plan is in effect, the District shall conduct reinspections. Inspectors shall collect samples of suspected ACBM material for analysis. The inspector shall provide a written assessment of all friable known or assumed ACBM in the school building for each inspection or reinspection. The assessment shall meet all legal requirements and shall be signed and dated, with the inspector's accreditation information. A copy shall be sent to the coordinator for inclusion in the management plan within 30 days. <i>40 CFR 763.85, .88</i></p>
PERIODIC SURVEILLANCE	<p>At least once every six months after the management plan is in effect, the District shall conduct and document periodic surveillance on any school building containing ACBM or assumed to contain ACBM. A record of this surveillance shall be submitted to the coordinator for inclusion in the management plan. <i>40 CFR 763.92(b)</i></p>
RESPONSE ACTIONS	<p>The District shall select and implement, consistent with the assessment, the least burdensome method of appropriate response actions from those that protect human health and the environment. <i>40 CFR 763.90</i></p>
ASBESTOS-RELATED ACTIVITY	<p>An "asbestos-related activity" means the removal, encapsulation, or enclosure of asbestos; the performance of asbestos surveys; the development of management plans or response actions; the collection or analysis of asbestos samples; sponsorship of training courses necessary for asbestos licensure or registration; the transportation of ACMs from any facility for purposes of disposal; and any other activity required to be licensed under the Texas Asbestos Health Protection Act. <i>Occupations Code 1954.002, .101</i></p>

SAFETY PROGRAM/RISK MANAGEMENT
INSPECTIONS

CKA
(LEGAL)

An asbestos-related activity shall be performed by a person (an individual, organization, or other legal entity recognized by law as the subject of rights and duties) licensed by TDSHS. TDSHS shall be notified not less than ten working days before an asbestos-related activity is initiated. *Occupations Code 1954.252, .101; 25 TAC 295.61*

RECORDS

A district licensed to perform asbestos-related activities shall keep an appropriate record or records of each activity it performs in public buildings and shall make the record(s) available to TDSHS at any reasonable time. It shall also keep a copy of any violations issued against the District by the EPA or TDSHS. Records shall be maintained for at least 30 years, or as long as required by federal law or regulation. *Occupations Code 1954.251; 25 TAC 295.58(d)*

For each area where all ACM has been removed, the required records shall be maintained for at least three years after each required reinspection or its equivalent in both the school and the central administration office. *40 CFR 763.94*

WARNING LABELS

A warning label shall be attached adjacent to any friable and nonfriable ACM and suspected ACM assumed to be ACM located in routine maintenance areas at each school building. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACM that is labeled is removed. *40 CFR 763.95*

OPERATIONS /
MAINTENANCE
TRAINING

Members of the maintenance and custodial staff in buildings containing ACM shall receive required training, including at least two hours of awareness training and an additional 14 hours of required training if their work activities may result in the incidental disturbance of ACM. *40 CFR 763.92*

INSURANCE AND ANNUITIES MANAGEMENT

CR
(LEGAL)

COMMERCIAL
INSURANCE PLANS

The District may procure contracts with any insurance company authorized to do business in Texas to insure its employees. Policies may include group health, accident, accidental death and dismemberment, disability income replacement, and hospital, surgical, and/or medical expense insurance, or a group contract providing for annuities. Dependents of employees may be insured under group policies which provide hospital, surgical, and/or medical expense insurance. *Insurance Code 3.51*

EXCEPTION

A district that participates in the uniform group coverage program established under Insurance Code Article 3.50-7 may not procure or renew commercial health insurance coverage after the uniform group coverage is implemented in the District. *Insurance Code 3.51(b)* [See CRD]

PREMIUM PAYMENTS

Any portion of the commercial insurance premiums paid by the District shall be from local, not state, funds. *Insurance Code 3.51(b)*

The District may deduct from an employee's salary the employee's contribution for the premiums if authorized to do so in writing by that employee. *Insurance Code 1131.303(c)*

SELF-INSURANCE
BONDS

The District may issue bonds, certificates, notes, and other obligations, the proceeds of which shall be used for all or any portion of a self-insurance fund to protect the District and its officers, employees, and agents from any insurable risk or hazard, or use any funds or money available to the District for the self-insurance fund. If the District desires to issue bonds payable from ad valorem taxes for this purpose, it shall comply with the requirements of Education Code 45.003. *Gov't Code 2259.031*

DESIGNATED BROKER
OF RECORD

The District may not use a designated broker of record to purchase insurance contracts with premiums of an aggregate value of \$10,000 or more for each 12-month period. If the District expends less than \$10,000, in the aggregate, on insurance premiums for each 12-month period, the District may use a designated broker of record to purchase insurance contracts, but the Board shall ensure that the use of a designated broker of record is in the District's best interest and select a designated broker of record in a manner it determines is consistent with good business management. *Atty. Gen. Op. JC-0205 (2000)*

RISK-RETENTION
GROUPS

The District may become a member of a risk retention group or purchasing group created under the Federal Liability Risk Retention Act of 1986 for the purpose of obtaining insurance against any insurable risk. *Gov't Code 2259.061*

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LEGAL)

OPTIONS	<p>The District shall extend workers' compensation benefits to its employees by choosing one of the following options:</p> <ol style="list-style-type: none">1. Becoming a self-insurer.2. Providing insurance under workers' compensation insurance contracts or policies.3. Entering into interlocal agreements with other political subdivisions providing for self-insurance. <p><i>Labor Code 504.011</i></p>
DEFINITION	<p>For the purposes of this policy, "employee" means every person in the service of the District who has been employed as provided by law or for whom the District provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." <i>Labor Code 504.001, .014</i></p>
NOTICE	<p>The District shall notify the Texas Department of Insurance (TDI) of the method by which District employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given to the District's employees. <i>Labor Code 504.018</i></p>
REPORT TO CARRIER FIRST REPORT OF INJURY	<p>The District shall provide to the District's insurance carrier a report on each:</p> <ol style="list-style-type: none">1. Death;2. On-the-job injury that results in an employee's absence from work for more than one day; and3. Occupational disease of which the District has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the District. <p>The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. The District shall maintain a record of the date the report of injury is filed with the insurance carrier.</p>
COPY TO EMPLOYEE	<p>A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed with the insurance carrier. The summary shall be written in plain lan-</p>

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LEGAL)

guage in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.

NOTICE OF
MODIFIED DUTY
PROGRAM

The District shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the District, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the District. If those opportunities or that program exists, the District shall identify the District's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.

SUPPLEMENTAL
REPORT OF INJURY

A supplemental report shall be filed with the District's insurance carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including all post-injury earnings as defined in 28 Administrative Code Chapter 129 [see OFFSETTING PAID LEAVE AGAINST WORKERS' COMPENSATION INCOME BENEFITS, below], as a result of the injury; or
2. The employee resigns or is terminated.

The District's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the District and the District has made the required report.

For injuries that require the filing of a first report of injury, the District shall file the supplemental report with the District's insurance carrier and provide a copy to the employee within three days after:

1. The employee begins losing time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day of disability as a result of the injury.

The District shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005; 28 TAC 120.2, .3

INJURY AND
OCCUPATIONAL
DISEASE REPORT

The District's report of injury filed in accordance with Texas Labor Code 409.005 [see FIRST REPORT OF INJURY, above] shall satisfy the District's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. *28 TAC 160.3*

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LEGAL)

WAGE REPORTS

The District is required to timely file a complete wage statement on a form prescribed by the TDI.

The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:

1. The date the District is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

OMBUDSMAN
PROGRAM

The District shall notify its employees, in the manner prescribed by the TDI, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act. *Labor Code 404.153*

REPORTS OF SAFETY
VIOLATIONS

The District shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. The District shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. *Labor Code 411.081, .082*

RELATION TO PAID
LEAVE

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

"Lost wages" are the difference between the employee's gross average weekly wage (AWW) and the employee's gross post-injury earnings (PIE). If the employee's PIE equals or exceeds the employee's AWW, the employee has no lost wages.

"Post-injury earnings" include, among several other components:

1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued or annual leave that the employee has voluntarily elected to use after the date of

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE
(LEGAL)

injury that, when combined with the employee's TIBs, exceeds the AWW.

28 TAC 129.2

OFFSETTING PAID
LEAVE AGAINST
WORKERS'
COMPENSATION
INCOME BENEFITS

The Board may provide that while an employee is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the workers' compensation benefits and the weekly compensation the employee was receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave balance. *Labor Code 504.052* [See DEC(LOCAL)]

Unless the Board adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers' Compensation Law. *Atty. Gen. Op. JC-0040 (1999)*

PROHIBITED
DISCRIMINATION

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the above provision is liable for reasonable damages incurred by the employee as a result of the violation, and an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding alleging violation of the above provision is on the employee. *Labor Code 451.002*

Note: A retaliatory discharge claim may not be brought against a school district without its consent. Labor Code Chapter 451 notwithstanding, current state law does not waive a school district's immunity and provide consent. *Labor Code 504.053(e); Travis Cent. Appraisal Dist. v. Norman, 342 S.W.3d 54 (Tex. 2011)*

LEAVES OF
ABSENCE

The District shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent

from the employee's workers' compensation claim. *Atty. Gen. Op. JM-227 (1984)*

A district that terminates an employee for violating a reasonable absence-control policy cannot be liable for prohibited discrimination as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez*, 937 S.W.2d 444 (Tex. 1996) [See DEC]

Note: For information on procuring goods and services under Education Code Chapter 44, see CH(LEGAL).

BOARD AUTHORITY

The District may adopt rules as necessary to implement Government Code Chapter 2267. *Gov't Code 2267.051*

DELEGATION OF
AUTHORITY

The Board may delegate its authority under Government Code Chapter 2267 regarding an action authorized or required by Chapter 2267 to a designated representative, committee, or other person.

The Board shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov't Code 2267.053

CONTRACTS VALUED
AT OR ABOVE \$50,000

All District contracts valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for the District [see also CH]:

1. An interlocal contract. [See CH]
2. Competitive bidding. [See CVA]
3. Competitive sealed proposals. [See CVB]
4. Construction manager-agent method. [See CVC]
5. Construction manager-at-risk method. [See CVD]
6. Design-build method. [See CVE]
7. Job order contract. [See CVF]
8. The reverse auction procedure as defined by Government Code 2155.062(d). [See CH]

Education Code 44.031(a), Gov't Code 2267

[For information on contract-related fees, see CH]

SELECTING A
CONTRACTING
METHOD

If the Board considers a construction contract using a method authorized by Government Code Chapter 2267 other than competitive bidding, the Board must, before advertising, determine which method provides the best value for the District. *Gov't Code 2267.056(a)*

FACILITIES CONSTRUCTION

CV
(LEGAL)

EXCEPTIONS EMERGENCY DAMAGE OR DESTRUCTION	If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. <i>Education Code 44.031(h)</i>
CONTRACTS REQUIRING A BOND	A reverse auction procedure, whether the same or similar to that described by Government Code 2155.062, may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see PAYMENT AND PERFORMANCE BONDS, below]. <i>Gov't Code 2253.021(h)</i>
PUBLIC NOTICE	Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the District's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. <i>Education Code 44.031(g); Gov't Code 2267.052(a)-(b)</i>
CONTRACT SELECTION CRITERIA	<p>In determining the award of a contract, the District shall consider and apply:</p> <ol style="list-style-type: none">1. Any existing laws, including any criteria, related to historically underutilized businesses; and2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses. <p>In determining the award of a contract, the District may consider:</p> <ol style="list-style-type: none">1. Price.2. The offeror's experience and reputation.3. The quality of the offeror's goods or services.

4. The impact on the ability of the District to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2267.055

OUT-OF-STATE
BIDDERS

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001-.002*

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the comptroller in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003-.004*

PUBLISHING
CRITERIA

The District shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion. *Gov't Code 2267.056(b)*

SUBMISSION

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2267.059*

SELECTION

The District shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2267.056(b)*

MAKING EVALUATIONS
PUBLIC

The District shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Gov't Code 2267.056(c), .105*

CHANGE ORDERS

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the District may approve change orders making the changes. The District may grant gen-

eral authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

INSPECTION,
VERIFICATION AND
TESTING

Independently of the contractor, construction manager-at-risk, or design-build firm, the District shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the District. The District shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2267.058*

IMPACT FEES

The District is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the Board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the Board considers advisable to provide for the payment of the fees. *Local Gov't Code 395.022*

ENERGY SAVINGS
PERFORMANCE
CONTRACTS

The contracting and delivery procedures for construction projects described at Government Code Chapter 2267 do not apply to energy savings performance contracts described at Education Code 44.901. *Education Code 44.901(j)* [See CL]

PROFESSIONAL
SERVICES
ARCHITECTS AND
ENGINEERS

An architect or engineer required to be selected or designated under Government Code Chapter 2267 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the District, the District shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see PROCURING PROFESSIONAL SERVICES, below].

Gov't Code 2267.057

REGISTERED
ARCHITECT

An architectural plan or specification for any of the following may be prepared only by an architect registered in accordance with Occupations Code, Title 6, Chapter 1051:

1. A new building constructed and owned by the District that will be used for education, assembly, or office occupancy when the total projected construction costs at the commencement of construction exceed \$100,000.
2. Any alteration or addition to an existing building owned by the District that is, or will be, used for education, assembly, or office occupancy when the total projected construction costs of alteration or addition at the commencement of construction exceed \$50,000 and the alteration or addition requires the removal, relocation, or addition of any walls or partitions or the alteration or addition of an exit.

This section does not prohibit the District from choosing a registered architect or a registered professional engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand, limit, or otherwise alter the scope of a design professional's practice nor does it allow a design professional to prepare an architectural plan or specification described above.

Occupations Code 1051.703; 22 TAC 1.212

REGISTERED
ENGINEER

Electrical or mechanical engineering plans, specifications, and estimates for a District construction project whose contemplated cost at completion is more than \$8,000 and that involves public health, welfare, or safety must be prepared by a registered professional engineer, and the engineering construction executed under the supervision of such an engineer. *Occupations Code 1001.053; Atty. Gen. Op. C-791 (1966)*

The District is not required to secure the services of a registered professional engineer to prepare plans for or supervise a construction project that does not involve electrical or mechanical engineering and for which the contemplated cost does not exceed \$20,000. *Occupations Code 1001.053*

PROCURING
PROFESSIONAL
SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect. The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Competitive bids shall not be solicited for professional services of any architect, landscape architect, land surveyor, professional engineer, or state-certified or state-licensed real estate appraiser. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, .003(a)*

In procuring architectural, engineering, or land-surveying services, the District shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate a contract with that provider at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, the District shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The District shall continue this process until the parties enter into a contract.

Gov't Code 2254.004

An interlocal contract between the District and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

RIGHT TO WORK

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2267, the District:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Gov't Code 2267.054

ACCESSIBILITY

Each facility or part of a facility constructed by, on behalf of, or for the use of the District shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. Alterations of facilities that affect or could affect their usability shall, to the maximum

extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by individuals with disabilities. *28 CFR 35.151, 34 CFR 104.23*

PAYMENT AND
PERFORMANCE
BONDS

When the Board makes a public work contract for constructing, altering, or repairing a public building or carrying out or completing any public work, it shall require the contractor, before beginning the work, to execute payment and/or performance bonds as specified below. The bonds shall be executed by a corporate surety in accordance with Insurance Code 7.19-1. The bond shall be payable to the Board and in a form approved by the Board. *Gov't Code 2253.021(a), (d)-(e)*

For a contract in excess of \$100,000, a performance bond shall be executed in the amount of the contract conditioned on the faithful performance of the work according to the plans, specifications, and contract documents. The bond is solely for the protection of the District. *Gov't Code 2253.021(b)*

For a contract in excess of \$25,000, a payment bond shall be executed in the amount of the contract solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material. *Gov't Code 2253.021(c)*

FAILURE TO OBTAIN
PAYMENT BOND

If the Board fails to obtain a payment bond covering a contract in excess of \$25,000 from the prime contractor, it is subject to the same liability as a surety would be, and a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the contract were subject to Subchapter J, Chapter 53, Property Code. *Gov't Code 2253.027*

NO BOND FOR
DESIGN SERVICES
ONLY

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm. *Gov't Code 2267.311(a)* [See CVE for more information on design/build contracts, including bond amounts]

BOND FOR
INSURED LOSS

The Board shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the governmental entity, furnishes or has furnished by a contractor:

1. A performance bond for the benefit of the District, as described above; and
2. A payment bond, as described above. If the payment bond is not furnished, the District is subject to the same liability that a

surety would have if the surety had issued the payment bond and the District had required the bond to be provided.

These bonds shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

EXCEPTION TO
BOND
REQUIREMENT

The requirement that the District secure a performance or payment bond from an insurance company, above, does not apply when a surety company is complying with an obligation under a bond that had been issued for the benefit of the District.

Gov't Code 2253.022

PREVAILING WAGE ON
PUBLIC WORKS

A worker, laborer, or mechanic employed on a public work, exclusive of maintenance work, by or on behalf of the District shall be paid not less than the general prevailing rate of per diem wages. The general prevailing rate of per diem wages is the rate of per diem wages for work of a similar character in the locality in which the work is performed, and also includes the rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with the District. *Gov't Code 2258.001, .021*

The Board shall determine, as a sum certain, the general prevailing rate of per diem wages in the District for each craft or type of worker needed to execute the contract and also for legal holiday and overtime work. To ascertain the general prevailing rate of per diem wages, the Board shall either conduct a survey of the wages received by classes of workers, laborers, and mechanics employed on projects of a character similar to the contract work in the District or adopt the prevailing wage rate as determined by the U.S. Department of Labor. The Board shall specify the prevailing rate of per diem wages in the call for bids and in the contract itself. The Board's determination of the general prevailing rates of per diem wages shall be final. *Gov't Code 2258.001, .022*

ENFORCEMENT

The Board, and an agent or officer of the Board, shall receive complaints regarding violations of the prevailing wage requirements of Chapter 2258, and withhold money from the contractor as required by statute. Upon receipt of a complaint, the Board shall determine, before the 31st day after the date the information is received, whether good cause exists to believe that a contractor or subcontractor has failed to pay the prevailing wage and shall provide written notice of its determination to the contractor or subcontractor and any affected laborer, worker, or mechanic of its initial determination. *Gov't Code 2258.051-.052*

RETAINAGE AND REIMBURSEMENT	The Board shall retain any amounts due under the contract pending a final determination of the violation. Upon a final determination that violations have occurred, the Board shall use those retained amounts to pay the laborer, worker, or mechanic the difference between the amount the worker received in wages and the amount the worker would have received at the prevailing rate of per diem wages provided in the arbitrator's award. The Board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. <i>Gov't Code 2258.052(d), .056</i>
PENALTY FOR NONCOMPLIANCE	The contractor to whom the contract is awarded or any subcontractors of the contractor shall pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to the District \$60 for each worker, laborer, or mechanic employed for each calendar day or part of a calendar day the worker is paid less than the wage rates specified in the contract. The Board must specify this penalty in the contract. If the District does not determine the prevailing wage rates and specify them in the contract, the contractor or subcontractor may not be fined. The Board shall use any penalty money collected to offset the costs incurred in administering Government Code Chapter 2258. <i>Gov't Code 2258.023</i>
REQUIRED WORKERS' COMPENSATION COVERAGE	<p>When the District enters into a building or construction contract on a project, it shall fulfill the following requirements regarding required workers' compensation coverages. A project includes the provision of all services related to a building or construction contract for the District. The District shall:</p> <ol style="list-style-type: none">1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. This provision includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any

entity furnishing persons to perform services on the contract. Services include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. Services do not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
 - a. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
 - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance upon request and to any person entitled to a copy by law.
7. Use the prescribed language for bid specifications and contracts without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation. [See CV(EXHIBIT) for prescribed language]

Labor Code 406.096; 28 TAC 110.110(a)(7)(8), (c)

EXCEPTION

This coverage requirement does not apply to sole proprietors or partners of a covered business entity or corporate officers, if the sole proprietor, partner or officer is explicitly excluded from the coverage of their business entity through an endorsement to the insurance policy or certificate of authority to self insure. *Labor Code 406.097; 28 TAC 110.110(i)*

CRIMINAL HISTORY

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

IMPERMISSIBLE
PRACTICES

A Board member, employee, or agent of the District who knowingly or with criminal negligence violates the purchasing laws found in Education Code Chapter 44 as described at Education Code 44.032 is subject to criminal penalties. *Education Code 44.032* [See CH]

FACILITIES CONSTRUCTION

CV
(LEGAL)

ENFORCEMENT
ACTIONS

Government Code Chapter 2267 may be enforced through an action for declaratory or injunctive relief filed not later than the tenth day after the date on which the contract is awarded. *Gov't Code 2267.452*

DEFECTS IN
INSTRUCTIONAL
FACILITIES

If the District brings an action for recovery of damages for the defective design, construction, renovation, or improvement of an instructional facility financed by bonds for which the District receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the District shall provide the Commissioner with written notice of the action. The Commissioner may join in the action on behalf of the state to protect the state's share.

The District shall use the net proceeds from the action to repair the defect or to replace the facility. Education Code 46.008 applies to the repair.

The state's share is state property. The District shall send to the comptroller any portion of the state's share not used by the District to repair the defect or to replace the facility. Education Code 42.258 applies to the state's share.

NET PROCEEDS

"Net proceeds" means the difference between the amount recovered by or on behalf of the District in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the District in prosecuting the action.

STATE'S SHARE

"State's share" means an amount equal to the District's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 46.0111

ATTORNEY FEES

A governmental contract for general construction, an improvement, a service, or a public works project may not provide for the award of attorney's fees to the District in a dispute in which the District prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. *Gov't Code 2252.904*

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 D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Criminal History and Credit Reports
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Wage and Hour Laws
DEAA	Incentives and Stipends
DEAB	Salaries and Wages
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return To Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFE	Reduction in Force

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 D: PERSONNEL

DFFA	Financial Exigency
DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Other Professional Employees
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(EXHIBIT)

See the following pages for forms to be used by employees for disclosing potential conflicts of interest:

- Exhibit A: Affidavit Disclosing Substantial Interest in a Business Entity or in Real Property, as defined in Local Government Code 171.002 — 2 pages
- Exhibit B: Affidavit Disclosing Interest in Property, under Government Code Chapter 553, Subchapter A — 1 page

ADDITIONAL DISCLOSURE: The Superintendent and any other employees identified by Board policy as being required to file the conflicts disclosure statement, in accordance with Local Government Code 176.003–.004, may access that form on the Texas Ethics Commission Web site at <http://www.ethics.state.tx.us>.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(EXHIBIT)

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST
IN A BUSINESS ENTITY OR IN REAL PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ (*name*), as an employee of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I have a substantial interest in:
 - a business entity, as those terms are defined in Local Government Code Sections 171.001–.002, that would experience a special economic effect distinguishable from its effect on the public by an action of the Board or the District. [See BBFA]

or

 - real property for which it is reasonably foreseeable that an action of the Board or District will have a special economic effect on the value of the property distinguishable from its effect on the public.
2. The business entity or real property is

(*name/address of business or description of property*).

I _____ have a substantial interest in this business entity or real property as follows: (*check all that apply*)

 - Ownership of ten percent or more of the voting stock or shares of the business entity.
 - Ownership of ten percent or more of the fair market value of the business entity.
 - Ownership of \$15,000 or more of the fair market value of the business entity.
 - Funds received from the business entity exceed ten percent of my gross income for the previous year.
 - Real property is involved and I have an equitable or legal ownership with a fair market value of at least \$2,500.
3. The statements in this affidavit are based on my personal knowledge and are true and correct.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(EXHIBIT)

Signed _____ (date)

Signature of employee _____

Title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ (month),
_____ (year).

_____, Notary Public, State of Texas

NOTE: This affidavit should be filed with the Superintendent, Board President, or a designee before the Board takes action concerning the business entity or real property.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

DBD
(EXHIBIT)

EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ (name), as Superintendent of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is described as follows:
_____.
2. The nature, type, and amount of interest, including percentage of ownership, I have in the property is:
_____.
3. I acquired my interest in the property on _____ (date).
4. The information stated in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

Signed _____ (date)

Signature of Superintendent _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ (month),
_____ (year).

_____, Notary Public, State of Texas

NOTE: This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the Superintendent resides within ten days before the date on which the property is to be acquired by purchase or condemnation.

EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

DCA
(LEGAL)

PERSONS UNDER
PROBATIONARY
CONTRACTS

Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the District for the first time or if the person has not been employed by the District for two consecutive school years subsequent to August 28, 1967:

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. Counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B.
6. Nurse.

Education Code 21.101, .102(a)

EXCEPTIONS
REHIRES

A person who previously was employed as a teacher by the District, and after at least a two-year lapse in District employment returns to District employment, may be employed under a probationary contract. *Education Code 21.102(a)*

PRINCIPAL OR
CLASSROOM
TEACHER

The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Section 21.102. *Education Code 21.202(b)*

UPON
REASSIGNMENT

An employee may be employed under a probationary contract if the employee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certificate held by the employee in the professional capacity in which the employee was previously employed.

This provision does not apply to an employee who is returned by the District to a professional capacity in which the employee was employed by the District before the District employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by the District in that capacity.

Education Code 21.102(a-1) [See 19 TAC 230.33 for list of certificate classes]

EMPLOYMENT PRACTICES
PROBATIONARY CONTRACTS

DCA
(LEGAL)

TERM OF CONTRACT	A probationary contract may not be for a term exceeding one school year.
MAXIMUM	A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.
EXCEPTION	A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the Board determines that it is doubtful whether a continuing contract or a term contract should be given. If the Board makes such a determination, the District may make a probationary contract for a term ending with the fourth consecutive school year.

Education Code 21.102

TERMINATION OF EMPLOYMENT

DF
(EXHIBIT)

The forms on the following pages are provided to assist the District in notifying employees of contract termination.

- Exhibit A: Notice of Proposed Termination of a Probationary or Term Contract — 1 page
- Exhibit B: Notice of Proposed Termination of a Continuing Contract — 1 page
- Exhibit C: Notice of Contract Termination —1 page

Note: The following forms are for termination of a probationary, term, or continuing contract during the contract term for reasons other than financial exigency. For termination of a probationary or term contract during the contract term due to financial exigency, see DFFA. For termination of a continuing contract due to financial exigency, see DFFC. For termination of a probationary contract at the end of the contract term, see DFAB. For nonrenewal of a term contract at the end of the contract term, see DFBB. For nonrenewal of a term contract due to a program change, see DFFB.

TERMINATION OF EMPLOYMENT

DF
(EXHIBIT)

EXHIBIT A

NOTICE OF PROPOSED TERMINATION
OF A PROBATIONARY OR TERM CONTRACT

Date of notice: _____

Employee name: _____

On _____ (date of meeting), the Board voted to propose termination of your employment contract for the following reasons:

(List all reasons constituting good cause for contract termination.)

To request a hearing on the Board's proposed termination of your employment contract, you must submit a written request to the Commissioner of Education for appointment of an independent hearing examiner, and provide the Board a copy of the request, not later than the 15th day after the date you received this notice.

If you do not request a hearing within 15 days of receiving this notice, the Board will vote to terminate your contract.

Please direct questions regarding the proposed termination of your contract to the Superintendent.

Signature

Printed name

Title

TERMINATION OF EMPLOYMENT

DF
(EXHIBIT)

EXHIBIT B

NOTICE OF PROPOSED TERMINATION
OF A CONTINUING CONTRACT

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board voted to propose termination of your employment contract for the following reasons:

(List all reasons constituting good cause for contract termination.)

To request a hearing on the Board's proposed termination of your employment contract, you must notify the Board in writing not later than the tenth day after the date you receive this notice. You must also submit a written request to the Commissioner of Education for appointment of an independent hearing examiner, and provide the Board a copy of the request, not later than the 15th day after the date you received this notice.

If you do not notify the Board of a hearing request within ten days of receiving this notice, or if you fail to timely request appointment of an independent hearing examiner, the Board will vote to terminate your contract.

Please direct questions regarding the proposed termination of your contract to the Superintendent.

Signature

Printed name

Title

TERMINATION OF EMPLOYMENT

DF
(EXHIBIT)

EXHIBIT C

NOTICE OF CONTRACT TERMINATION

(To be used to notify an employee of the Board's final action to terminate a probationary, term, or continuing contract, if the employee fails to timely notify the Board or request a hearing.)

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board took final action to terminate your employment contract, effective _____.

Please direct questions regarding the termination of your contract to the Superintendent.

Signature

Printed name

Title

Note: The following form is for termination of a probationary contract at the end of the contract term. For termination of a probationary contract during the contract term for reasons other than financial exigency, see DF. For termination of a probationary contract during the contract term due to financial exigency, see DFFA.

NOTICE OF END-OF-YEAR TERMINATION
OF PROBATIONARY CONTRACT

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board took action to terminate your employment contract.

Your employment with the District will end effective the last duty day of the school year.

Please direct questions regarding the termination of your contract to the Superintendent.

Signature

Printed name

Title

PROBATIONARY CONTRACTS
RETURN TO PROBATIONARY STATUS

DFAC
(LEGAL)

UPON
REASSIGNMENT

An employee may be employed under a probationary contract if the employee voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Education Code Chapter 21, Subchapter B than the class of certificate held by the employee in the professional capacity in which the employee was previously employed.

This provision does not apply to an employee who is returned by the District to a professional capacity in which the employee was employed by the District before the District employed the employee in the new professional capacity. The employee is entitled to be employed in the original professional capacity under the same contractual status as the status held by the employee during the previous employment by the District in that capacity.

Education Code 21.102(a-1) [See 19 TAC 230.33 for list of certificate classes]

IN LIEU OF
DISCHARGE,
TERMINATION, OR
NONRENEWAL

In lieu of discharging a continuing contract employee, terminating a term contract employee, or not renewing a term contract, the District may, with written consent of the employee, return the employee to probationary contract status. *Education Code 21.106(a)*

AFTER BOARD
PROPOSAL

Except as provided below, an employee may agree to be returned to probationary status only after receiving written notice that the Board has proposed discharge, termination, or nonrenewal. [See DF series] *Education Code 21.106(b)*

AFTER NOTICE
FROM
SUPERINTENDENT

An employee may agree to be returned to probationary contract status after receiving written notice of the Superintendent's intent to recommend discharge, termination, or nonrenewal.

NOTICE

The notice must inform the employee of the District's offer to return the employee to probationary contract status, the period during which the employee may consider the offer, and the employee's right to seek counsel. The District must provide the employee at least three business days after the employee receives the notice to agree to be returned to probationary contract status. This provision does not require the Superintendent to provide notice of intent to recommend discharge, termination, or nonrenewal.

Education Code 21.106(d)

NEW PROBATIONARY
PERIOD

An employee returned to probationary status must serve a new probationary period as provided by Education Code 21.102 as if the employee were employed by the District for the first time. *Education Code 21.106(c)*

TERM CONTRACTS
NONRENEWAL

DFBB
(LEGAL)

GROUND FOR
NONRENEWAL

The Board may terminate a term contract for a financial exigency that requires a reduction in personnel. *Education Code 21.211(a)* [See CEA]

REASONS

The Board shall establish by policy reasons for nonrenewal at the end of a school year. *Education Code 21.203(b)*

EVALUATIONS

Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. *Education Code 21.203(a)* [See DNA and DNB]

NOTICE

Not later than the tenth day before the last day of instruction in a school year, the Board shall notify in writing each employee whose contract is about to expire whether the Board proposes to renew or not renew the contract.

The notice must be delivered personally by hand delivery to the employee on the campus at which the employee is employed. If the employee is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the employee's address of record with the District. Notice that is postmarked on or before the tenth day before the last day of instruction is considered timely for these purposes.

FAILURE TO
PROVIDE TIMELY
NOTICE

The Board's failure to give timely notice of a proposed renewal or nonrenewal constitutes an election to employ the contract employee in the same professional capacity for the following school year.

Education Code 21.206

REQUEST FOR
HEARING

If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after:

1. The date the employee receives hand delivery of the notice of proposed nonrenewal; or
2. The date the notice is delivered to the employee's address of record with the District, if the notice is mailed by prepaid certified mail or delivered by express delivery service.

The Board shall provide for a hearing to be held not later than the 15th day after receiving written notice from the employee requesting a hearing unless the parties agree in writing to a different date. The hearing shall be closed unless the employee requests an open hearing and shall be conducted in accordance with rules adopted by the Board.

Education Code 21.207(a)

BOARD HEARING

At the hearing before the Board, the employee may:

1. Be represented by a representative of the employee's choice;
2. Hear the evidence supporting the reason for nonrenewal;
3. Cross-examine adverse witnesses; and
4. Present evidence.

Education Code 21.207(c)

BOARD DECISION

To evaluate the evidence put before it, the Board shall use the preponderance of the evidence standard of review. *Whitaker v. Marshall Indep. Sch. Dist., Comm. Ed. Dec. No. 112-R1-598 (1998)*

Following the hearing, the Board shall take the appropriate action and notify the employee in writing of that action within 15 days following the conclusion of the hearing. *Education Code 21.208*

HEARING EXAMINER

The Board may use the process described at DFD. *Education Code 21.207(b)*

NO HEARING

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent. *Education Code 21.208*

APPEALS

An employee aggrieved by a decision of the Board to nonrenew a term contract may appeal to the Commissioner for a review of the Board's decision. *Education Code 21.209*

REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency. [See DFFA]
10. Reduction in force because of a program change. [See DFFB]
11. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]
12. The employee is not retained at a campus that has been repurposed in accordance with law. [See AIC]
13. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
14. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
15. Failure to meet the District's standards of professional conduct.

16. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
17. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
18. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
19. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
20. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
21. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
22. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
23. A significant lack of student progress attributable to the educator.
24. Behavior that presents a danger of physical harm to a student or to other individuals.
25. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
26. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
27. Falsification of records or other documents related to the District's activities.
28. Falsification or omission of required information on an employment application.
29. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

30. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
31. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
32. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
33. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
34. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
35. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS
FROM
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. A recommendation for proposed nonrenewal shall be supported by any relevant documentation. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal. The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF
PROPOSED
NONRENEWAL

After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.

If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR
HEARING

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal.

When a timely request for a hearing on a proposed nonrenewal is received by the presiding officer, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING
PROCEDURES

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made.

BOARD DECISION

The Board may consider only evidence presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

Marble Falls ISD
027904

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

NO HEARING

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

TERM CONTRACTS
NONRENEWAL

DFBB
(EXHIBIT)

The forms on the following pages are provided to assist the District in notifying employees of term contract nonrenewal.

- Exhibit A: Notice of Proposed Term Contract Nonrenewal — 1 page
- Exhibit B: Documentation of Delivery: Notice of Proposed Nonrenewal — 1 page
- Exhibit C: Notice of Term Contract Nonrenewal — 1 page

EXHIBIT A

NOTICE OF PROPOSED TERM CONTRACT NONRENEWAL

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board voted to propose nonrenewal of your employment contract for the following reasons:

[List all applicable reasons from DFBB(LOCAL).
Attach an additional sheet of paper if necessary.]

Attached is a copy of the District's DFBB(LOCAL) policy regarding nonrenewal of term contracts.

To request a hearing on the Board's proposed nonrenewal of your employment contract, you must submit a written request to the Board not later than the 15th day after the date you receive this notice. The hearing will be conducted by the Board.

If you do not request a hearing within 15 days of receiving this notice, the Board will vote to nonrenew your contract.

Please direct questions regarding the proposed nonrenewal of your contract to the Superintendent.

Signature

Printed name

Title

EXHIBIT B

DOCUMENTATION OF DELIVERY:
NOTICE OF PROPOSED NONRENEWAL

(For office use only. This document to be retained in the employee's personnel file.)

Employee name: _____

(Notice must be delivered personally by hand delivery to the employee on the campus at which the employee is employed.)

Hand delivery:

Completed: _____ Attempted: _____ (check only one)

Date: _____ By: _____ (name)

(If the employee is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the employee's address of record with the District.)

Mail or delivery service:

Sent by: Certified mail _____ Express delivery service _____ (check only one)

Employee's address of record:

Date: _____ By: _____ (name)

EXHIBIT C

NOTICE OF TERM CONTRACT NONRENEWAL

(To be used to notify an employee of the Board's final action to nonrenew a term contract. If the employee fails to request a hearing, this notice must be provided not later than the 30th day after the date notice of proposed nonrenewal was sent to the employee.)

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board took final action to nonrenew your employment contract. Your employment with the District will end effective the last duty day of the school year.

Please direct questions regarding the nonrenewal of your contract to the Superintendent.

Signature

Printed name

Title

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

GENERAL
REQUIREMENTS

All resignations shall be submitted in writing to the Superintendent or designee. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

AT-WILL EMPLOYEES

The Superintendent or designee shall be authorized to accept the resignation of an at-will employee at any time.

CONTRACT
EMPLOYEES

The Superintendent or designee shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. The resignation requires no further action by the District and is accepted upon receipt.

The Superintendent or other person designated by Board action shall be authorized to accept a contract employee's resignation submitted or effective at any other time. The Superintendent or other Board designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

WITHDRAWAL OF
RESIGNATION

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.

REDUCTION IN FORCE
FINANCIAL EXIGENCY

DDFA
(EXHIBIT)

The forms on the following pages are provided to assist the District in notifying employees of contract termination due to financial exigency.

- Exhibit A: Notice of Proposed Termination of a Probationary Contract — 1 page
Exhibit B: Notice of Proposed Termination of a Term Contract — 1 page
Exhibit C: Notice of Contract Termination — 1 page

Note: These forms are for termination of a probationary or term contract during the contract term due to financial exigency. For termination of a probationary or term contract during the contract term for reasons other than financial exigency, see DF. For termination of a probationary contract at the end of the contract term, see DFAB. For nonrenewal of a term contract at the end of the contract term, see DFBB. For nonrenewal of a term contract due to program change, see DFFB.

EXHIBIT A

NOTICE OF PROPOSED TERMINATION OF PROBATIONARY CONTRACT
DURING CONTRACT TERM DUE TO FINANCIAL EXIGENCY

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board voted to propose termination of your employment contract due to a financial exigency declared under Education Code 44.011. A copy of the District's DFFA(LOCAL) policy is attached.

The Board has determined that any hearing on this proposed termination will be conducted as follows:

- Before the Board. To request a hearing on the Board's proposed termination of your employment contract, you must submit a written request to the Board not later than the 15th day after the date you receive this notice.
- Before an independent hearing examiner appointed by the Commissioner of Education. To request a hearing on the Board's proposed termination of your employment contract, you must submit a written request to the Commissioner of Education for appointment of an independent hearing examiner, and provide the Board a copy of the request, not later than the 15th day after the date you receive this notice.

If you do not request a hearing within 15 days of receiving this notice, the Board will vote to terminate your contract.

Please direct questions regarding the proposed termination of your contract to the Superintendent.

Signature

Printed name

Title

EXHIBIT B

NOTICE OF PROPOSED TERMINATION OF TERM CONTRACT
DURING CONTRACT TERM DUE TO FINANCIAL EXIGENCY

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board voted to propose termination of your employment contract due to a financial exigency declared under Education Code 44.011. A copy of the District's DFFA(LOCAL) policy is attached.

The Board has determined that any hearing on this proposed termination will be conducted as follows:

- Before the Board. To request a hearing on the Board's proposed termination of your employment contract, you must submit a written request to the Board not later than the tenth day after the date you receive this notice.
- Before an independent hearing examiner appointed by the Commissioner of Education. To request a hearing on the Board's proposed termination of your employment contract, you must notify the Board in writing not later than the tenth day after the date you receive this notice. You must also submit a written request to the Commissioner of Education for appointment of an independent hearing examiner, and provide the Board a copy of the request, not later than the 15th day after the date you receive this notice.

If you do not notify the Board of a hearing request within ten days of receiving this notice, or if you fail to timely request appointment of an independent hearing examiner, if applicable, the Board will vote to terminate your contract.

Please direct questions regarding the proposed termination of your contract to the Superintendent.

Signature

Printed name

Title

EXHIBIT C

NOTICE OF CONTRACT TERMINATION

(To be used to notify an employee of the Board's final action to terminate a probationary or term contract, if the employee fails to timely notify the Board or request a hearing.)

Date of notice: _____

Employee name: _____

On _____ (*date of meeting*), the Board took final action to terminate your employment contract, effective _____.

Please direct questions regarding the termination of your contract to the Superintendent.

Signature

Printed name

Title

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
OTHER COMPLAINT PROCESSES	<p>Employee complaints shall be filed in accordance with this policy, except as provided below:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.4. Complaints concerning instructional materials shall be submitted in accordance with EFA.5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.
NOTICE TO EMPLOYEES	The District shall inform employees of this policy.
GUIDING PRINCIPLES INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
DIRECT COMMUNICATION WITH BOARD MEMBERS	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
WHISTLEBLOWER COMPLAINTS	<p>Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]</p>
COMPLAINTS AGAINST SUPERVISORS	<p>Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.</p>
GENERAL PROVISIONS FILING	<p>Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.</p>
RESPONSE	<p>At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
DAYS	<p>“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

REPRESENTATIVE	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

AUDIO RECORDING As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

LEVEL ONE Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One

response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

WORK LOAD

DL
(LEGAL)

PLANNING AND
PREPARATION

Each classroom teacher is entitled to at least 450 minutes in each two-week period for instructional preparation including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404* [See DEAB(LEGAL) for definition of classroom teacher]

Planning and preparation time must occur during the time that students at the school where the teacher is located are receiving instruction. *Canutillo Educators Ass'n v. Canutillo Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 042-R10-203 (April 30, 2010)*

DUTY-FREE LUNCH

Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. The implementation of this requirement may not result in a lengthened school day. *Education Code 21.405* [See DEAB(LEGAL) for definitions of classroom teacher and librarian]

Teachers may not be required to spend their 30-minute duty-free lunch break on school property. *Tex. Att'y Gen. Op. JM-481 (1986)*

EXCEPTION

If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, the District may require a classroom teacher or librarian to supervise students during lunch. A classroom teacher or librarian may not be required to supervise students under this exception more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, the District shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.
2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the District in jeopardy with respect to a potential roll-back election.
3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the District is unable to find individuals to supervise students during lunch.

19 TAC 153.1001

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

STAFF DEVELOPMENT	Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see BQA and BQB].
TRAINING SPECIFICS	<p>The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p> <p>The District may use District-wide staff development that has been developed and approved through the District-level decision process.</p> <p>The staff development may include:</p> <ol style="list-style-type: none">1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;2. Training in preventing, identifying, responding to, and reporting incidents of bullying; and3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.
STUDENTS WITH DISABILITIES	<p>The staff development must include training, based on scientifically based research, that relates to the instruction of students with disabilities and is designed for educators who work primarily outside the area of special education. The District is required to provide such training only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. The District may determine the time and place at which the training is delivered. In developing or maintaining such training, the District must consult persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified District personnel, and any other persons identified as qualified by the District.</p> <p><i>Education Code 21.451</i></p>
CHILD ABUSE AND MALTREATMENT	<p>The District's methods for increasing awareness of issues regarding sexual abuse and other maltreatment of children [see BQ, District Improvement Plan, and FFG] must address employee training.</p> <p>The training must be provided as part of a new employee orientation to new educators, including counselors and coaches, and other professional employees. The training may be provided annually</p>

to any employee. The training may be included in staff development under Education Code 21.451.

The training shall address:

1. Factors indicating a child is at risk for sexual abuse or other maltreatment;
2. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse or other maltreatment; and
5. Community organizations that have relevant existing research-based programs and that are able to provide training or other education for employees, students, and parents.

The District shall maintain records of the training that include the name of each employee who participated.

If the District determines that the District does not have sufficient resources to provide the required training, the District shall work with a community organization to provide the training at no cost to the District.

Education Code 38.0041

SPECIAL PROGRAMS
TRAINING

TITLE I STAFF
DEVELOPMENT

A district that receives assistance under Title I, Part A, shall include in its plan [see AID] a description of the strategy the district will use to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including district staff, in accordance with 20 U.S.C. 6318 and 6319 (No Child Left Behind Act). 20 U.S.C. 6312(b)(1)(D), 7801(34)

READING
ACADEMIES

A teacher shall attend a reading academy under 19 Administrative Code 102.1101 if:

1. The teacher teaches at a campus that fails to satisfy any performance standard under Education Code 39.054(d) [see AIA] on the basis of student performance on the state reading assessment instrument administered to students in any grade level at the campus; and

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
 - a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
 - b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

From funds appropriated for this purpose, a teacher who attends a reading academy is entitled to a stipend in the amount determined by the Commissioner. The stipend shall not be considered in determining whether the District is paying the teacher the state minimum monthly salary [see DEAB].

Education Code 21.4551(c), (e); 19 TAC 102.1101(b)

GIFTED AND
TALENTED
EDUCATION

The District shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

ELECTIVE BIBLE
COURSE

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training devel-

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

	<p>oped by the Commissioner with respect to Bible elective courses. <i>Education Code 28.011(f)</i></p>
ADULT EDUCATION	<p>All adult education staff shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. <i>19 TAC 89.25(1), (2)</i></p> <p>Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. <i>19 TAC 89.25(4)(B)</i></p>
EXCEPTIONS	<p>The in-service professional development requirements may be reduced by local programs in individual cases where exceptional circumstances prevent employees from completing the required hours of in-service professional development. Documentation justifying such circumstances must be kept. Requests for exemption in individual cases may be submitted to TEA for approval in the application for funding and must include justification and proposed qualification. <i>19 TAC 89.25(5)</i></p>
VOLUNTEERS	<p>The above requirements also apply to volunteers who generate student contact time that is accrued by the adult education program and reported to TEA for funding purposes. <i>19 TAC 89.25(7)</i></p>
RECORDS	<p>Records of staff qualifications and professional development shall be maintained by the District and must be available for monitoring. <i>19 TAC 89.25(6)</i></p>
AUTOMATED EXTERNAL DEFIBRILLATORS	<p>The District shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).</p> <p>The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the Commissioner, and each student who serves as an athletic trainer, must:</p> <ol style="list-style-type: none">1. Participate in the instruction;2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association. <p><i>Education Code 22.902</i></p>

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

EXTRACURRICULAR
ACTIVITY SAFETY
TRAINING

The following persons must satisfactorily complete the extracurricular safety training program developed by the Commissioner:

1. A coach or sponsor for an extracurricular athletic activity;
2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;
3. A physician who is employed by the District or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
4. A director responsible for a school marching band.

The training may be conducted by the District, the American Red Cross, the American Heart Association, or a similar organization, or by the University Interscholastic League (UIL).

Education Code 33.202(b), (f); 19 TAC 76.1003

RECORDS

The Superintendent shall maintain complete and accurate records of the District's compliance and the District shall make available to the public proof of compliance for each person employed by or volunteering for the District who is required to receive safety training.

A campus that is determined by the Superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

STEROIDS

The District shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the District or a private entity with relevant expertise.

Education Code 33.091(c-1)

CONCUSSIONS

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.

PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

DMA
(LEGAL)

2. An athletic trainer who serves as a member of the District's concussion oversight team shall take a course approved by the Texas Department of State Health Services Advisory Board of Athletic Trainers (TDSHS-ABAT) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A licensed health-care professional, other than an athletic trainer, who serves as a member of the District's concussion oversight team shall take a course approved by the UIL, TDSHS-ABAT, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the Superintendent or designee. A licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

RESOURCES FOR
STAFF DEVELOPMENT

If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the District. *Education Code 21.453*

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

SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFAA	Selection and Adoption
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
EFF	Instructional Television
EG	CURRICULUM DEVELOPMENT
EGA	Innovative and Magnet Programs
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBB	Gifted and Talented Students

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

SECTION E: INSTRUCTION

EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten
EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination With Prior Instruction
EHDC	Credit by Examination Without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EJ	ACADEMIC GUIDANCE PROGRAM
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	LEP Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CHARTER CAMPUS OR PROGRAM
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

CURRICULUM DEVELOPMENT
INNOVATIVE AND MAGNET PROGRAMS

EGA
(LEGAL)

INNOVATIVE COURSES
AND PROGRAMS

The District may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

To request approval for an innovative course from the SBOE or the Commissioner, the District must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(3).

With the approval of the Board, the District may offer, without modifications, any state-approved innovative course.

19 TAC 74.27

MAGNET SCHOOLS
OR PROGRAMS

The District may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

PURPOSE

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. The District shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, the District shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

The District shall ensure that all children in the District participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

REQUIRED
CURRICULUM

A district that offers kindergarten through grade 12 shall offer the following as a required curriculum:

FOUNDATION
CURRICULUM

1. A foundation curriculum that includes:
 - a. English language arts and reading;
 - b. Mathematics;
 - c. Science; and
 - d. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

ENRICHMENT
CURRICULUM

2. An enrichment curriculum that includes:
 - a. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the District may offer an elective course in the language;
 - b. Health, with emphasis on the importance of proper nutrition and exercise;

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

- c. Physical education;
- d. Fine Arts;
- e. Career and technical education;
- f. Technology applications; and
- g. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

LOCAL CREDIT

The District may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

LOCAL
INSTRUCTIONAL PLAN

The District's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. The District is encouraged to exceed minimum requirements of law and State Board rule. *Education Code 28.002(g)*

COORDINATED
HEALTH PROGRAMS

TEA shall make available to the District one or more coordinated health programs or allow the development of District programs designed to prevent obesity, cardiovascular disease, and type 2 diabetes in elementary, middle, and junior high school students. Each program must provide for coordinating:

1. Health education;
2. Physical education and physical activity;
3. Nutrition services; and
4. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

The District shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the District. *Education Code 38.014*

Coordinated school health programs that are developed by the District and that meet TEA criteria may be approved and made available as approved programs. The District must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

PHYSICAL EDUCATION The District shall establish specific objectives and goals the District intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

STUDENT/TEACHER
RATIO

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the District to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If the District establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the District shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

CLASSIFICATION FOR
PHYSICAL EDUCATION

The District shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

- b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

SCHOOL HEALTH
ADVISORY COUNCIL

The Board shall establish a local school health advisory council to assist the District in ensuring that local community values are reflected in the District's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of council and FFA regarding federal wellness requirements]

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and type 2 diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;
3. Appropriate grade levels and methods of instruction for human sexuality instruction; and
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
 - a. School health services;
 - b. Counseling and guidance services;
 - c. A safe and healthy school environment; and
 - d. School employee wellness.

Education Code 28.004(c)

The council shall consider and make policy recommendations to the District concerning the importance of daily recess for elementary school students. The council must consider research regard-

ing unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The council shall ensure that local community values are reflected in any policy recommendation made to the District concerning the importance of daily recess for elementary school students. *Education Code 28.004(i)*

CONTENT OF HUMAN
SEXUALITY
INSTRUCTION

The Board shall determine the specific content of the District's instruction in human sexuality. *Education Code 28.004(h)*

The Board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the local school health advisory council. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

CONDOMS

The District may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

SEPARATE
CLASSES

If the District provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX]

NOTICE TO
PARENTS

Before each school year, the District shall provide written notice to a parent of each student enrolled in the District of the Board's decision regarding whether the District will provide human sexuality

instruction to District students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the District's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
 - a. Review curriculum materials as provided by Education Code 28.004(j); and
 - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the District or the student's school; and
 - c. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)-(i-1)

AVAILABILITY OF
MATERIALS

The District shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFAA regarding selection of curriculum materials for human sexuality instruction]

STEROID NOTICE AND
EDUCATION

The District shall, at appropriate grade levels as determined by the State Board of Education, provide to students involved in extracurricular athletic activities information developed by TEA regarding the use of anabolic steroids and the health risks involved with such use. *Education Code 38.0081(b)*

Each school in a district in which there is a grade level of seven or higher shall post in a conspicuous location in the school gymnasium and each other place in a building where physical education classes are conducted a notice regarding steroids, using the text set forth at Education Code 38.008 [see FNCF(EXHIBIT)]. *Education Code 38.008*

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. The District is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. The District must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. The District may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

PHYSICAL ACTIVITY
REQUIREMENTS

The District shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the District's physical education curriculum.

The District may as an alternative require a student enrolled in a grade level for which the District uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

EXEMPTIONS

The District must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

The District may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The Board must certify the activity; and

3. The student must provide proof of participation in the activity.

A “structured activity” is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and
2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the Board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

FINE ARTS
REQUIREMENT

The District must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

HIGH SCHOOL
COURSES AT EARLIER
GRADES

The District may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

GRADES 9–12
COURSE OFFERINGS

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

The District shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two of the following:
 - a. Aquatic Science;
 - b. Astronomy;
 - c. Earth and Space Science;
 - d. Environmental Systems;
 - e. Advanced Animal Science;

- f. Advanced Biotechnology;
- g. Advanced Plant and Soil Science;
- h. Anatomy and Physiology;
- i. Engineering Design and Problem Solving;
- j. Food Science;
- k. Forensic Science;
- l. Medical Microbiology;
- m. Pathophysiology; and
- n. Scientific Research and Design.

The requirement to offer two additional courses may be reduced to one by the Commissioner upon application of a district with a total high school enrollment of less than 500 students.

Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

- 4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, and Economics with Emphasis on the Free Enterprise System and Its Benefits.

The District shall provide to a student instruction in personal financial literacy in any course meeting the requirements for an economics credit, using materials approved by the State Board of Education (SBOE). The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, the District may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction. The District shall ensure that a District student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit receives the personal financial literacy instruction.

Education Code 28.0021

- 5. Physical education — at least two of the following:
 - a. Foundations of Personal Fitness;

- b. Adventure/Outdoor Education;
 - c. Aerobic Activities; or
 - d. Team or Individual Sports.
6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
- a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
7. Career and technical education [see EEL] — coherent sequences of courses selected from at least three of the following 16 career clusters:
- a. Agriculture, Food, and Natural Resources;
 - b. Architecture and Construction;
 - c. Arts, Audio/Video Technology, and Communications;
 - d. Business Management and Administration;
 - e. Education and Training;
 - f. Finance;
 - g. Government and Public Administration;
 - h. Health Science;
 - i. Hospitality and Tourism;
 - j. Human Services;
 - k. Information Technology;
 - l. Law, Public Safety, Corrections, and Security;
 - m. Manufacturing;
 - n. Marketing;
 - o. Science, Technology, Engineering, and Mathematics;
and
 - p. Transportation, Distribution, and Logistics.
8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Technology applications — at least four of the following:
- a. Computer Science I;
 - b. Computer Science II;
 - c. Computer Science III;
 - d. Digital Art and Animation;
 - e. Digital Communications in the 21st Century;
 - f. Digital Design and Media Production;
 - g. Digital Forensics;
 - h. Digital Video and Audio Design;
 - i. Discrete Mathematics;
 - j. Fundamentals of Computer Science;
 - k. Game Programming and Design;
 - l. Independent Study in Evolving/Emerging Technologies;
 - m. Independent Study in Technology Applications;
 - n. Mobile Application Development;
 - o. Robotics Programming and Design;
 - p. 3-D Modeling and Animation;
 - q. Web Communications;
 - r. Web Design; and
 - s. Web Game Development.
10. Speech — Communications Applications.

19 TAC 74.3(b)(2)

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. *19 TAC 74.3(b)(4)*

The District shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, the District shall either teach the course every year or

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

The District may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

APPLIED COURSES

The District may offer the foundation curriculum required by the Recommended and Advanced/Distinguished Achievement High School Programs in an applied manner. The courses must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

RESEARCH WRITING
COMPONENT

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

PARENTING
AWARENESS
PROGRAM
HIGH SCHOOL

The District shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

MIDDLE AND
JUNIOR HIGH
SCHOOL

The District may use the program in the District's middle or junior high school curriculum.

PROGRAM
REQUIREMENTS

Implementation of this requirement shall comply with the requirement that the Board establish a local school health advisory council to assist the District in ensuring that local community values are reflected in the District's health education instruction.

The District may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the District's middle, junior high, or high schools do not have a family violence program.

At the discretion of the District, a teacher may modify the suggested sequence and pace of the program at any grade level.

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

LOCAL PROGRAMS
AND MATERIALS

The District may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

PARENT
PERMISSION

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

ALCOHOL
AWARENESS
INSTRUCTION

The District shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

The District shall choose an evidence-based alcohol awareness program to use in the District's middle school, junior high school, and high school health curriculum from a list of programs approved by the Commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

SPECIAL EDUCATION
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB
(LEGAL)

ADMISSION, REVIEW,
AND DISMISSAL
COMMITTEE

The District shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 CFR 300.321.

RESPONSIBILITIES
OF ARD
COMMITTEE

The responsibilities of the ARD committee and the District include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

19 TAC 89.1050(a); 34 CFR 300.116(a), .321(a)

COMMITTEE
MEMBERS

The District shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the child;

4. A representative of the District who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the District;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2–4);
6. The child, if appropriate;
7. Other individuals who have knowledge or special expertise regarding the child at the discretion of the District or the parent;
8. For a child with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of children with auditory impairments;
9. For a child with a visual impairment, including deaf-blindness, a teacher who is certified in the education of children with visual impairments;
10. For a child with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), when selecting assessments; and
11. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 CFR 300.321; 19 TAC 75.1023(d)(1), 89.1131(b)(3)–(4), 101.1005

A District member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the District agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A District member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the District

consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 CFR 300.321(e)

MEMBERSHIP
FOR TRANSITION
MEETINGS

If the purpose of the meeting is to consider postsecondary goals and the transition services needed to assist the student in reaching those goals, the District shall invite:

1. The student. If the student does not attend, the District shall take steps to ensure that the student's preferences and interests are considered.
2. To the extent appropriate, and with the consent of the parent or adult student, a representative of any other agency that is likely to be responsible for providing or paying for transition services.

34 CFR 300.321(b) [See EHBAD]

PARENT
INVOLVEMENT

The District shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the District, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the District will invite the student, and identify any other agency that will be invited to send a representative.

34 CFR 300.322(a)-(b); 19 TAC 89.1045

ALTERNATIVE
MEANS OF
MEETING
PARTICIPATION

If neither parent can attend an ARD meeting, the district must use alternative means of meeting participation, such as individual or conference telephone calls. *20 U.S.C. 1414(f); 34 CFR 300.322(c)*

An ARD meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should

attend, but the District shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 CFR 300.322(d)*

MEETINGS

The District shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 CFR 300.116(b)(1), .324(b), (c)(1)

MEETING AT
PARENT'S
REQUEST

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The District must respond to the request by holding the meeting or requesting TEA's assistance through the mediation process. The District shall inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate. *19 TAC 89.1045(b)*

TRANSFER STUDENTS

If a student transfers districts, and the student had a previous IEP in place, the District will provide the child with FAPE, including services comparable to those described in the previous IEP, in consultation with the parents, until:

1. In the case of a student who transfers within the state, the District adopts the previous IEP or develops, adopts, and implements a new IEP.
2. In the case of a student who had an IEP in effect in another state, the District conducts an evaluation, if determined necessary by the District, and develops, adopts, and implements a new IEP, if appropriate.

20 U.S.C. 1414(d)(2)(C)(i); 34 CFR 300.323(e)-(f)

TRANSFER OF
RECORDS

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of

special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 CFR 300.323(g)

MILITARY
DEPENDENTS

The District shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the District from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

INDIVIDUALIZED
EDUCATION
PROGRAM (IEP)

The District shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 CFR 300.320(a)*

At the beginning of each school year, the District shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 CFR 300.323(a)*

The term "individualized education program" means a written statement for each child with a disability that includes:

1. A statement of the child's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the child's progress toward the annual goals will be measured and when periodic reports on the progress of the child will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child;
5. A statement of the program modifications or supports for school personnel that will be provided for the child;
6. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement

and functional performance of the child on state or districtwide assessments;

9. If the ARD committee determines that the child must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the child cannot participate in the regular assessment and why the particular assessment selected is appropriate for the child;
10. Beginning not later than the first IEP to be in effect when the child is 14, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals [see EHBAD]; and
11. Beginning not later than one year before the child reaches the age of 17, a statement that the child has been informed of the rights that will transfer to the child upon reaching the age of majority.

20 U.S.C. 1414(d); 34 CFR 300.320; Education Code 29.0111; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA Web site. The District may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

TRANSLATION OF
IEP INTO NATIVE
LANGUAGE

If the parent is unable to speak English and Spanish is the parent's native language, the District shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, the District shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d); 19 TAC 89.1050(e)*

AUTISM /
PERVASIVE
DEVELOPMENTAL
DISORDER

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;

3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the child's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

VISUAL
IMPAIRMENT

If the District provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

COLLABORATIVE
PROCESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

TEN-DAY RECESS When agreement about all required elements of the IEP is not achieved, the parent or adult student [see EHBAD for more information on rights of adult students] who disagrees shall be offered a single opportunity to have the committee recess for a period not to exceed ten school days. This recess is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and the District to reach agreement about all required elements of an IEP.

During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the committee to reach agreement.

The date, time, and place for continuing the ARD committee meeting shall be determined by agreement before the recess.

FAILURE TO
REACH
AGREEMENT

If, after the ten-day recess, the ARD committee still cannot reach agreement, the District shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.

When the District implements an IEP with which the parents or adult student disagree, it shall provide prior written notice in compliance with the notice provisions described at EHBAAE.

Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions.

19 TAC 89.1050(h)

MODIFICATION OF
EXISTING IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and District may agree not to convene an IEP meeting for the purposes of

making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, the District shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 CFR 300.324(a)(4)-(a)(6)

TEACHER REQUEST
TO REVIEW IEP

In accordance with TEA rules, the District shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. That provides for a timely District response to the teacher's request; and
3. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11)

TITLE III
REQUIREMENTS

A district that receives funds under Title III of the No Child Left Behind Act shall comply with the statutory requirements regarding limited English proficient and immigrant students. *20 U.S.C. 6801–7014*

STATE POLICY

It is the policy of the state that every student who has a home language other than English and who is identified as an English language learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

DEFINITIONS

“Student of limited English proficiency (LEP)” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

“English language learner (ELL)” is a person who is in the process of acquiring English and has another language as the first native language.

The terms ELL and LEP student are used interchangeably.

“Parent” includes a legal guardian of a student.

DISTRICT
RESPONSIBILITY

Each district shall:

1. Identify ELLs based on criteria established by the state;
2. Provide bilingual education and ESL programs, as integral parts of the regular program;
3. Seek certified teaching personnel to ensure that ELLs are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELLs and the schools that serve them.

Education Code 29.052; 19 TAC 89.1201(a), .1203

IDENTIFICATION OF
LEP STUDENTS

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEES
(LPAC)

Each district that is required to offer bilingual and special language programs shall, by local Board policy, establish an LPAC. The District shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within 20 school days of the enrollment of LEP students. The District shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

MEMBERSHIP OF
LPAC

The LPAC shall include:

1. A professional bilingual educator;
2. A professional transitional language educator;
3. A parent of a LEP student; and
4. A campus administrator.

The District may add other members to the committee in any of the required categories. If the District does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC.

In districts and grade levels at which the District is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel, a campus administrator, and a District-designated parent of an LEP student.

No parent serving on the LPAC shall be an employee of the District.

All members of the LPAC, including parents, shall be acting for the District and shall observe all laws and rules governing confidentiality of information concerning individual students. The District shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

DUTIES

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k).

HOME LANGUAGE
SURVEY

Within four weeks of each student's enrollment, the District shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be retained in the student's permanent record.

The District shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the District and to students previously enrolled who were not surveyed in the past.

The home language survey shall contain the following questions:

1. "What language is spoken in your home most of the time?"
2. "What language does your child speak most of the time?"

Additional information may be collected by the District and recorded on the home language survey.

The home language survey shall be used to establish the student's language classification for determining whether the District is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 Administrative Code 89.1225 and additionally for students with disabilities, 19 Administrative Code 89.1230.

Education Code 29.056(a)(1); 19 TAC 89.1215

LEP
CLASSIFICATION

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

PARENTAL NOTICE
AND CONSENT

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. The notice must be in English and in the parent's primary language. The notice shall inform the parents of the benefits of the program for

which the student is recommended and that it is an integral part of the school program.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent.

Pending parent approval, the District shall place the student in the recommended program, but may count only those students with parent approval for bilingual education allotment.

The District may identify, exit, or place a student in a program without written approval of the student's parent or guardian if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;
3. Approval is obtained from:
 - a. An adult whom the District recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or
 - b. The student, if no parent, guardian, or other responsible adult is available; or
4. A parent or guardian has not objected in writing to the proposed entry, exit, or placement.

Education Code 29.056(a), (d); 19 TAC 89.1220(j), (m), .1240(a)

PARTICIPATION OF
NON-LEP
STUDENTS

With the approval of the District and a student's parents, a student who is not LEP may also participate in a bilingual education program. The number of participating students who are not LEP may not exceed 40 percent of the number of students enrolled in the program. *Education Code 29.058; 19 TAC 89.1233*

BILINGUAL AND ESL
PROGRAMS

Each district with an enrollment of 20 or more LEP students in any language classification in the same grade level district-wide shall offer a bilingual education or special language program, as follows:

1. Kindergarten through elementary grades: the District shall provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Administrative Code 89.1210(d). [See BILINGUAL EDUCATION PROGRAM MODELS, below]

2. Post-elementary through grade 8: the District shall offer bilingual education, ESL, or other transitional language instruction approved by TEA.
3. Grades 9 through 12: the District shall provide ESL instruction by offering an ESL program using one of the two models described at 19 Administrative Code 89.1210(g). [See ESL PROGRAM MODELS, below]

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c), (d), .054; 19 TAC 89.1205

PROGRAM
CONTENT

The District's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. The amount of instruction in each language within the bilingual education program shall be commensurate with the students' level of proficiency in each language and their level of academic achievement.

The bilingual education program shall address the affective, linguistic, and cognitive needs of ELLs as described at 19 Administrative Code 89.1210(c).

An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. Instruction in ESL shall be commensurate with the student's level of English proficiency and his or her level of academic achievement.

The District shall provide for ongoing coordination between the ESL program and the regular educational program. The ESL program shall address the affective, linguistic, and cognitive needs of ELLs as described at 19 Administrative Code 89.1210(f).

The bilingual education and ESL programs shall be an integral part of the regular educational program required under 19 Administrative Code Chapter 74 (Curriculum Requirements).

The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

The District shall modify the instruction, pacing, and materials of bilingual and ESL programs to ensure that ELLs have a full opportunity to master the essential knowledge and skills of the required

curriculum. Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The District shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program.

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The District shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055, .057(b); 19 TAC 89.1210(a)

BILINGUAL
EDUCATION
PROGRAM
MODELS

The bilingual education program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/two-way; or
4. Dual language immersion/one-way.

19 TAC 89.1210(d)

ESL PROGRAM
MODELS

The ESL program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

1. ESL/content-based program model; or
2. ESL/pull-out program model.

19 TAC 89.1210(g)

DUAL LANGUAGE
IMMERSION
PROGRAM (DLIP)

"Dual language immersion" is an educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and another language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based upon instruction that adds to the student's first language. The implemen-

tation of a dual language immersion program (DLIP) model is optional. *19 TAC 89.1203*

The District may adopt a DLIP for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

IMPLEMENTATION

Program implementation should:

1. Begin at prekindergarten, kindergarten, or grade 1, as applicable;
2. Continue without interruption incrementally through the elementary grades whenever possible; and
3. Consider expansion to middle school and high school whenever possible.

19 TAC 89.1227

MINIMUM
REQUIREMENTS

A DLIP must:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.
2. Be a full-time program of academic instruction in English and another language.
3. Provide a minimum of 50 percent of instructional time in the language other than English.
4. Be developmentally appropriate and based on current best practices research.

19 TAC 89.1227

ENROLLMENT

Student enrollment in a DLIP is optional. The program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition. The District must obtain written parental approval for student participation in the program sequence and model established by the District.

A district implementing a DLIP must develop a policy on enrollment and continuation for students in the program. The policy must address:

1. Eligibility criteria;
2. Program purpose;
3. Grade levels in which the program will be implemented;

4. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
5. Expectations for students and parents.

19 TAC 89.1228

EVALUATION

A district implementing a DLIP must conduct annual formative and summative evaluations collecting a full range of data to determine program impact on student academic success.

The success of a DLIP is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.

19 TAC 89.1267

SCHOOL
DISTRICT
RECOGNITION

An exceptional DLIP may be recognized by the Board using the following criteria:

1. The District must exceed the minimum requirements stated in 19 Administrative Code 89.1227.
2. The District must not receive the lowest performance rating in the state accountability system.
3. The District must not be identified for any stage of intervention for the District's bilingual and/or ESL program under the performance-based monitoring system.
4. The District must meet the adequate yearly progress participation and performance criteria in reading and mathematics for the ELL student group under Elementary and Secondary Education Act (ESEA) regulations.

STUDENT
RECOGNITION

A student participating in a DLIP may be recognized by the program and the Board using the following criteria:

1. The student must meet or exceed statewide student assessment passing standards in all subject areas at the appropriate grade level.
2. The student must meet or exceed expected levels of language proficiency on a recognized language proficiency test from the list of tests approved by the Commissioner.

19 TAC 89.1269

SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

EHBE
(LEGAL)

FACILITIES

Bilingual education and special language programs shall be located in the District's regular schools rather than in separate facilities. The District may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent LEP students. Recent immigrant ELLs enrolled in newcomer centers shall return to home campuses no later than two years after initial enrollment in a newcomer program. *Education Code 29.057; 19 TAC 89.1235*

COOPERATION
AMONG DISTRICTS

The District may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.

The District may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district of residence.

Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls.

Education Code 29.059; 19 TAC 89.1220(l)

SUMMER PROGRAM

If the District is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The District shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

OTHER PROGRAM

The District may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

Education Code 29.060

PERSONNEL	<p>Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. <i>Education Code 29.061(b), (c)</i></p> <p>If the District is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the District may file an application for exception with TEA, in accordance with 19 Administrative Code 89.1207. <i>Education Code 29.054; 19 TAC 89.1207</i></p>
LEP STUDENTS AND STATE ASSESSMENTS	<p>In grades 3–12, an LEP student shall participate in the state assessment in accordance with Commissioner’s rules at 19 Administrative Code 101.5 and 19 Administrative Code Chapter 101, Subchapter AA. <i>19 TAC 101.5(c)</i> [See EKBA]</p>
PROGRAM EXIT	<p>The District may transfer an LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:</p> <ol style="list-style-type: none">1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation. <p><i>Education Code 29.056(g)</i></p>
NOTICE TO PARENTS	<p>The District shall notify parents of a student’s reclassification as English proficient and his or her exit from the bilingual or ESL program. <i>19 TAC 89.1240(b)</i></p>
POST-EXIT MONITORING	<p>The LPAC committee shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.</p>

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

PEIMS REPORTING
REQUIREMENTS

A district that is required to offer bilingual education or special language programs shall include the following information in the District's Public Education Information Management System (PEIMS) report:

1. Demographic information on students enrolled in District bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the District; and
3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

Education Code 29.066(a)

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

GRADE
ADVANCEMENT
REQUIREMENTS

The District shall implement grade advancement requirements in accordance with 19 Administrative Code Chapter 101, Subchapter BB and the TEA procedures outlined in the official Grade Placement Committee (GPC) Manual, published annually by TEA.

NOTICE

As specified in 19 Administrative Code 101.9, the Superintendent shall notify parents or guardians of the grade advancement requirements at the beginning of the school year.

19 TAC 101.2001(a), .2009(a)

PROMOTION

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. *Education Code 28.021(a)* [See EI]

In determining promotion, the District shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the District.

Education Code 28.021(c)

In addition to local policy relating to grade advancement, students in grades 5 and 8 must demonstrate proficiency by meeting the passing standard on the appropriate assessment instrument listed at GRADE ADVANCEMENT TESTING or on a state-approved alternate assessment.

A student who does not demonstrate proficiency may advance to the next grade only if:

1. The student has completed the required accelerated instruction under 19 Administrative Code 101.2006;
2. The student's GPC determines by unanimous decision, in accordance with the standards for promotion established by the Board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction. In accordance with Education Code 28.021, to determine grade promotion, the District is required to consider:
 - a. The recommendation of the student's teacher,
 - b. The student's grades,

- c. The student's assessment scores, and
 - d. Any other necessary academic information; and
3. In accordance with Education Code 28.0211(n), the District will ensure that a student who is promoted by a GPC under 19 Administrative Code 101.2007 shall be assigned in each subject in which the student failed to perform satisfactorily on an assessment instrument specified under Education Code 28.0211(a), to a teacher who meets all state and federal qualifications to teach that subject and grade.

19 TAC 101.2001(b)

A student does not have a property interest in promotion. *Education Code 28.0211(e)*

NOTICE

By the start of the school year, the District shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

RETENTION

The District is not precluded from retaining, in accordance with state law or Board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained. *19 TAC 101.2019(a)*

GRADE
ADVANCEMENT
TESTING

The District shall test eligible students in accordance with the grade advancement requirements set forth below.

ELIGIBLE
STUDENTS

An eligible student is subject to all grade advancement requirements, including automatic retention, if the student is enrolled in a district or charter school on any day between January 1 and the date of the first administration of the grade advancement assessments.

An eligible student who does not meet the criteria specified above but enrolls in the District at any time after the date of the first administration of the grade advancement assessments is not subject to the grade advancement requirements.

The District must provide the student the opportunity to test and access to accelerated instruction.

19 TAC 101.2003(b)-(c)

REQUIRED
ASSESSMENT

A student may not be promoted to:

1. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
2. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments. This applies to the assessment instruments administered to students in eighth grade beginning with the 2007–08 school year.

Education Code 28.0211(a); 19 TAC 101.9

EXCEPTION

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)–(p); 19 TAC 101.2001(d)

TEST SCHEDULE

TEA shall provide three opportunities per year for the tests required for grade advancement. The Superintendent shall establish procedures to ensure that:

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and

2. Each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including an alternate assessment, so that the GPC has sufficient evidence for its review upon appeal by a parent or guardian.

19 TAC 101.2005(b)–(c)

The District must accommodate the request of an out-of-District student to participate in the third administration of a test required for grade advancement if the District is testing one or more local students on the applicable test and if the out-of-District student has registered to take the test by a date determined by TEA. *19 TAC 101.2005(d)*

NOTICE OF GRADE
ADVANCEMENT
TESTING
REQUIREMENTS

The Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement;
2. Notifying each student in grades 1–8 who is new to the District and the student's parent or guardian in writing of the testing requirements for grade advancement; and
3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13(b)

UNSATISFACTORY
PERFORMANCE ON
ASSESSMENT
INSTRUMENTS

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c) [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction shall be based on, but not limited to, guidelines on research-based best practices and effective strategies as outlined in the GPC manual, published annually by TEA, which districts may use for developing accelerated instruction.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.

The District must accommodate the request of an out-of-District student to participate in any established, on-campus summer accelerated instruction program, provided the student is living away

from his or her home district and the program matches the accelerated instruction prescribed by the student's GPC.

Education Code 28.0211(a-1); 19 TAC 101.2001(c), .2006(a)-(d)

UNSATISFACTORY
PERFORMANCE
ON GRADE
ADVANCEMENT TESTS

The District shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

ACCELERATED
INSTRUCTION

Each time a student fails to perform satisfactorily on a grade advancement test, the District shall provide the student with accelerated instruction in the applicable subject area. A student who fails to perform satisfactorily on a grade advancement test shall be provided accelerated instruction before the next administration of the applicable assessment. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class. The accelerated instruction must satisfy the standards found in 19 Administrative Code 101.2006. [See UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS, above] *Education Code 28.0211(c); 19 TAC 101.2006(e)(1)*

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The District shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The District shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the District regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*

NOTICE TO
PARENTS OF
PERFORMANCE
AND ACCELERATED
INSTRUCTION

In addition to providing the accelerated instruction, the District shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the District is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the District shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

AFTER EARLY
IDENTIFICATION OF
AT-RISK STUDENTS
NOTICE

The District shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the assessment required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination. This notice shall include accelerated instruction participation requirements as stipulated by 19 Administrative Code 101.2006 and be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

AFTER FIRST
TESTING
OPPORTUNITY
NOTICE

The District shall establish procedures to notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement assessment. This notification should be made within five working days of the District's receipt of student assessment results from this administration. This notice shall include the student's assessment results, a description of the District's grade advancement policy, the required accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*

AFTER SECOND
TESTING
OPPORTUNITY
NOTICE

Within five working days of the District's receipt of student assessment results for the second administration of the assessment required for grade advancement, the District shall notify the campus principal of student assessment results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the assessment results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*

GRADE
PLACEMENT
COMMITTEE

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time. The Superintendent shall establish procedures for convening the GPC.

In accordance with 19 Administrative Code 101.2006(d), decisions by the GPC shall be made on an individual student basis, address required participation of the student in accelerated instruction, and ensure the most effective instruction to support the student's academic achievement on grade level.

The GPC shall be composed of the principal or the principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement assessment on which the student failed to perform satisfactorily. If this teacher is unavailable, the principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student if the remaining members of the GPC also agree to the promotion. The District may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The District may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the District may use other methods to ensure parent participation, including individual or conference telephone calls. The District may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. The District shall make a good faith effort to notify a parent or guardian to attend the GPC. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take all necessary actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a)-(b)

ALTERNATE
ASSESSMENT

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument. If the Board adopts such a policy, the District shall select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the

date of the third administration of the statewide assessment.
19 TAC 101.2011(a)-(b)

PARENTAL
WAIVER

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015*

AFTER THIRD
TESTING
OPPORTUNITY
NOTICE

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of an assessment required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student assessment results for this administration, the District shall notify the campus principal of the assessment results for each eligible student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The District shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*

RETENTION AND
APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous and the student has completed all required accelerated instruction.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board and made in conformance with procedures specified in the GPC manual and

as required by 19 Administrative Code 101.2001(b). These standards must include consideration of the following:

1. The recommendation of the student's teacher;
2. The student's grades;
3. The student's assessment scores; and
4. Any other necessary academic information as determined by the District.

19 TAC 101.2007(f)

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*

The committee's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*

A student who is promoted to the next grade level must complete accelerated instruction required under Education Code 28.0211(a-1) [see UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS, above] before placement in the next grade level. A student who fails to complete required accelerated instruction may not be promoted. *Education Code 28.0211(a-2); 19 TAC 101.2006(e)(2)*

In each subject in which the student failed to perform satisfactorily on the grade advancement test, a student who is promoted by the GPC must be assigned to a teacher who meets all state and federal qualifications to teach that subject and grade. *Education Code 28.0211(n)*

TRANSFER STUDENTS A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit the District's ability to appropriately place such a student. *19 TAC 101.2007(h)* [See FDA]

LIMITED ENGLISH PROFICIENT (LEP) STUDENTS The language proficiency assessment committee (LPAC) shall determine appropriate assessment and accelerated instruction for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)*

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LEGAL)

SPECIAL EDUCATION STUDENTS	A student who is receiving special education services, including a LEP student, who is enrolled in grade 5 or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing as outlined in the official GPC manual. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and accelerated instruction for the student. Decisions regarding assessments for LEP students who receive special education services shall be made by the ARD committee in conjunction with the LPAC. <i>Education Code 28.0211(i); 19 TAC 101.2003(d), (f)</i>
STUDENTS WITH DYSLEXIA	In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. <i>Education Code 28.021(b); 19 TAC 101.2003(g)</i> [See policies at EHB, EKB, and FB]
AGE-APPROPRIATE ASSIGNMENT	The Board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, the Board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. <i>19 TAC 101.2019(b)</i>
TRANSPORTATION TO ACCELERATED INSTRUCTION PROGRAMS	The District shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. <i>Education Code 28.0211(j); 19 TAC 101.2006(b)</i>
OPTIONAL EXTENDED-YEAR PROGRAM	<p>A student who does not meet District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. <i>19 TAC 105.1001(c)</i> [See EHBC]</p> <p>A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the</p>

District shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)-(f) [See EHBC]

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

CURRICULUM
MASTERY

Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory, intensive, and/or accelerated services. [See EHBC] The District shall comply with applicable state and federal requirements when determining methods for students with disabilities [see FB] or students who are English language learners [see EHBE and EKBA] to demonstrate mastery of the curriculum.

STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES

Any modified promotion standards for a student receiving special education services shall be determined by the student's admission, review, and dismissal (ARD) committee and documented in the student's individualized education program (IEP). [See EHBA series and EKB]

STANDARDS FOR
MASTERY

In addition to the factors in law that must be considered for promotion, mastery shall be determined as follows:

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final exams or may be administered separately. Mastery of at least 70 percent on the TEKS objectives shall be required.

KINDERGARTEN–
GRADE 2

The kindergarten–grade 2 program should be considered a developmental continuum of curriculum and student learning. Promotion to the next grade level shall be based on an overall satisfactory average on course-level, grade-level standards (essential knowledge and skills) for reading, language arts, and mathematics.

GRADES 3–5

In grades 3–5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts and mathematics.

GRADES 6–8

In grades 6–8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

GRADES 9–12

Grade-level advancement for students in grades 9–12 shall be earned by course credits resulting from demonstrated mastery of

	<p>the course-level standards (essential knowledge and skills) in the specific course. [See EI]</p>
ACCELERATED INSTRUCTION	<p>If a student fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. Additionally, students in grades 5 and 8 shall be subject to all provisions of GRADE ADVANCEMENT TESTING, below.</p>
GRADE ADVANCEMENT TESTING	<p>Except when a student will be assessed in reading or mathematics above his or her enrolled grade level, students in grades 5 and 8 must meet the passing standard on the applicable state-mandated assessments in reading and mathematics to be promoted to the next grade level, in addition to the District's local standards for mastery and promotion.</p>
DEFINITION OF 'PARENT'	<p>For purposes of this policy and decisions related to grade advancement requirements, a student's "parent" shall be defined to include either of the student's parents or guardians; a person designated by the parent, by means of a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code, to have responsibility for the student in all school-related matters [see FD]; a surrogate parent acting on behalf of a student with a disability; a person designated by the parent or guardian to serve on the grade placement committee (GPC) for all purposes; or in the event that a parent, guardian, or designee cannot be located, a person designated by the Superintendent or designee to act on behalf of the student. [See EIE(LEGAL)]</p>
ALTERNATE ASSESSMENT INSTRUMENT	<p>The Superintendent or designee shall select from the state-approved list, if available, for each applicable subject an alternate assessment instrument that may be used for the third testing opportunity. Each student's GPC shall decide whether he or she shall be given the statewide assessment instrument or the applicable alternate instrument for the third testing opportunity. The committee's decision shall be based on a review of the student's performance in the previous testing opportunities, local assessments, and any other circumstances it deems appropriate.</p>
STANDARDS FOR PROMOTION UPON APPEAL	<p>If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law.</p> <p>The student shall not be promoted unless:</p> <ol style="list-style-type: none">1. All members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction

during the following school year in accordance with the educational plan developed by the GPC; and

2. The student has completed required accelerated instruction in the subject area for which the student failed to demonstrate proficiency.

Whether the GPC decides to promote or to retain a student in this manner, the committee shall determine an accelerated instruction plan for the student for the following school year, providing for interim reports to the student's parent and opportunities for the parent to consult with the teacher or principal as needed. The principal or designee shall monitor the student's progress during the following school year to ensure that he or she is progressing in accordance with the plan.

TRANSFER
STUDENTS

When a student transfers into the District having failed to demonstrate proficiency on applicable assessment instruments after two testing opportunities, a GPC shall convene for that student. The GPC shall review any available records of decisions regarding testing and accelerated instruction from the previous district and determine an accelerated instruction plan for the student.

If a parent initiates an appeal for promotion when a student transfers into the District having failed to demonstrate proficiency after three testing opportunities, the GPC shall review any available records of decisions regarding testing, accelerated instruction, retention, or promotion from the previous district and issue a decision in accordance with the District's standards for promotion.

ASSIGNMENT OF
RETAINED STUDENTS

A student not promoted to the next grade level shall be assigned to the same or a similar campus setting, unless the student's GPC determines that it would be in the student's best interest to be assigned to an age-appropriate campus. Criteria to be considered for this decision may include:

1. Recommendations from the student's teachers.
2. Observed social and emotional development of the student.

REDUCING STUDENT
RETENTION

The District shall establish procedures designed to reduce retaining students at a grade level, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

A student may graduate and receive a diploma only if the student successfully completes:

1. The curriculum requirements identified by the State Board of Education [see STATE GRADUATION REQUIREMENTS, below] and has performed satisfactorily on the exit-level assessments [see EKB]; or
2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c); 19 TAC 101.4001(a)

POSTHUMOUS
DIPLOMA

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student’s parent, the District shall issue a high school diploma posthumously to a student who died while enrolled in the District at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. “School year” includes any summer session following the spring semester.

EXCEPTION

The District is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

DIPLOMAS FOR
VETERANS

Notwithstanding any other provision of this policy, the District may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

DIPLOMA /
TRANSCRIPT /
CERTIFICATE OF
COURSEWORK
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record or transcript, rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.51(a), .61(a)* [See EI for provisions regarding certificate of coursework completion]

SPECIAL
EDUCATION
STUDENTS

A student receiving special education services who successfully completes the requirements of his or her IEP shall receive a high school diploma. *19 TAC 101.7(c)*

PERSONAL
GRADUATION
PLAN (PGP)

A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in a junior high, middle, or high school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by the District.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

In addition, the District is encouraged to establish for each student entering grade 9 a PGP that identifies a course of study that:

1. Promotes college and workforce readiness;
2. Promotes career placement and advancement; and

3. Facilitates the student's transition from secondary to postsecondary education.

Education Code 28.0212

STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES

For a student receiving special education services, the student's admission, review, and dismissal (ARD) committee and the District are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

EARLY GRADUATION

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of the Board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), .003(b) [See FMH, FNG]*

STATE GRADUATION
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.51(b), .61(b)*

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2004–05 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?ac_view=4&ti=19&pt=2&ch=74).

MINIMUM HIGH
SCHOOL PROGRAM

The District shall ensure that each student enrolls in the courses necessary to complete the Recommended or Advanced/Distinguished Achievement High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the District.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

	<p>A student agreeing to take courses under the Minimum High School Program may, upon request, resume taking courses under the Recommended High School Program.</p>
STUDENTS WITH DISABILITIES	<p>If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.</p>
NOTICE	<p>Before a student's parent or other person standing in parental relation to the student may agree that the student be permitted to take courses under the Minimum High School Program, the District must provide the written notice developed by TEA to the parent or person standing in parental relation explaining the benefits of the Recommended High School Program.</p>
APPLICABILITY	<p>A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.</p> <p><i>Education Code 28.025(b), (b-6), (b-8), 19 TAC 74.51(d), .52–.54, .61(c)–(e), .62–.64</i></p>
REQUIREMENTS	<p>A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.52. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62. A student who entered grade 9 in the 2012–13 school year or thereafter must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. 19 TAC 74.52, .62, .72</p>
RECOMMENDED HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.53.</p> <p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.63.</p> <p>A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate profi-</p>

	<p>ciency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.53, .63, .73</i></p>
ADVANCED / DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM	<p>A student who entered grade 9 in the 2004–05, 2005–06, or 2006–07 school year must earn at least 24 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.54.</p> <p>A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.64.</p> <p>A student who entered grade 9 in the 2012–13 school year or thereafter must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.</p> <p><i>Education Code 28.025, 19 TAC 74.54, .64, .74</i></p>
CURRICULUM MAY NOT VARY	<p>The District may not vary the curriculum for a course in the required curriculum based on whether a student is enrolled in the Minimum, Recognized, or Advanced/Distinguished Achievement High School Program. <i>Education Code 28.004(q)</i></p>
SUBSTITUTIONS	<p>No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.53(d), .54(e), .63(d), .64(e), .73(d), .74(e)</i></p>
AP OR IB COURSES	<p>College Board Advanced Placement and International Baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.51(h), .61(k), .71(i)</i></p>
READING	<p>The District may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the District:</p> <ol style="list-style-type: none">1. Adopts policies to identify students in need of additional reading instruction;2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student’s progress; and

3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.51(e), .61(e), .71(f)

COLLEGE
COURSES

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.51(i), .61(l), .71(j)*

PHYSICAL
EDUCATION
SUBSTITUTIONS

In accordance with local District policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

OTHER PHYSICAL
ACTIVITY

1. Drill team;
2. Marching band; and
3. Cheerleading.

In accordance with local District policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the Superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the Superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

RESTRICTIONS All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH
DISABILITY OR
ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the District, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH
PHYSICAL
LIMITATIONS

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.52(b)(7), .53(b)(7), .54(b)(7), .62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

TRANSFERS FROM
OUT-OF-STATE OR
NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. 19 TAC 74.51(f), .61(f), .71(g) [See EHDB, EHDC, EHDE, and EI]

PREREQUISITES

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the District; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

The District may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.71(k), (l)

PRIOR COURSES

High school courses successfully completed prior to grade 9 and the 2007–08 school year shall count toward graduation in the manner established in 19 Administrative Code Chapter 74 for credit in the year the course is successfully completed.

Science and physical education graduation requirements successfully completed prior to the 2010–11 school year shall count toward graduation in the manner established at the time the credit was earned.

Physical education graduation requirements successfully completed through a two- or three-credit career and technical education work-based training course prior to the 2011–12 school year shall count toward graduation.

19 TAC 74.61(f), (m)

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

GRADUATION OF
SPECIAL EDUCATION
STUDENTS

A student receiving special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

COMPLETION OF
GENERAL
EDUCATION
REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 and credit requirements applicable to students in general education for graduation under the Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance as established in Education Code Chapter 39, on the required state assessments.
2. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 and credit requirements applicable to students in general education for graduation under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.

COMPLETION OF
IEP

3. The student has satisfactorily completed the state's or District's (whichever is greater) required standards in 19 Administrative Code Chapters 110–128 and Chapter 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions, consistent with the IEP:
 - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - b. Demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the District; or
 - c. Access to services that are not within the legal responsibility of public education, or employment or educational

options for which the student has been prepared by the academic program.

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

The ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

AGING OUT

4. The student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

19 TAC 89.1070(b), (e)–(f)

EVALUATION

Special education students graduating under the above provisions shall be provided with a summary of academic achievement and functional performance as described at 34 CFR 300.305(e)(3). The summary shall consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. If the student is graduating based on completion of his or her IEP, the evaluation under 34 CFR 300.305(e) shall be included as part of the summary. Students who participate in graduation ceremonies but who are not graduating under 19 Administrative Code 89.1070(b)(3) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(c)–(d)*

GRADUATION OF
MILITARY
DEPENDENTS

COURSE WAIVER

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

TRANSFERS
DURING SENIOR
YEAR

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the District after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

SUBSTITUTE
PASSING
STANDARD

The Commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, §§ A, C [See FDD]

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
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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

ADMISSIONS
INTERDISTRICT TRANSFERS

FDA
(LEGAL)

AGREEMENT BETWEEN DISTRICTS	The Board may, by means of a mutual agreement with the board of an adjoining district, transfer any student to the jurisdiction of that adjoining district. All transfers shall be made pursuant to the requirements of Education Code 25.032 through 25.034. The Board, together with the board of the adjoining district, shall agree to the transfer of school funds proportionate to the transfer of attendance when such interdistrict transfers are made. <i>Education Code 25.035</i>
INITIATED BY STUDENT OR PARENT	Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer. <i>Education Code 25.036</i> [See also FD]
BASIS FOR TRANSFER	The Board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. <i>Education Code 25.032</i> [See FDAA]
FUNDING FOR TRANSFERS	Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's attendance after transfer shall be counted by the receiving district. <i>Education Code 25.037</i>
TUITION	The District may charge a tuition fee to the extent that the District's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred to the District under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. <i>Education Code 25.038</i>
TUITION FOR EDUCATION OUTSIDE DISTRICT	Home districts that do not offer each grade, kindergarten–grade 12, shall pay tuition to the District if they have a contract to educate students in grades not taught in the home district. If the home district has contracted for students to attend another district(s), it shall not be required to pay tuition to any district with which it has not contracted. A contract under this section may not be for a period exceeding five years.

The amount of tuition paid may not exceed the greater of:

1. The amount by which the District's actual expenditure per student in average daily attendance exceeds the sum the District receives from state aid sources, as provided by Education Code 25.037. However, the District may not charge more than the tuition charge for the preceding school year unless a tuition fee is set out in a transfer agreement; or
2. The calculated tuition limit specified by Commissioner's rule.

Under the Commissioner's rule, tuition charged to the home district for a transfer student in payment for that student's education may not exceed the District's calculated tuition limit. The calculated tuition limit applies only to tuition paid to the District for the education of a student at a grade level not offered in the home district.

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt revenue per enrollee as calculated in accordance with 19 Administrative Code 61.1012(b).

Education Code 25.038, .039; 19 TAC 61.1012

CREDITS AND
RECORDS

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended.
19 TAC 74.26(a)(1)

NONPUBLIC
SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. The District may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

FNC
(LEGAL)

DISCIPLINE
MANAGEMENT
PROGRAM

Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Education Code 11.252. [See BQ] The program must provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles. *Education Code 37.083(a)*

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LEGAL)

SEARCHES OF
STUDENTS

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent. *U.S. Const., Amend. 4.; New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985); Jones v. Latexo Indep. Sch. Dist., 499 F.Supp. 223 (1980)*

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985)

RANDOM DRUG
TESTING

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a random student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.
2. The character of the intrusion imposed by the drug-testing policy.
3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995) (upholding a policy requiring urinalysis drug testing as a condition of participating in athletics); Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002) (upholding a policy requiring urinalysis drug testing as a condition of participating in competitive extracurricular activities)

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LEGAL)

SEARCHES OF
TELECOMMUNICA-
TIONS /
ELECTRONIC
DEVICES

A person is prohibited from obtaining, altering, or preventing au-
thorized access to a wire or electronic communication while it is in
electronic storage by:

1. Intentionally accessing without authorization a facility through
which an electronic communication service is provided; or
2. Intentionally exceeding an authorization to access that facility.

EXCEPTIONS

This section does not apply with respect to conduct authorized:

1. By the person or entity providing a wire or electronic commu-
nications service;
2. By a user of that service with respect to a communication of
or intended for that user; or
3. By sections 18 U.S.C. 2703, 2704, or 2518.

18 U.S.C. 2701(a), (c)

ELECTRONIC
COMMUNICATION

“Electronic communication” means any transfer of signs, signals,
writing, images, sounds, data, or intelligence of any nature trans-
mitted in whole or in part by a wire, radio, electromagnetic, photo-
electronic or photooptical system that affects interstate or foreign
commerce. *18 U.S.C. 2510(12)*

ELECTRONIC
STORAGE

“Electronic storage” means:

1. Any temporary, intermediate storage of a wire or electronic
communication incidental to the electronic transmission
thereof; and
2. Any storage of such communication by an electronic commu-
nication service for purposes of backup protection of such
communication.

18 U.S.C. 2510(17)

Messages that have been sent to a person, but not yet opened, are
in temporary, intermediate storage and are considered to be in
electronic storage. See Steve Jackson Games, Inc. v. United
States Secret Service, 36 F.3d 457 (5th Cir. 1994). Electronic
communications that are opened and stored separately from the
provider are considered to be in post-transmission storage, not
electronic storage. See Fraser v. Nationwide Mut. Ins. Co., 352
F.3d 107 (3d Cir. 2004).

USE OF TRAINED
DOGS

Trained dogs’ sniffing of cars and lockers does not constitute a
search under the Fourth Amendment. The alert of a trained dog to
a locker or car provides reasonable cause for a search of the lock-
er or car if the dog is reasonably reliable in indicating that contra-

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LEGAL)

band is currently present. The District need not show that the dog is infallible or even that it is reliable enough to give probable cause.

Trained dogs' sniffing of students does constitute a search and requires individualized reasonable suspicion.

Horton v. Goose Creek Indep. Sch. Dist., 690 F.2d 470 (5th Cir. 1982)

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT
PROCESSES

Student or parent complaints shall be filed in accordance with this policy, except as provided below:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning loss of credit on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning removal to a disciplinary alternative education program shall be submitted in accordance with FOC and the Student Code of Conduct.
7. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
8. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
9. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
10. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
11. Complaints concerning instructional materials shall be submitted in accordance with EFA.
12. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

	<p>13. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.</p> <p>14. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.</p>
NOTICE TO STUDENTS AND PARENTS	The District shall inform students and parents of this policy.
GUIDING PRINCIPLES	The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.
GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	
RESPONSE	At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student’s or parent’s mailing address of record. Mailed responses

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

	shall be timely if they are postmarked by U.S. Mail on or before the deadline.
DAYS	“Days” shall mean District business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”
REPRESENTATIVE	“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint. The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.
CONSOLIDATING COMPLAINTS	Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
UNTIMELY FILINGS	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
COSTS INCURRED	Each party shall pay its own costs incurred in the course of the complaint.
COMPLAINT FORM	Complaints under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refile is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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

SECTION G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA	ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES
GB	PUBLIC INFORMATION PROGRAM
GBA	Information Access
GBAA	Requests for Information
GBB	School Communications Program
GBBA	News Media Relations
GC	PUBLIC NOTICES
GE	RELATIONS WITH PARENT ORGANIZATIONS
GF	PUBLIC COMPLAINTS
GK	COMMUNITY RELATIONS
GKA	Conduct on School Premises
GKB	Advertising and Fund Raising in the Schools
GKC	Visitors to the Schools
GKD	Nonschool Use of School Facilities
GKDA	Distribution of Nonschool Literature
GKE	Business, Civic, and Youth Groups
GKF	Cultural Institutions
GKG	School Volunteer Program
GN	RELATIONS WITH EDUCATIONAL ENTITIES
GNA	Other Schools and Districts
GNB	Regional Education Service Centers
GNC	Colleges and Universities
GND	State Education Agency
GNE	Education Accreditation Agencies
GR	RELATIONS WITH GOVERNMENTAL ENTITIES
GRA	State and Local Governmental Authorities
GRAA	Law Enforcement Agencies
GRAC	Juvenile Service Providers
GRB	Interlocal Cooperation Contracts
GRC	Emergency Management

PUBLIC COMPLAINTS

GF
(LOCAL)

COMPLAINTS	In this policy, the terms “complaint” and “grievance” shall have the same meaning.
OTHER COMPLAINT PROCESSES	Complaints by members of the public shall be filed in accordance with this policy, except as provided below: <ol style="list-style-type: none">1. Complaints concerning instructional materials shall be filed in accordance with EFA.2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.
GUIDING PRINCIPLES	The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.
INFORMAL PROCESS	Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
FREEDOM FROM RETALIATION	Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.
GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	
RESPONSE	At Levels One and Two, “response” shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individ-

PUBLIC COMPLAINTS

GF
(LOCAL)

ual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

CONSOLIDATING COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT FORM

Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

PUBLIC COMPLAINTS

GF
(LOCAL)

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.

3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

COMMUNITY RELATIONS
SCHOOL VOLUNTEER PROGRAM

GKG
(LEGAL)

The District shall develop a volunteer program. In developing the program, the District shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, the District shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

PROGRAM
REQUIREMENTS AND
GUIDELINES

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

Gov't Code 2109.004(a)

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by the District.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed \$75 per person in value to recognize special achievement and outstanding service of volunteers.

Gov't Code 2109.004(b)

CRIMINAL HISTORY
RECORD

A volunteer may not perform any volunteer duties until:

1. The volunteer has provided to the District a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government; and
2. The District has obtained from the Texas Department of Public Safety (DPS) all criminal history record information that relates to the volunteer. The District may obtain a volunteer's

COMMUNITY RELATIONS
SCHOOL VOLUNTEER PROGRAM

GKG
(LEGAL)

criminal history record information from any other law enforcement agency, criminal justice agency, or private consumer reporting agency.

APPLICABILITY

The criminal history record review requirements apply to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the District or shared services arrangement.

EXCEPTION

The criminal history record review requirements do not apply to a person who volunteers or is applying to volunteer with the District or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the District for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a District employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

The District may obtain all criminal history record information that relates to an individual listed above.

COSTS

The District may require a volunteer or volunteer applicant to pay any costs related to obtaining criminal history record information.

Education Code 22.0835

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

IMMUNITY

GENERALLY

A volunteer who is serving as a direct service volunteer in the District is immune from civil liability to the same extent as a District employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of the District on District premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

Education Code 22.053

EXTRACURRICULAR
ACTIVITIES

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

PHYSICAL
EXAMINATIONS

Subject to Civil Practices and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health-care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
 - a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
 - b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

Civil Practice & Remedies Code 91.002

IMMUNITY FOR
SHELTER
WORKERS

A District volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006, 431.085*

TRAINING –
CONCUSSION
OVERSIGHT TEAM

A licensed health-care professional who serves on a volunteer basis on the District's concussion oversight team [see FM] must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. In addition, the professional shall, at least once every two years, take a course in the subject matter of concussions approved

by the University Interscholastic League (UIL), the Texas Department of State Health Services Advisory Board of Athletic Trainers, or the appropriate licensing authority for the profession.

The professional must submit proof of timely completion of an approved course to the Superintendent or designee. A licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity.

Education Code 38.154, .158

(LOCAL) Policy Comparison Packet

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

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

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

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

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

REASONS

The recommendation to the Board and its decision not to renew a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency. [See ~~DFFA~~DFE]
10. Reduction in force because of a program change. [See ~~DFFB~~DFE]
11. A decision by a campus intervention team that the employee not be retained at a reconstituted campus. [See AIC]
12. The employee is not retained at a campus that has been repurposed in accordance with law. [See AIC]
13. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
14. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
15. Failure to meet the District's standards of professional conduct.

16. Failure to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
17. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
18. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
19. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
20. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
21. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
22. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
23. A significant lack of student progress attributable to the educator.
24. Behavior that presents a danger of physical harm to a student or to other individuals.
25. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
26. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
27. Falsification of records or other documents related to the District's activities.
28. Falsification or omission of required information on an employment application.
29. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

30. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
31. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
32. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
33. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
34. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
35. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS
FROM
ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. A recommendation for proposed nonrenewal shall be supported by any relevant documentation. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

SUPERINTENDENT'S
RECOMMENDATION

The Superintendent shall prepare lists of employees whose contracts are recommended for renewal or proposed nonrenewal by the Board. Supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal. The Board shall consider such information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF
PROPOSED
NONRENEWAL

After the Board votes to propose nonrenewal, the Superintendent or designee shall deliver written notice of proposed nonrenewal in accordance with law.

If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR
HEARING

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal.

When a timely request for a hearing on a proposed nonrenewal is received by the presiding officer, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING
PROCEDURES

Unless the employee requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The employee and the administration may choose a representative. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made.

BOARD DECISION

The Board may consider only evidence presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

Marble Falls ISD
027904

TERM CONTRACTS
NONRENEWAL

DFBB
(LOCAL)

NO HEARING

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

GENERAL
REQUIREMENTS

All resignations shall be submitted in writing to the Superintendent or designee. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

AT-WILL EMPLOYEES

The Superintendent or designee shall be authorized to accept the resignation of an at-will employee at any time.

CONTRACT
EMPLOYEES

The Superintendent or designee shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. The resignation **requires no further action by the District and** is accepted upon receipt.

The Superintendent or **other person designated by Board action** ~~designee~~ shall be authorized to accept a contract employee's resignation submitted or effective at any other time. The Superintendent or **other Board** designee shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

WITHDRAWAL OF
RESIGNATION

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT PROCESSES

Employee complaints shall be filed in accordance with this policy, except as provided below:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional materials shall be submitted in accordance with EFA.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

NOTICE TO EMPLOYEES

The District shall inform employees of this policy.

GUIDING PRINCIPLES

INFORMAL PROCESS

The Board encourages employees to discuss their concerns and complaints through informal conferences with their supervisor, principal, or other appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

DIRECT COMMUNICATION WITH BOARD MEMBERS

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

FORMAL PROCESS If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

~~NOTICE TO
EMPLOYEES~~

~~The District shall inform employees of this policy.~~

FREEDOM FROM
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

WHISTLEBLOWER
COMPLAINTS

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

COMPLAINTS AGAINST
SUPERVISORS

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.

~~COMPLAINTS~~

~~In this policy, the terms "complaint" and "grievance" shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.~~

~~EXCEPTIONS~~

~~This policy shall not apply to:~~

- ~~1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIA]~~
- ~~2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIA]~~
- ~~3. Complaints concerning retaliation relating to discrimination and harassment. [See DIA]~~
- ~~4. Complaints concerning instructional materials. [See EFA]~~

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

- ~~5. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]~~
- ~~6. Complaints arising from the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code. [See DFBB]~~
- ~~7. Complaints arising from the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term. [See DFAA, DFBA, or DFCA, respectively]~~

GENERAL
PROVISIONS
FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

"Days" shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE

"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

CONSOLIDATING
COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of

	<p>events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiled is within the designated time for filing a complaint.</p>
AUDIO RECORDING	<p>As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.</p>
LEVEL ONE	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and2. With the lowest level administrator who has the authority to remedy the alleged problem.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.

4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two **appeal** ~~complaint~~. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. **The notice of appeal from Level One to Level Two.**
- ~~2.3.~~ The written response issued at Level Two and any attachments.
- ~~3.4.~~ All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

CURRICULUM
MASTERY

Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory, **intensive, and/or accelerated services.** [See EHBC] **The District shall comply with applicable state and federal requirements when determining methods for students with disabilities [see FB] or students who are English language learners [see EHBE and EKBA] to demonstrate mastery of the curriculum./accelerated services.** [See EHBC]

**STUDENTS
RECEIVING
SPECIAL
EDUCATION
SERVICES**

Any modified promotion standards for a student receiving special education services shall be determined by the student's admission, review, and dismissal (ARD) committee and documented in the student's individualized education program (IEP). [See EHBA series and EKB]

STANDARDS FOR
MASTERY

In addition to the factors in law that must be considered for promotion, mastery shall be determined as follows:-

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final ~~exams~~examinations or may be administered separately. Mastery of at least 70 percent on the TEKS objectives shall be required.

KINDERGARTEN–
GRADE 2

The kindergarten–grade 2 program should be considered a developmental continuum of curriculum and student learning. Promotion to the next grade level shall be based on an overall satisfactory average on course-level, grade-level standards (essential knowledge and skills) for reading, language arts, and mathematics.

GRADES 3–5

In grades 3–5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts and mathematics.

GRADES 6–8

In grades 6–8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.

GRADES 9–12

DATE ISSUED:

~~10/3/2012~~11/18/2010

UPDATE 95LDU-2010.06

EIE(LOCAL)-X

Grade-level advancement for students in grades 9–12 shall be earned by course credits resulting from demonstrated mastery of the course-level standards (essential knowledge and skills) in the specific course. [See EI]

~~STUDENTS WITH
DISABILITIES~~

~~Promotion standards and appropriate assessment and acceleration options, as established by individualized education programs (IEP) or grade-level classification of students eligible for special education, shall be determined by the ARD committee.~~

~~LIMITED ENGLISH
PROFICIENT
STUDENTS~~

~~In assessing students of limited English proficiency for mastery of the essential knowledge and skills, the District shall be flexible in determining methods to allow the students to demonstrate knowledge or competency independent of their English language skills in the following ways:~~

- ~~1.— Assessment in the primary language.~~
- ~~2.— Assessment using ESL methodologies.~~
- ~~3.— Assessment with multiple varied instruments. [See EHBE]~~

~~ACCELERATED
INSTRUCTION FOR
GRADES 3–8~~

If a student ~~in grades 3–8~~ fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. Additionally, students in grades 5 and 8 shall be subject to all provisions of GRADE ADVANCEMENT TESTING, below.

GRADE
ADVANCEMENT
TESTING

Except when a student will be assessed in reading or mathematics above his or her enrolled grade level ~~In addition to local standards for mastery and promotion,~~ students in grades 5 and 8 must meet the passing standard on ~~the~~ **an** applicable ~~assessment instrument in the subjects required under~~ **state-mandated assessments law** in **reading and mathematics** ~~order~~ to be promoted to the next grade **level, in addition to the District's local standards for mastery and promotion.**

DEFINITION OF
'PARENT'

For purposes of this policy and decisions related to grade advancement requirements, a student's "parent" shall be defined to include either of the student's parents or guardians; a person designated by the parent, by means of a ~~power~~ **Power** of ~~attorney~~ **Attorney** or an authorization agreement as provided in ~~Chapter~~ **Section** 34 of the Family Code, to have responsibility for the student in all school-related matters [see FD]; a surrogate parent acting on behalf of a student with a disability; a person designated by the parent or guardian to serve on the grade placement committee (GPC) for all purposes; or in the event that a parent, guardian, or designee cannot be located, a person designated by

the Superintendent or designee to act on behalf of the student.
[See EIE(LEGAL)]

ALTERNATE
ASSESSMENT
INSTRUMENT

The Superintendent or designee shall select from the state-approved list, if available, for each applicable subject an alternate assessment instrument that may be used for the third testing opportunity. Each student's GPC shall decide whether he or she shall be given the statewide assessment instrument or the applicable alternate instrument for the third testing opportunity. The committee's decision shall be based on a review of the student's performance in the previous testing opportunities, local assessments, and any other circumstances it deems appropriate.

STANDARDS FOR
PROMOTION UPON
APPEAL

If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law.

The student shall not be promoted unless:

1. All members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction during the following school year in accordance with the educational plan developed by the GPC; and
2. The student has completed required accelerated instruction in the subject area for which the student failed to demonstrate proficiency.

Whether the GPC decides to promote or to retain a student in this manner, the committee shall determine an accelerated instruction plan for the student for the following school year, providing for interim reports to the student's parent and opportunities for the parent to consult with the teacher or principal as needed. The principal or designee shall monitor the student's progress during the following school year to ensure that he or she is progressing in accordance with the plan.

TRANSFER
STUDENTS

When a student transfers into the District having failed to demonstrate proficiency on applicable assessment instruments after two testing opportunities, a GPC shall convene for that student. The GPC shall review any available records of decisions regarding testing and accelerated instruction from the previous district and determine an accelerated instruction plan for the student.

If a parent initiates an appeal for promotion when a student transfers into the District having failed to demonstrate proficiency after three testing opportunities, the GPC shall review any available records of decisions regarding testing, accelerated instruction, reten-

ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

EIE
(LOCAL)

tion, or promotion from the previous district and issue a decision in accordance with the District's standards for promotion.

ASSIGNMENT OF
RETAINED STUDENTS

A student not promoted to the next grade level shall be assigned to the same or a similar campus setting, unless the student's GPC determines that it would be in the student's best interest to be assigned to an age-appropriate campus. Criteria to be considered for this decision may include:

1. Recommendations from the student's teachers.
2. Observed social and emotional development of the student.

REDUCING STUDENT
RETENTION

The District shall establish procedures designed to reduce retaining students at a grade level, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT PROCESSES

Student or parent complaints shall be filed in accordance with this policy, except as provided below:

1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning loss of credit on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning removal to a disciplinary alternative education program shall be submitted in accordance with FOC and the Student Code of Conduct.
7. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
8. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
9. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
10. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
11. Complaints concerning instructional materials shall be submitted in accordance with EFA.

12. **Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.**
13. **Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.**
14. **Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.**

**NOTICE TO STUDENTS
AND PARENTS**

The District shall inform students and parents of this policy.

GUIDING PRINCIPLES

The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator.

INFORMAL
PROCESS

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

FREEDOM FROM
RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

~~NOTICE TO STUDENTS
AND PARENTS~~

~~The District shall inform students and parents of this policy.~~

~~COMPLAINTS~~

~~In this policy, the terms "complaint" and "grievance" shall have the same meaning. This policy shall apply to all student and parent complaints, except as provided below.~~

~~EXCEPTIONS~~

~~This policy shall not apply to:~~

- ~~1. Complaints alleging discrimination or harassment based on race, color, gender, national origin, disability, or religion. [See FFH]~~

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

- ~~2.— Complaints concerning dating violence. [See FFH]~~
- ~~3.— Complaints concerning retaliation related to discrimination and harassment. [See FFH]~~
- ~~4.— Complaints concerning bullying. [See FFI]~~
- ~~5.— Complaints concerning loss of credit on the basis of attendance. [See FEC]~~
- ~~6.— Complaints concerning removal to a disciplinary alternative education program. [See FOC and the Student Code of Conduct]~~
- ~~7.— Complaints concerning expulsion. [See FOD and the Student Code of Conduct]~~
- ~~8.— Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504. [See FB]~~
- ~~9.— Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. [See EHBA, FOF, and the parents' rights handbook provided to parents of all students referred to special education]~~
- ~~10.— Complaints concerning instructional materials. [See EFA]~~
- ~~11.— Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]~~
- ~~12.— Complaints concerning intradistrict transfers or campus assignments. [See FDB]~~

GENERAL
PROVISIONS
FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

DAYS	<p>“Days” shall mean District business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”</p>
REPRESENTATIVE	<p>“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.</p> <p>The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.</p>
CONSOLIDATING COMPLAINTS	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.</p>

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refile is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

In most circumstances, students and parents shall file Level One complaints with the campus principal.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any **other** relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to

the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the **date of the** written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG
(LOCAL)

The Superintendent or designee shall provide the Board the record of the Level Two ~~appeal~~ **complaint**. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. **The notice of appeal from Level One to Level Two.**
- ~~2.3.~~ The written response issued at Level Two and any attachments.
- ~~3.4.~~ All other documents relied upon by the administration in reaching the Level Two decision.

If, at the Level Three hearing, the administration intends to rely on evidence not included in the **Level Two record** ~~records~~, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT PROCESSES

Complaints by members of the public shall be filed in accordance with this policy, except as provided below:

- 1. Complaints concerning instructional materials shall be filed in accordance with EFA.**
- 2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.**

**GUIDING PRINCIPLES
INFORMAL
PROCESS**

The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

**FREEDOM FROM
RETALIATION**

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

~~**COMPLAINTS**~~

~~In this policy, the term “complaint” and “grievance” shall have the same meaning. This policy shall apply to all complaints from the public except as provided below.~~

~~**EXCEPTIONS**~~

~~This policy shall not apply to:~~

- ~~1. Complaints concerning instructional materials. [See EFA]~~
- ~~2. Complaints concerning a commissioned peace officer who is an employee of the District. [See CKE]~~

PUBLIC COMPLAINTS

GF
(LOCAL)

GENERAL PROVISIONS	Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
FILING	
RESPONSE	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
DAYS	"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."
REPRESENTATIVE	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
CONSOLIDATING COMPLAINTS	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
UNTIMELY FILINGS	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

PUBLIC COMPLAINTS

GF
(LOCAL)

COSTS INCURRED Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT FORM Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

LEVEL ONE

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any **other** relevant documents or information **the administrator believes will help resolve the complaint.**

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a

conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis ~~offer~~ the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two re-

sponse or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board ~~with~~ the record of the Level Two ~~complaint~~ **appeal**. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
- 2. The notice of appeal from Level One to Level Two.**
- ~~2.3.~~ The written response issued at Level Two and any attachments.
- ~~3.4.~~ All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next

Marble Falls ISD
027904

PUBLIC COMPLAINTS

GF
(LOCAL)

regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

DATE ISSUED: ~~10/3/2012~~ 6/27/2008
UPDATE 9583
GF(LOCAL)-A

ADOPTED:

6 of 6

STANDING
COMMITTEES

~~The Board shall have the following standing committees:~~

- ~~1.— Business and finance.~~
- ~~2.— Maintenance and facilities.~~
- ~~3.— Policy.~~

The Board may create any additional standing committees as deemed necessary.

The President of the Board may select up to three Board members, including the President, to serve on each standing committee of the Board.

SPECIAL
COMMITTEES

The President shall appoint members to special committees created by the Board to fulfill specific assignments, unless otherwise provided by Board action. These committees may include District personnel and citizens. The function of committees shall be fact-finding, deliberative, and advisory, but not administrative. Special committees shall report their findings to the Board and shall be dissolved upon completion of the assigned task or vote of the Board.

~~The President of the Board and the Superintendent shall be ex officio members of all Board committees, unless otherwise provided by Board action.~~

TRANSACTIONING
BUSINESS

Committees may transact business only within **the** specific authority granted by the Board. To be ~~continuously~~ binding, all such business must be reported to the Board at the next regular or special meeting for approval and entry into the minutes as a public record.

EMPLOYMENT PRACTICES
TERM CONTRACTS

DCB
(LOCAL)

CERTIFICATION
REQUIRED BY SBEC

Term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to:

1. SBEC-certified employees serving full-time as principals, assistant principals, teachers, counselors, diagnosticians, librarians, and the athletic director; and
2. Full-time nurses.

CERTIFICATION
REQUIRED BY THE
DISTRICT

Educator term contracts shall be provided also to persons in the following positions for which the District requires current SBEC certification: ~~assistant superintendent for curriculum and instruction, student services director, special services director, and speech pathologist.~~ **assistant superintendents, executive directors, directors, and speech pathologists.**

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

The term "immediate family" is defined as:

FAMILY

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

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

FAMILY
EMERGENCY

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

WORKDAY

A "workday" for purposes of earning, use, or recording shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

CATASTROPHIC
ILLNESS OR INJURY

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

AVAILABILITY

The District shall make paid leave for the current year available for use at the beginning of the school year.

The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee's pay.

EARNING LEAVE

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

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

When an employee has used more leave than he or she has earned, or will earn during the school year, the District shall deduct the cost of unearned leave days from the employee's next paycheck or from the last paycheck after the employee ceases to be employed by the District.

RECORDING

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all employees except auxiliary employees.
2. Leave shall be recorded in increments of one hour for all auxiliary employees.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

ORDER OF USE

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

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

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

Use of extended sick leave or sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

CONCURRENT USE OF
LEAVE

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

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

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

MEDICAL
CERTIFICATION

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

1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family;

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

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

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

STATE PERSONAL
LEAVE

For purposes of this section, each employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate established in administrative regulations.

The Board requires employees to differentiate the manner in which state personal leave is used:

NON-
DISCRETIONARY
USE

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Non-discretionary use also includes leave for well-baby care within the first year after birth, adoption, or placement of a child.

DISCRETIONARY
USE

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

LIMITATIONS
REQUEST FOR
LEAVE

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

DURATION OF
LEAVE

Discretionary use of state personal leave shall not exceed five consecutive workdays, with a maximum of five days in a semester and ten days in a school year.

LOCAL LEAVE

All employees shall earn five workdays of paid local leave per school year in accordance with administrative regulations.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See STATE PERSONAL LEAVE, above]

EXTENDED SICK
LEAVE

~~After all available state and local leave days have been exhausted, a professional or paraprofessional employee shall be granted in a school year a maximum of ten workdays of extended sick leave to be used for the employee's personal illness or injury, including pregnancy-related illness or injury, or for absences related to the illness or injury of a member of the employee's immediate family.~~

After all available state and local leave days have been exhausted, a professional or paraprofessional employee shall be granted in a school year a maximum of ten workdays of extended sick leave for a FMLA qualified absence. Providing all required FMLA documentation has been received and approved by the Human Resources Department.

The daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken. If no substitute is employed, the lowest daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken.

SICK LEAVE BANK

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave.

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

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

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

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

5. Other procedures deemed necessary for the operation of the sick leave bank.

APPEAL	All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.
FAMILY AND MEDICAL LEAVE TWELVE-MONTH PERIOD	For purposes of an employee's entitlement to FMLA, the 12-month period shall begin on the first duty day of the school year.
COMBINED LEAVE FOR SPOUSES	If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]
INTERMITTENT OR REDUCED SCHEDULE LEAVE	The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]
CERTIFICATION OF LEAVE	If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]
FITNESS-FOR-DUTY CERTIFICATION	If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.
END OF SEMESTER LEAVE	If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]
FAILURE TO RETURN	If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]
TEMPORARY DISABILITY LEAVE	Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for reinstatement.]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.

WORKERS'
COMPENSATION

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

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

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.

COURT
APPEARANCES

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

Absences for court appearances related to an employee's personal business shall be deducted from the employee's leave or, at the option of the employee, shall be taken as leave without pay.

REIMBURSEMENT OF
LEAVE UPON
RETIREMENT

Upon retirement as certified by the Teachers' Retirement System, an employee with accumulated local leave shall be compensated for each unused local leave day at the highest daily substitute rate per job classification.

A budget shall be established annually to pay for retirement compensation. This budget amount shall not be exceeded. In the event that the number of retirees in a single year does result in the District exceeding the budgeted compensation, a prorata amount shall be distributed to each retiree.

BURNET CENTRAL APPRAISAL DISTRICT

P.O. Box 908/223 South Pierce
Burnet, Texas 78611
(512) 756-8291 Telephone
(512 756-7873 Fax

*cc: Wade
Dec Board mtg?*

November 13, 2012

Rick Edwards
President, Board of Trustees
Marble Falls Independent School District
1800 Colt Circle
Marble Falls, TX 78654

Re: Lot 254, Windermere Oaks Subdivision, Burnet County, Texas

Dear President Edwards,

Enclosed is information on a bid we received for the above referenced property. Please schedule time at your next Board of Trustees meeting to discuss this bid.

If the bid is approved, please return the dated and signed Resolution to the Burnet Central Appraisal District, Attn: Joy. If the bid is not approved, please call us at 512-756-8291 ext. 39 to inform us of the Board's decision.

Thank you for your attention to this matter. Please call us with any questions you may have.

Sincerely,

Stan Hemphill
Stan Hemphill
Chief Appraiser

Enc.

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
ATTORNEYS AT LAW

223 South Pierce
Burnet, Texas 78611
(512) 756-8291

November 13, 2012

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

RE: Distribution of Funds: Cause No. 34,731; Burnet Central Appraisal District vs. Polydyne International, Inc.; Lot 254, Windermere Oaks Subdivision, Burnet County, Texas
Account Number 45576

Dear Mr. Hemphill:

A bid of \$2,100.00 has been made by Dana J. Martin to purchase the property, the subject of the above-referenced suit. The money should be disbursed as follows:

CAUSE NO. 34,731		
FEES:	AMOUNT:	TO WHOM:
Deed Recording Fee:	\$ 28.00	Burnet Co. Clerk
Due to Burnet Central Appraisal District		
Burnet County	\$ 386.08	Burnet CAD
Burnet County Special	\$ 27.91	
Water Conservation District	\$ 3.86	
Marble Falls ISD	<u>\$ 1,654.15</u>	
TOTAL MONIES DISBURSED	\$ 2,100.00	

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

Sincerely,



Darby Howell
Legal Assistant

DH/jb

Dana J. Martin

(512) 789-1221

October 21, 2012

Re: Lot 254, Windermere Oaks, Burnet County

Dear Burnet County Appraisal District:

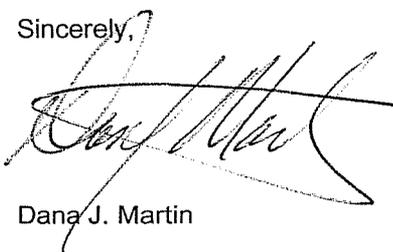
Please consider this my written offer to purchase Lot 254 at Windermere Oaks for a purchase price of :

Two Thousand One Hundred Dollars (\$2,100.00)

This particular lot is right under the flight path of airplanes landing and is not worth as much as other lots in the area.

Let me know if this is acceptable and when I should bring the Cashier's check to your office.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana J. Martin", written over a horizontal line.

Dana J. Martin

Dana@spicewoodairport.com

205 Coventry Rd

Spicewood TX 78669

(512) 789-1221

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

WHEREAS, Lot 254, Windermere Oaks Subdivision, Burnet County, Texas being that property more particularly described in Vol. 626, Page 285 of the Deed Records of Burnet County, Texas were offered for sale by the Sheriff at Burnet County, Texas at public auction pursuant to judgments of foreclosure for delinquent taxes by the District Court; and

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

WHEREAS, TEX.PROP.TAX CODE Section 34.05(a) provides that we may accept a sufficient bid. A bid of TWO THOUSAND, ONE HUNDRED AND NO/100 DOLLARS (\$2,100.00) has been made by DANA MARTIN, said bid being less than the taxes due, and

THEREFORE, BE IT HEREBY RESOLVED by the Board of Trustees of the Marble Falls Independent School District, that the President of the Board of Trustees of the Marble Falls Independent School District is hereby authorized to convey Lot 254, Windermere Oaks Subdivision, Burnet County, Texas to DANA MARTIN, for the sum of TWO THOUSAND, ONE HUNDRED AND NO/100 DOLLARS (\$2,100.00) payable to the Chief Appraiser of Burnet Central Appraisal District for distribution as provided by law.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____,
20__.

Rick Edwards
President, Board of Trustees
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

Summary of Resolution Providing for the Sale of Property Acquired by the Burnet Central Appraisal
District at Delinquent Tax Sale

Lot 254 Windermere Oak Subdivision

Total 2011 appraised value is \$12,058

Bid of \$2,100

MFISD collects \$1654.15 (\$7,212.97) **-\$5,558.82**

LOT 254 WINDERMERE



2013-2014 TEA Waiver Requests

The waiver application process is now paperless so TEA is not providing the standard waiver application form anymore. However, Board approval is still required before the application is submitted; please review list below. The only change made for the 2013-2014 school year is the request for an additional early release day – 6 instead of 5.

General State Waivers

Staff Development Waiver: This waiver allows the district to train staff on various education strategies designed to improve student performance in lieu of a maximum of three days of student instruction... **DEIC approved**

Reading/ English Language Arts, Mathematics, Science, and/ or Social Studies Staff Development Waiver: This waiver allows the district additional staff development strategies aligned with the Texas Essential Knowledge and Skills in lieu of a maximum of two days of student instruction.... **DEIC approved**

Staff Development through Participation in Eligible Conference Waiver: This waiver allows the district to send staff to an eligible conference for staff to improve student performance in lieu of one instructional day of instruction. **DEIC did not approve**

Early Release Waiver: This waiver allows the district to conduct school for less than 7 hours for a total of six days of student instruction to provide additional training in educational methodologies and/or to provide time to meet the needs of students and local communities. Please select the number of days requested. **A maximum of 6 days was approved by DEIC**

Modified Schedule/ TAKS/ EOC/ STAAR Testing Days Waiver: This waiver allows the district to modify the schedule of classes on TAKS testing days during the current school year to reduce the interruptions during testing periods. **DEIC approved**

2013-2014 Calendar Process

Calendar Timeline: For your information.

- Initiate calendar conversations via DEIC on November 7, 2012
- Send calendar survey to DEIC members week November 26th
- Create 3 mock calendars and review during January DEIC
- Disseminate draft calendars during the month of February to district
- Board adopt final calendar during the March board meeting

Guiding number of days as set forth by TEA to develop calendar

FIRST DAY OF INSTRUCTION. (a) Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August. A school district may:

Number of Days: The District shall operate so that it provides for at least 180 days of instruction each school year... Unless (see waivers descriptions below)

Total number of instructional days: 175*

Number of Bad Weather Days: 2

Number of Staff Development Days: 9*

Number of Comp Days: 3

Bad Weather Make-up Days: 2

Early Release Days: 5



**MARBLE FALLS
INDEPENDENT
SCHOOL DISTRICT**

Rob O'Connor, Ed.D. – Superintendent
1800 Colt Circle Marble Falls, Texas 78654 Phone 830-693-4357 Fax 830-693-5685

TO: Board of Trustees
FROM: Rob O'Connor
SUBJECT: Board President to Announce Board Training Credit Hours
DATE: December 10, 2012

Rick Edwards will announce the following regarding the status of each trustee's training hours for the current year as required by the Texas Administrative Code (19TAC §61.1):

- Tier I: None of the trustees are first year board members and are not required to take Tier I training.
- Tier II: All trustees have satisfied the requirements of the Tier II training.
- Tier III: Tommy Chaney, Rick Edwards, Kelly Fox, Craig Mabray, Kevin Naumann, and Mike Savage have satisfied the requirements of Tier III training. Karl Westerman will be attending training to complete the hours require in March, 2013.



"In Pursuit of Excellence"

**Marble Falls ISD
Cash Balances and Interest Earned
For The Quarter Ended November 2012**

IBC Bank

Bank	Account	Month	Interest Earned	Month Ending Bank Balances
IBC	Finance Acct	Sep-12	\$ 127.30	\$ 604,474.90
		Oct-12	\$ 99.72	\$ 68,282.66
		Nov-12	\$ 80.07	\$ 264,149.81
		Total	\$ 307.09	
IBC	Money Market	Sep-12	\$ 3,671.60	\$ 7,202,703.97
		Oct-12	\$ 3,174.61	\$ 6,368,622.88
		Nov-12	\$ 2,458.05	\$ 4,185,336.03
		Total	\$ 9,304.26	
IBC	Debt Service	Sep-12	\$ 1,122.62	\$ 2,261,177.48
		Oct-12	\$ 1,160.61	\$ 2,262,338.09
		Nov-12	\$ 1,123.75	\$ 2,263,461.84
		Total	\$ 3,406.98	
IBC	Payroll Clearing	Sep-12	\$ 719.98	\$ 1,527,076.45
		Oct-12	\$ 817.10	\$ 1,562,641.96
		Nov-12	\$ 773.88	\$ 1,640,142.51
		Total	\$ 2,310.96	

Lone Star Investment Pool

	Corporate Overnight Plus Fund
Beginning Balance @ 9-1-12	\$ 312,503.63
Transfers In	\$ 3,101,590.30
Transfers Out	\$ (461,373.15)
Interest Earned	\$ 585.40
Ending Balance @ 11-30-12	<u>\$ 2,953,306.18</u>

Total Interest Earned For Reported Quarter	\$ 15,914.69
Total Cash Balance - Quarter Ending	\$ 11,306,396.37

Average Rates of Return:	September	October	November
IBC (Greater of T-Bill - .20% or .75%)	0.75%	0.75%	0.75%
Corporate Overnight Plus Fund	0.24%	0.23%	0.21%