Notice of Regular Meeting
BOARD OF TRUSTEES
Natalia ISD

Notice is hereby given that on July 10, 2017, the Board of Trustees of the Natalia ISD will hold a Regular meeting beginning at 6:30 PM in the Natalia Junior High School Cafeteria. The subjects to be discussed are listed on the agenda which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed session of the Board of Trustees is required, then such closed session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001, et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

551.71	Private consultation with the Board's attorney.
551.72	Discussing purchase, exchange, lease, or value of real property.
551.73	Discussing negotiated contracts for prospective gifts or donations.
551.74	Discussing personnel or to hear complaints against personnel.
551.076	Considering the deployment, specific occasions for, or implementation of, security personnel or devices.
551.82	Considering discipline of a public school child, or complaint or charge against personnel.
551.0821	Personally identifiable information about public school student.
551.83	Considering the standards, guidelines, terms, or conditions the Board will follow, or will instruct its representatives to follow, in consultation with representatives of employee groups.
551.84	Excluding witnesses from a hearing.

Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting.

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed session, then the final action, final decision, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

Posted 5:00 PM on Thursday, July 6, 2017 on the bulletin board located in front of Natalia Junior High and in the window adjacent to the front door of the James Barta Building.

Dr. Hensley Cone

Dr. Hensley Cone, Superintendent

Eric Smith

Eric Smith, Board President

BOARD OF TRUSTEES
Natalia ISD

Notice is hereby given that on July 10, 2017, the Natalia ISD Board of Trustees will hold a Regular meeting beginning at 6:30 PM in the Natalia Junior High School Cafeteria. 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.

1. Call to Order
2. Pledge of Allegiances
3. Prayer
4. Roll Call and Establish Quorum
5. Approval of Minutes
   - A. Special Board Meeting June 6, 2017 — 4
   - B. Regular Board Meeting - June 12, 2017 — 5
6. Public Comments
7. Introductions
   - A. Elementary 5th Grade - Clancey Kelley
   - B. High School ELA - Carlos Gutierrez
   - C. High School ELA with Dual Credit - Monica Galvan
8. Action Items
   - A. Consider and take possible action regarding 2017-2018 Employee Handbook — 8
   - B. Consider and take possible action regarding 2017-2018 Student Handbook — 98
   - C. Consider and take possible action regarding Policy Update 108, affecting (LOCAL) policies (see attached list of codes) — 206
   - D. Consider and take possible action regarding budget amendement — 422
   - E. Consider and take possible action regarding the renewal of membership in the Walsh, Gallegos, Trevino, Russo, and Kyle's Retainer program — 424
9. Administrator Reports
   - A. Business Update
     1. Business Manager Report — 432
     2. Monthly Budget Work Session Discussion — 438
10. Executive Session

    The Board of Trustees will convene in closed session pursuant to Texas Government Code, Chapter 551 Pursuant to Section 551.074 of Texas Gov't. Code

    - A. Discuss and consider the Superintendent's summative evaluation pursuant to Government Code Sections 551.074
    - B. Discuss and consider the Superintendent's contract pursuant to Government Code Sections

551.074

C. Discuss and consider resignations pursuant to Government Code Sections 551.074 444

11. Matters from Executive Session
    A. Consider and take possible action regarding the Superintendent's Summative Evaluation
    B. Consider and take possible action regarding the Superintendent's Contract
    C. Consider and take possible action regarding employee resignations
12. Announcements
13. Adjourn

Dr. Hensley Cone

Dr. Hensley Cone, Superintendent

Eric Smith

Eric Smith, Board President

THE STATE OF TEXAS	X	NATALIA INDEPENDENT SCHOOL DISTRICT
COUNTY OF MEDINA	X	SPECIAL MEETING, BOARD OF TRUSTEES

1. Board President Eric Smith called the Special Board meeting to order on Tuesday, June 6,2017 at 7:30 a.m. Pledge of Allegiance was recited; and Tiffany Rodriguez led in prayer and Eric Smith welcomed the visitors.

2. Roll Call, Establish Quorum

   Present: Eric Smith – President
   Paul Almendarez – Vice President - absent
   Jack Bradley –Secretary
   Eric Owens
   Fernando Garza- absent
   Tiffany Rodriguez
   Andrew Besa

3. Acceptance of Agenda
   Motion was made by Tiffany Rodriguez and seconded by Jack Bradley to accept agenda a presented. Motion carried 6-0

4. **EXECUTIVE SESSION:** - was called at 7:33 am – Mr. Fernando Garza arrived at 7:33 am
   The Board of Trustees will convene in closed session pursuant to Texas Government Code, Chapter 551 Pursuant to Section 551.071 and 551.074 of Texas Gov't. Code, deliberations regarding:

   A. Discuss and consider employment of ECC / Elementary Principal

5. **Action Items:** The Board Returns to Open Session. 7:54 am
   A. Discussion and possible action regarding the employment of ECC / Elementary Principal
      Motion was made by Eric Smith and seconded by Andrew Besa to accept the hiring of Carmen Maglievaz as ECC / Elementary Principal. Motion carried 6-0

6. **Adjournment** – Motion was made by Tiffany Rodriguez and seconded by Jack Bradley to adjourn meeting. Motion carried 6 - 0

   Meeting adjourned at 7:54 a.m.

_____ _____

Eric Smith, NISD President Jack Bradley, NISD Secretary

THE STATE OF TEXAS	X	NATALIA INDEPENDENT SCHOOL DISTRICT
COUNTY OF MEDINA	X	REGULAR MEETING, BOARD OF TRUSTEES

1. Board Vice President Paul Almendarez called the Regular Board meeting to order on Monday, June 12, 2017, at 6:30 p.m. Pledge of Allegiance was recited; and Tiffany Rodriguez led in prayer and Paul Almendarez welcomed the visitors.

2. Roll Call, Establish Quorum

   Present: Eric Smith – absent
   Paul Almendarez – Vice President
   Jack Bradley –Secretary - absent
   Eric Owens
   Fernando Garza
   Tiffany Rodriguez
   Andrew Besa

3. Public Comments – No Public Comments

4. Acceptance of Agenda- Motion was made by Tiffany Rodriguez and seconded by Andrew Besa. Motion Carried 5-0
5. Approval of Minutes
   A. Regular Board Meeting, May 8, 2017
   B. Special Board Meeting June 6, 2017

   Motion was made by Andrew Besa and seconded by Eric Owens. Motion carried 5-0
6. **Recognitions**
   A. Student of the Month – ECC E. Gomez
      Presenter: Mr. Terry Howard
   B. Student of the Month – Elementary H. Cordova
      Presenter: Mr. Terry Howard
   C. Student of the Month – Junior High P. Walsh
      Presenter: Dr. Camacho
   D. Student of the Month – High School A. Juarez
      Presenter: Mrs. Brigitte Wardwell
   E. Teacher of the Month – ECC - T. Cumbra
      Presenter: Mr. Terry Howard
   F. Staff of the Month – Phil Riddle
      Presenter: Mr. Johnny Rizo
7. **Introductions**
   A. Junior High Counselor – Tiffanie Sagia
8. **Presentations**
   A. Performance Services
9. **Executive Session:** Into Executive Session at 7:16 pm

   The Board of Trustees will convene in closed session pursuant to Texas Government Code, Chapter 551 Pursuant to Section 551.074 of Texas Gov't. Code, deliberations regarding:

A. Discuss and consider the Superintendent Evaluation Instrument in preparation for July evaluation.

B. Discuss and consider employee resignations

10. Action Items: Board returns to open session @ 7:58 pm

A. Consider and take possible action regarding resignations.
Motion was made by Eric Owens and seconded by Andrew Besa. Motion carried 5-0

B. Consider and take possible action regarding Instructional Materials for Proclamation 2017
Motion was made by Andrew Besa and seconded by Tiffany Rodriguez. Motion carried 5-0

C. Consider and take action regarding the TASB Board of Directors of Nomination – No action

D. Consider and take possible action regarding Bank Depository
Motion was made by Andrew Besa and seconded by Eric Owens. Motion carried 4-0 with Tiffany Rodriguez abstain

E. Consider and take possible action regarding DEC Local Policy
Motion was made by Andrew Besa and seconded by Fernando Garza. Motion carried 5-0

F. Consider and take possible action regarding DED Local Policy
Motion was made by Fernando Garza and seconded by Eric Owens. Motion carried 5-0

G. Consider and take possible action regarding donations. Motion was made by Eric Owens And seconded by Andrew Besa. Motion carried 5-0

H. Consider and take possible action regarding change in fiscal year start date
Motion was made by Andrew Besa and seconded by Fernando Garza. Motion carried 5-0

I. Consider and take possible action regarding signers on CD Accounts
Motion was made by Fernando Garza and seconded by Eric Owens. Motion carried 5-0

11. Administrative Reports:

A. Business Manager Report
   1. Tax Report
   2. Financial Report
   3. Staff Attendance
   4. Monthly Budget Work Session Discussion
      a. Update Revenue Projection
      b. Campus/District Initiatives
      c. Base Budget
      a. Update Revenue Projection
      b. Campus/District Initiatives
      c. Base Budget

B. Superintendent
   1. TASB Update 108, affecting local policies EF, EFA, EFAA, EHDB, EIF, EL, and GKB. 1st Reading
   2. Student Dress Code

C. Announcements

1. June 5 -15 & July 24 - 27 Lit Camp
2. June 5 - 22 Summer School
3. June 21 STAAR 5th Grade Math Retest

4. June 22 STAAR 5th Grade Reading Retest
5. June 29 - High School Summer Graduates - Time to be determined
6. July 10 - Regular Board Meeting

12. <u>Adjournment</u>

Motion was made by Eric Owens and seconded by Andrew Besa to adjourn @ 9:30 pm 5-0

Meeting adjourned at 9:30p.m.

_____ _____

Eric Smith, NISD President Jack Bradley, NISD Secretary

Natalia Independent School District



2017-2018
Employee Handbook & Procedures

BUILDING LIVES UTILIZING EDUCATION
THE BLUE WAY

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Message from the Superintendent
Hensley Cone, Ph.D.

Dear Staff:

Our goal continues to be the preparation of our students to be successful 21st Century learners and productive citizens. To accomplish this during the school year, we must follow the necessary steps in implementing our goal.

Students respect self-confident teachers and aides who set a productive classroom climate. Classroom teachers and aides, respect supervisors who guide and help them in being responsible for providing our students with an atmosphere that encourages creativity, learning and academic success. Our other employees who drive buses, prepare meals, and maintain our facilities have important roles in the establishment of this climate of respect and success as well.

Every employee is part of the Natalia ISD Team whose goal is to provide a quality education for all our children. All employees are trustees of an important public confidence and must be dedicated to doing an efficient and effective job.

The Employee Handbook & Procedural Guidelines has been established to help each and every employee help the district meet our goal.

This handbook will be a guide for your school year in Natalia ISD, but always feel free to ask questions regarding our policies and procedures.

On behalf of our Board of Trustees, I would like to welcome you to another or your first year as a member of our "Mustang" team. Thank you for all you will provide our students this year.

I hope the 2017-2018 school year is an outstanding one for you and your students.

Hensley Cone Ph.D.

Superintendent of Schools
Natalia Independent School District

Introduction

The purpose of this handbook is to first and foremost clarify expectations and second, provide information that will help answer any questions you may have regarding Natalia ISD policies and procedures. Please be aware that not all District policies and procedures are included and those that are, may have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Natalia ISD Superintendent of Schools.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of non-contract employees in any way. Rather, it is intended as a guide of district policies and procedures related to employment. Please be aware that these policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate district office. District policies can also be accessed online at www.nataliaisd.net.

District Information

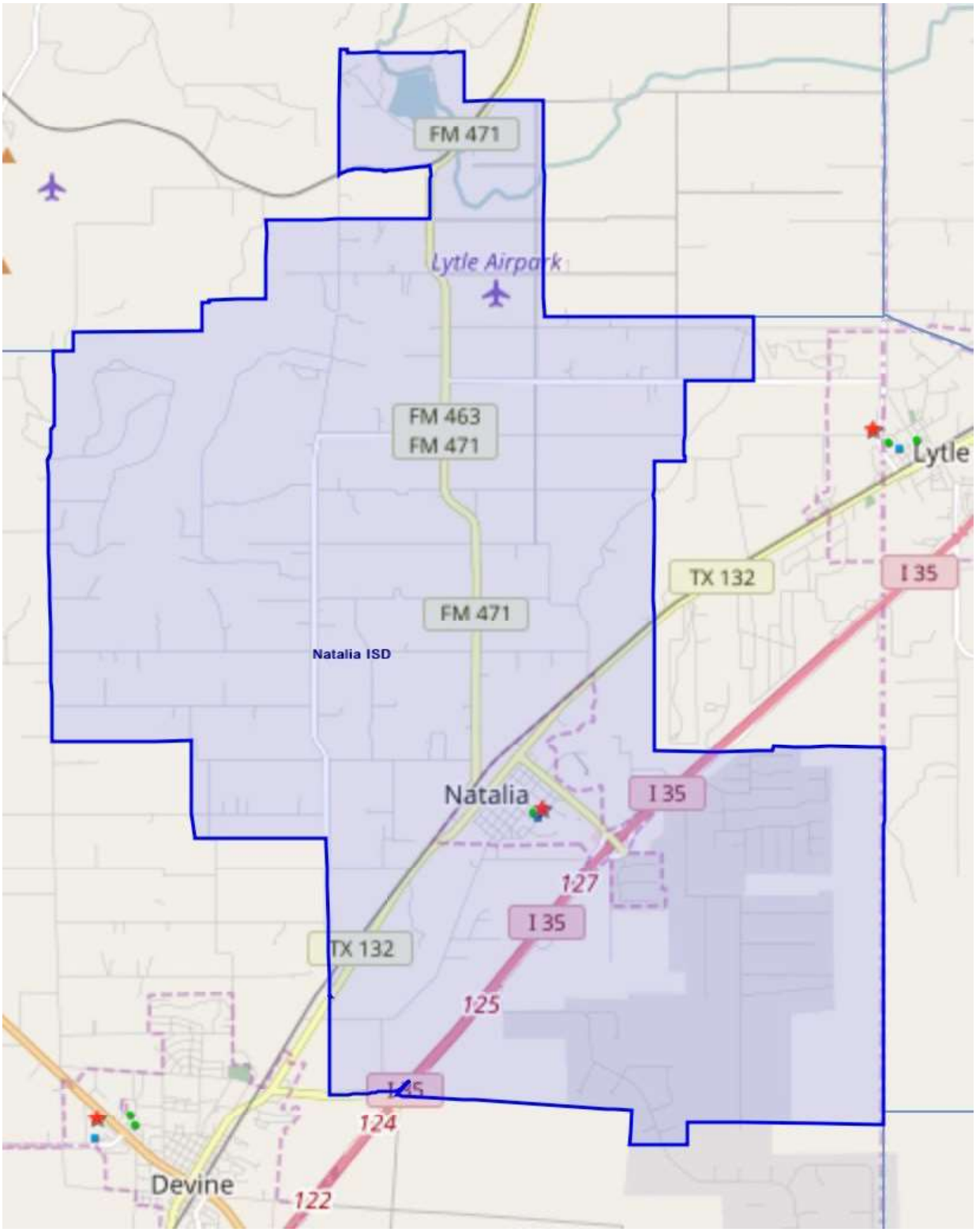
Description of the District

The City of Natalia is located 28 miles southwest of San Antonio off of IH-35 between the town of Lytle and Devine, Texas. Natalia ISD is a rural district consisting of 41 square miles. NISD is classified as a 3A school district participating in most UIL academic and athletic competition.

Natalia ISD is comprised of four campuses, all within walking distance from each other and with approximately 1,100 students. Natalia Early Childhood Center serves students ages 3 to 6 in Pre-K through first grade with approximately 250 students. Natalia Elementary serves students in second through fifth grade with approximately 320 students. Natalia Junior High School serves students in grades 6 through 8 with approximately 240 students and Natalia High School serves students in grades 9 through 12 with approximately 310 students.

District Map

Click on the title to see the link



Mission Statement, Beliefs, Priorities & Goals

Policy AE

Mission Statement:
Natalia ISD in partnership with the community, is committed to providing a safe and challenging environment that promotes productive and successful life-long learners.

Natalia ISD Beliefs

We Believe:

- All stakeholders must work cohesively to support student success.
- All students can learn, if given a variety of opportunities to develop their unique abilities.
- We must provide a quality education in a safe and nurturing environment.
- Students must be taught to think for themselves and self-advocate in order to succeed in a global economy

Priority One

Academic Performance

- **Goal**
  - Natalia ISD will guarantee Natalia students have the self-confidence, skills, and lifelong knowledge to achieve their dreams

Priority Two

Courses & Programs

- **Goal**
  - Natalia ISD will provide its students with a variety of opportunities to develop their unique abilities.

Priority Three

Employee Climate & Culture

- **Goal**
  - Natalia ISD will create an environment with high job satisfaction and morale that will ultimately promote student success

Priority Four

Family & Community Engagement

- **Goal**
  - Natalia ISD will establish a relationship among the stakeholders to promote life-long learners that contribute to their community

Priority Five

Facilities

- **Goal**
  - Natalia ISD will have facilities that are safe, beautiful, and foster the 21st century learning (communication, collaboration, critical thinking, creativity, and civility)

Board of Trustees

Policies BA, BB series, BD series, and BE series

Texas law grants the board of trustees the power to govern and oversee the management of the district's schools. The board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, annual budget, employment of the superintendent and other professional staff, and facilities. The board has complete and final control over school matters within limits established by state and federal laws and regulations.

The board of trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the District's children. Trustees are elected for at-large positions and serve 3 year terms. Trustees serve without compensation, must be registered voters, and must reside in the district.

Current board members include:

- Eric Smith, President
- Paul Almendarez, Vice-President
- Jack Bradley, Secretary
- Andrew Besa
- Fernando Garza
- Eric Owens
- Tiffany Rodriguez

The board regularly meets the second Monday of the month at 6:30 p.m. at the Natalia Junior High School Cafeteria. Special meetings may be called when necessary. A written notice of regular and special meetings will be posted on the district Web site and NISD Central Office Doors at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held with a two-hour notice.

All meetings are open to the public. In certain circumstances, Texas law permits the board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

Regular Board Meeting Schedule

Subject to change

September 11, 2017	October 9, 2017	November 13, 2017
December 11, 2017	January 8, 2018	February 12, 2018
March 5, 2018	April 9, 2018	May 14, 2018
June 11, 2018	July 9, 2018	August 13, 2018

Administration

Dr. Freeman Hensley Cone	Superintendent of Schools
Donald Stewart Jr.	Assistant Superintendent of Curriculum and Instruction
Dr. Jane Harris	High School Principal
Anna Lopez	High School - Assistant Principal
Carmen Maglievaz	Elementary Principal
Dr. Edgar Camacho	Junior High School Principal
Terry Howard	Early Childhood Center - Assistant Principal
Chad Graves	Athletic Director & Head Football Coach
Leticia Buenrostro	Special Programs Director
Delia Loza	Technology Director
Barbara Flores	Business Manager
Juan Rizo	Maintenance/Transportation Director
Lori Robinson	District Curriculum and Instruction Facilitator

Helpful Contacts

From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors at the campus/department level, the employee is encouraged to contact the appropriate departments as listed below.

School Directory

Building	**Phone**	**Fax**
Natalia Administration Building	830-663-4416	830-663-4186
Natalia High School	830-663-4417	830-663-6041
Natalia Jr. High School	830-663-4027	830-663-2347
Natalia Elementary School	830-663-2837	830-663-9693
Natalia Early Childhood Center	830-663-9739	830-663-5516
Natalia Academic & Pupil Services (Special Programs)	830-663-5603	830-663-4186
Natalia Technology Training Center	830-663-9222	830-663-4186
Natalia Maintenance, Operations, & Transportations	830-663-5467	830-663-4186
Natalia Child Nutrition Programs Department (JH Office)	830-663-5971	830-663-5849
(ECC) 830-663-2996, (HS) 830-663-6855, (Elem.)	830-663-3465	

Employment

Equal Employment Opportunity

Policies DAA, DIA

Natalia ISD does not discriminate against any employee or applicant for employment because of race, color, religion, gender, sex (including pregnancy), national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the district does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant's job qualifications, experience, and abilities.

Employees with questions or concerns relating to discrimination for any of the reasons listed above should contact the Superintendent of Schools.

Job Vacancy Announcements

Policy DC

Announcements of job vacancies by position and location are posted on a regular basis to the District's Web Site, - www.nataliaisd.net, TASA.net, TASBO.org, and ESC 20 website - www.esc20.net.

Employment after Retirement

Policy DC

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law.
Detailed information about employment after retirement is available in the TRS publication: *Employment after Retirement.* Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS Web Site (www.trs.texas.gov).
When making a choice to return to employment after retirement, it will be beneficial for you to contact NISD Human Resources to discuss and negotiate possible rehire for employment.

Contract and Non-Contract Employment

Policy DC series

State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by a contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code. The paragraphs that follow provide a general description of the employment arrangements used by the district.

Probationary Contracts. Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after a two-year lapse in district employment or employees who move to a position requiring a new class of certification may also be employed by probationary contract. Probationary contracts are one-year contracts. The probationary period for those who have been employed as a teacher in public education for at least five of the eight years preceding employment with the district may not exceed one school year.

For those with less experience, the probationary period will be three school years (i.e., three one-year contracts) with an optional fourth school year if the board determines it is doubtful whether a term or continuing contract should be given.

Term Contracts. Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

Noncertified Professional and Administrative Employees. Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are not employed by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

Paraprofessional and Auxiliary Employees. All paraprofessional and auxiliary employees, regardless of certification, are employed at will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the district.

Certification and Licenses

Policy DBA/DF

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to Tricia McMillan, Human Resources Generalist/Payroll in a timely manner.

Recertification of Employment Authorization

Policy DC

At the time of hire all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization. Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact Tricia McMillan, Human Resources if you have any questions regarding reverification of employment authorization.

Important Certification Updates for 2017-2018 School Year

New certification rules go into effect September 1, 2017. Candidates recommended for a Probationary Certification before August 31, 2017. will remain under old certification rules. It is to the advantage of the district and the candidate to have the recommendation for certification completed by August 31,2017.

SEE: New Rule Requirements effective September 1, 2017 below:

Intern Certificate:

The new Intern Certificate is **valid for one year and is not renewable**. The Intern Certificate requires a candidate to pass all of the appropriate certification content examination(s). This includes all supplemental certification exams. If a teacher is assigned to a Bilingual or ESL position, the candidate must have all exams passed for Bilingual and/or ESL assignments.

Probationary Certificate:

The **new Probationary Certificate is valid for one year and can be renewed for a second year**. The Probationary Certificate requires all content test(s) and the PPR test to be passed.

24/12/ Rule "No Longer" in Effect:

The flexibility to recommend for a certification based upon academic degree or 24/12 is no longer in effect. All candidates must pass their appropriate certification tests in order to be issued a certification

Extension of a Certificate:

Since the Intern Certificate is non-renewable and the Probationary Certificate requires the PPR test passed, the option to extend a certificate is very limited. You will likely only see an extension if a new Field Experience is required for certification. Certificates will not be backdated but recommendations will be based upon the date the **SOE** (Statement of Eligibility) is received.

For more detailed information about the effective September 1, 2017 changes, please contact TEC, SBEC, ESC 20, your professional organization or your administrator.

https://infograph.venngage.com/p/239913/912017

A certified employee's contract may be voided without due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual's failure to comply with criminal history background checks. Contact the Superintendent of Schools if you have any questions regarding certification or licensure requirements.

Each **educator** who holds a Texas Standard certificate **is responsible** for renewing the certificate and paying a fee for late renewal. Failure to receive notice of the renewal requirement or deadline does not excuse the individual's obligation to renew or pay applicable fees.

Process for Renewal:

To be eligible for certificate renewal, an individual must:

- Successfully complete a criminal history review
- Not be in default on a student loan or in arrears of child support
- Complete the appropriate clock hours of continuing professional education (CPE)
- Successfully complete any testing requirements necessary
- Fill out the online application for renewal and affidavit of completion at https://pryor.tea.state.tx.us (TEAL) or www.sbec.state.tx.us
- Pay the renewal fee

Any person who fails to satisfy all of the certificate renewal requirements will be moved to inactive status and will be ineligible for employment in a Texas public school district. For more information, contact SBEC at www.sbec.state.tx.us or call 512-936-8400.

Specific information about an employee's requirements for certification or licensure may be accessed in District policy DBA(LEGAL), the TEA website (www.tea.texas.gov), ESC20 or contact your campus/department supervisor for direction.

Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the central office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. This may be done in person at Human Resources with a form found at wwwnataliaisd.net - Departments - HR- HR forms.

Personnel Records

Policy DBA, GBA

Documents:

The District shall maintain documents in support of data submitted to TEA (Texas Education Agency) for financial and personal daily/leave purposes. The following documentation shall be readily available for professional and paraprofessional personnel:

- Contract
- Service record and any applicable attachments
- Professional certificate or license
- Transcripts
- Sick leave absence reports
- Evaluations
- Teaching schedule or other assignment record

Access to Records:

Personnel files should generally be considered confidential, available only to authorized administrative personnel, board members, representatives of government agencies and the employee or the employee's representative (Texas Government Code 552.102(a)) Natalia ISD ensures the confidentiality and integrity of employee records by doing the following:

- Keeping files secure at all times
- Having a process in place for inspection or review of individual files by employees or others
- Appropriate observance when records are being reviewed
- Ensures files or original content are never removed from the HR/Central office
    - Board, Superintendent, Administrator/Supervisor, or Employee may request review of personnel records and purpose
    - Request via appropriate chain of command by email/in person
    - PR/HR or designee signs out record/file or specific requested information on the sign out sheet
    - Records review is observed then file is signed back in by PR/HR or designee

Confidential Information:

Natalia ISD has processes in place to access confidential information. Employee records that have a **high level** of confidentiality include the following:

- Medical
- Alcohol & Drug Testing
- Criminal History
- Teacher and Administrator Appraisal Records (TEC) 21.355 - Exception (TEC) 21.352(c)
- Transcripts - Exempt from disclosure. But, exemption doesn't apply to degree or curriculum (Gov't Code 552.102(b))
- Certification Exam results (TEC) 21.048
- Commissioned Peace & Security Officer Records
- Social Security Number - Public Information Act (PIA) (Gov't Code 552.147) & (TEC 11.1514)
- Driver's License or Driver's License Number (Gov't Code 552.130)
- Personal Financial Information

- Informer Information - Exception - may be revealed to law enforcement/prosecutor upon proper request (Gov't Code 552.135)
- Military Discharge Records obtained after September 1, 2003 (Gov't Code 552.140)
- Copy of an Identification Badge issued to a government official or employee (Gov't Code 552.139)
- Student Information - student references in personnel files are confidential as per FERPA (Family Educational Rights and Privacy Act) guidelines

Texas Public Information Act (PIA):

- **Employee Access** - current and former employees or authorized representatives of an employee have a special right of access to their own personnel records
- **Board Access** - a board member has a right of access to information, documents and records maintained by the District when he or she is acting in an official capacity. However, the district may withhold or redact information that is confidential or excepted by the PIA (Gov't Code Chapter 552 or other law
- **Public Access** - Public information is available to the public under the Texas Public Information Act (PIA) unless a specific exclusion applies that allows districts to keep information confidential. Policy GBA(Legal) provides a list of information that *must* be given to the public and information that *does not* have to be disclosed. Policy GBAA(Legal) identifies the local requirements the public must follow for requesting information
- **Under the PIA**, the following personal information is considered public information:
    - Name
    - Sex
    - Ethnicity
    - Salary
    - Title
    - Dates of Employment
    - Contracts
    - Qualifications (certifications, degrees, college courses taken)
    - Home Address **** Employees may choose privacy - see below
    - Phone Number **** Employees may choose privacy - see below

Employees may choose by written request to keep private their address (home & email), phone number(home & cell), emergency contact information and information that reveals whether they have family members (Gov't Code 552.024(a). Forms are available through one or more of the following resources: HR office and/or www.nataliaisd.net - Departments - HR - HR forms.

This choice to keep certain personal information private **must be made within 14 days of hire or termination or the information is subject to public release on day 15**. However, an employee may choose to open or close access to this information at any time by providing Human Resources with a written statement.

Payroll/Miscellaneous Records:
In addition to records required by law and TEA regulations, professional and paraprofessional personnel of the District, shall be required to have on file the following materials:

- W-4 Form
- TRS - Active Care and Beneficiary Form
- Insurance Election Form
- Section 125 - (Cafeteria Plan) Election
- I-9 Form

Maintenance of Records:

- All records shall become the permanent property of the District and the State of Texas to be used for proper maintenance of personnel records for the individual as required by law
- All District records are maintained by the Texas Government Records Act and the records control schedules under provisions of Texas Local Government Code 203

Searches and Alcohol and Drug Testing

Policy CQ, DHE Series

Non-investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technological resources, lockers, and private vehicles parked on district premises or work sites or used in district business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

Employees Required to Have a Commercial Driver's License. Any **employee** whose **duties require a commercial driver's license (CDL**) is subject to drug and alcohol testing. This includes all drivers who:

- Operate a motor vehicle designed to transport 16 or more people counting the driver
- Drivers of large vehicles
- Drivers of vehicles used in the transportation of hazardous materials
- Teachers & Coaches
- Employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle

  Drug Testing **will be** conducted:
- Before an individual assumes driving responsibilities

  Alcohol and Drug Testing **will be** conducted:
  - When reasonable suspicion exists
  - At random
  - When an employee returns to duty after engaging in prohibited conduct

- As a follow-up measure

  Testing **may be** conducted:

  - Following accidents.
  - Return-to-duty and Follow-up Testing **will be** conducted:

If an employee returns to duty who has violated the prohibited alcohol conduct standards(or)
Tested positive for alcohol or drugs and then is allowed to return to duty.
All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive:

- A copy of the district's policy
- The testing requirements
- Detailed information on alcohol and drug abuse
- Availability of assistance programs.
- **Note**: Transportation Department or Human Resources may be contacted for further information or questions

Any employee with questions or concerns relating to alcohol and drug testing policies and related educational material should contact Tricia McMillan, Human Resources Generalist, 830-663-4416

Health Safety Training

Policies DBA, DMA

Certain employees who are involved in physical activities for students **must** receive, maintain and submit to the District proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, University Interscholastic League, or another organization that provides equivalent training and certification. Employees subject to this requirement **must submit their certification or documentation copy to their Director/Supervisor and Central Office, prior the start of the school year and/or the beginning of any physical activities for students.** Other employees are also encouraged to take advantage of the training resources that may be provided by the District.

The District annually makes available to employees and volunteers, instruction in the principles and techniques of AED/CPR/FIRST AID for certification.Training for employees who require Extracurricular Activity Safety Training and Concussion Training are available at the links below.
Extracurricular: www.uiltexas.org/health/safety-training. The UIL website will direct you in following the modules and testing.
Concussion:**https://www.texashealth.org/sports-medicine/pages/Sports-Injuries/Concussion/Concussion-Training.aspx**

CPR and First Aid:

- Head Director of School Marching Band
- Head Coach
- Athletic trainer
- Chief Sponsor of an Extracurricular Athletic Activity
- Cheerleading Sponsor
- School Nurse/Assistant School Nurse

AED (Automated External Defibrillator):

- School nurse/assistant school nurse
- Athletic coach or sponsor
- Athletic trainer/student athletic trainer
- P.E. instructor
- Marching Band Director
- Cheerleading Coach
- Any other employee specified by the commissioner

Note: The District annually makes available to employees and volunteers, instruction in the principles and techniques of AED/CPR/FIRST AID for certification.

ExtraCurricular Activity Safety Training:

- A coach or sponsor for an extracurricular athletic activity
- Athletic trainer unless currently licensed as an athletic trainer
- Physician employed by or volunteers to assist with extracurricular athletic activities
- Director school marching band

Steroids:

- Athletic coach at or above the seventh grade level for an extracurricular athletic activity, sponsored or sanctioned by UIL

Concussions: - At least once every two years

- Coach of interscholastic athletic activity course approved by UIL
- Athletic trainer - course approved by Texas Dept. of State Health Services Advisory Board (TDSHS-ABAT)
- Licensed health care professionals that serve on District's concussion oversight team

Reassignments and Transfers

Policy DK

All personnel are subject to assignment and reassignment by the superintendent or designee when the superintendent or designee determines that the assignment or reassignment is in the best interest of the district. Reassignment is a transfer to another position, department, or facility that does not necessitate a change in the employment contract.

Campus reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. Extracurricular or supplemental duty assignments may be reassigned at any time unless an extracurricular or supplemental duty assignment is part of a dual-assignment contract. Employees who object to a reassignment may follow the district process for employee complaints as outlined in this handbook and district policy DGBA (Local).

Employee Transfer Request:

Process:

- Must have required qualifications for position requesting transfer to
- May request a transfer to another campus or department.
- Written request for transfer must be completed and signed by the employee and the employee's principal/supervisor is to be notified of intent to transfer. Form - www.nataliaisd.net - Department - HR - HR forms
- Requests for transfer during the school year will be **considered only when**:
  - Current principal/supervisor acknowledges receipt of notification to transfer from employee
  - Change will not adversely affect students (and)
  - After a replacement has been found.
  - Both present and receiving principal/supervisors must agree to transfer before approval is granted
- Requests for Transfer for next school year:
  - Will need approval of ***only*** the receiving principal/supervisor ""if" transfer is accepted by the receiving campus/department by June 15th
  - After the June 15th date, both present and receiving principal/supervisors must agree to transfer before approval is granted
- The Employee Transfer Request will ONLY BE ACTIVE until the position is filled
- Upon approval of the Employee Transfer, the HR office will notify all parties

Workload and Work Schedules

Policies DEAB, DK, DL

Professional Employees. Professional employees and academic administrators are exempt from overtime pay and are employed on a 10, 11, or 12 month basis, according to the work schedules set by the district. A school calendar is adopted each year designating the work schedule for teachers and all school holidays. Notice of work schedules including start and end dates and scheduled holidays will be distributed each school year.

Classroom teachers will have planning periods for instructional preparation including conferences. The schedule of planning periods is set at the campus level but must provide at least 450 minutes within each two-week period in blocks not less than 45 minutes within the instructional day. Teachers and librarians are entitled to a duty-free lunch period of at least 30 minutes. The district may require teachers to supervise students during lunch one day a week when no other personnel are available.

Professional Employee Contract Hours: 7:30am – 4:30pm

Paraprofessional and Auxiliary Employees. Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessional and auxiliary employees are not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor.

Breaks for Expression of Breast Milk

Policy DEAB, DG

The district supports the practice of expressing milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

Notification to Parents Regarding Qualifications

Policies DK, DBA

In schools receiving Title I funds, the district is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child's teacher. ESSA also requires that parents be notified if their child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements.

Texas law requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) and individuals who do not hold any certificate or permit. Information relating to teacher certification will be made available to the public upon request. Employees who have questions about their certification status can contact Superintendent of Schools.

Outside Employment and Tutoring

Policy DBD

Employees are required to disclose in writing to their immediate supervisor any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest. Non-School Employment (Conflict of Interest) form can be found at www.nataliaisd.net - Department - HR - HR forms.

Performance Evaluation

Policy DN series

Evaluation of an employee's job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the district. Reports, correspondence, and memoranda also can be used to document performance information.

All employees will receive:

- A copy of their written evaluation
- Participate in a performance conference with their supervisor
- Have the opportunity to respond to the evaluation.

Instruction, training and discussion of the timetable process and procedures for **performance evaluations** will be discussed by principals/supervisors at an employee's individual campus or department.

Employee Involvement

Policies BQA, BQB

At both the campus and district levels, Natalia ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or Superintendent of Schools.

Staff Development

Policy DMA

Staff development activities are organized to meet the needs of employees and the district. Staff development for instructional personnel will be directly related to achieving campus/district performance objectives, addressed in the campus/district improvement plan, and approved by their corresponding advisory committees. Staff development for non-instructional personnel is designed to meet specific licensing requirements (e.g., bus drivers) and continued employee skill development.

Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours, maintaining and providing the district with appropriate documentation

For **specific staff development** requirements such as those listed below, please refer to DMA(LEGAL):

Educator, Principal, Students with Disabilities, Suicide Prevention, Mental Health & Substance Abuse Prevention, Child Abuse and Maltreatment, Student Discipline, Texas Adolescent Literacy Academies, and Gifted and Talented.

All other staff development requirements or suggestions will be directed to employees by their campus, department or district administrators.

TASB (Texas Association of School Boards) Training for School Employees may be located at www.nataliaisd.net - Department - HR - HR forms for verification of required trainings for all personnel.

Employment-Related Policies

The following employment related Board policies may be of interest to employees and are readily available on the District Homepage www.nataliaisd.net under Board Policy. For purposes of these policy listings, the word ***Both*** shall mean: ***Legal and Local***; ***Series*** shall mean: ***Legal, Local and Exhibit.*** **Note:** Board Exhibit Forms are under Board Policy tab at NISD Homepage.

DAA Equal Employment Opportunity (Legal)

DAB Genetic nondiscrimination (Legal)

DBAA Criminal history and credit reports (Local)

DBD Conflict of Interest (Both)

DEC Leaves and Absences (Series)

DF Termination of employment (Series)

DFAC Return to Probationary Status (Legal)

DFBA Suspension/Termination during contract (Series)

DFD Hearings before Hearing Examiner (Series)

DFE Resignation (Series)

DFF Reduction in Force (Series)

DCE Employment Practices: Other Types of Contracts (Both)

DC Employment Practices (Both)

DCB Term Contracts (Both)

DEA Salaries and Wages, Incentives and Stipends (Both)

DG Employee rights and privileges (Legal)

DGBA Employee Complaints (Both)

DH Standards of Conduct (Series)

DHE Searches and Drug/Alcohol Testing (Series)

DI Employee Welfare (Series)

DIA Discrimination, Harassment, and Retaliation

DK Assignment and Schedules (Series)

DN Performance Appraisal (Local)

DFFA Reduction in force due to financial exigency (Local, Exhibit)

DFFB Reduction in force due to program change (Local)

DNA Evaluation of Teachers (Both)

DNB Evaluation of Other Professional Employees (Both)

Compensation and Benefits

Salaries, Wages, and Stipends

Policies DEA, DEAA

Employees are paid in accordance with administrative guidelines and an established pay structure. The district's pay plans are reviewed by the administration each year and adjusted as needed. All district positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as non-exempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation*)

All employees will receive written notice of their pay and work schedules before the start of each school year. Classroom teachers, full-time librarians, full-time nurses, and full-time counselors will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the district's extra- duty pay schedule.

Employees may locate district pay scales and pay schedules at www.nataliaisd.net - Departments - HR - HR forms. Employees should contact Human Resources for more information about the district's pay schedules and/or pay scales.

Process

1. Upcoming year's school calendar is adopted.
2. Assignment calendars are created for each assignment/department.
3. A salary plan is built in the TxEIS system.
4. The TxEIS system will include all active & returning employees.
5. All positions are verified; days, hours, pay.
6. All benefits and deductions are verified throughout this process.
7. Teacher salaries are increased by 1 year experience according to the adopted Teacher Salary Schedule for that year.
8. Stipends are confirmed with administration.
9. Vacant positions are included in the plan until filled.

10. Once the plan is finalized and budget is approved, you will receive a notification letter during the first pay period of the new school year. It will consist of the following items:
    - Annualized salary
    - Semi-monthly amount
    - Full daily or hourly rate
    - Calendar dates
    - Pay period schedule
    - Stipends if applicable

Process for Salary, Wage, Stipend Discrepancies

- Make appointment with HR for review
- If discrepancy not resolved then all information & data goes to HR supervisor(s) to verify currently correct or decision to make a change
- Letter will be sent to employee with explanation of the verification and/or change
- If employee is still in disagreement, then referral to Superintendent may be requested

Annualized Compensation

Policy DEA

The district pays all salaried employees over 12 months regardless of the number of months employed during the school year. Salaried employees will be paid in equal semi-monthly (two times per month) payments, beginning with the first pay period of the school year. Employees that separate after the last day of instruction will continue to receive paychecks through the end of the summer.
There are **3 starting-pay period categories** assigned to specific positions:

July-June
Superintendent, Assistant Superintendent, High School Principal, Athletic Director/Head Football Coach, AG/FFA Teachers, Curriculum & Instruction Facilitator,

August-July
Elementary Principal, ECC/ELEM Assistant Principal, Jr. High Principal, Counselors, Band Director, Asst. Band Director, Special Programs Director & Department, and Food Service Director.

September-August (School District Fiscal year)
Teachers, Business Manager, Technology Director, Maintenance & Operations Director, Transportation Coordinator, Food Service Managers & Workers, Maintenance & Custodial Department, Secretaries/Clerks, Technology, and Transportation.

Paychecks

All professional and salaried employees are paid **semi-monthly** (two times per month). Hourly employees are paid **semi-monthly** (two times per month) as well. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.
REMINDER: All paychecks are direct deposit unless there is some extenuating circumstance that HR becomes aware of.

- Payroll is processed according to the pay-period schedule created upon adoption of upcoming school calendar.
- Pay period schedule may found at www.nataliaisd.net - Department - HR - HR forms
- Payroll is posted to (TxEIS, for employee access) a minimum of 2 days before the actual pay date for employees to review for accuracy.
- If a discrepancy is found then contact PR/HR **immediately**
- PR/HR will review and inform if a correction is to take place.
- PR/HR will be able to assist employees with any questions

Automatic Payroll Deposit

Employees will have their paychecks electronically deposited into a designated account. A notification period of up to two pay periods is necessary to activate this service. Contact Human Resources for more information about the automatic payroll deposit service.

Process

- Complete and submit form to PR/HR via email or in person in the New Hire Packet (or)
- Complete and submit form to PR/HR via email or in person if there is a bank account change (form located at www.nataliaisd.net - HR - HR forms)
- PR/HR will enter information in the system
- Direct Deposit may take up to 2 pay periods to become effective.

Payroll Deductions

Policy CFEA

The district is required to make the following **automatic** payroll deductions:

- Teacher Retirement System of Texas (TRS) or Social Security employee contributions
- Federal income tax required for all full-time employees
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable

Other payroll deductions employees **may elect** to include:

- Deductions for the employee's share of premiums for health, dental, life, and vision insurance
- Annuities
- Higher education savings plans.
- Prepaid tuition programs

- Payment of membership dues to professional organizations
- Certain charitable contributions approved by the board
- Payment of property taxes.
- Salary deductions are automatically made for unauthorized or unpaid leave.

Overtime Compensation

Policy DEA

The district compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees (hourly employees and paraprofessional employees) are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.

Overtime is legally defined as all hours worked **in excess of 40 hours in a workweek** and is not measured by the day or by the employee's regular work schedule.Nonexempt employees that are paid on a salary basis are paid for the hours set by the normal work schedule. Hours worked beyond the normal schedule up to 40 hours will be paid at a regular rate of pay. For the purpose of calculating overtime, a workweek begins at 12:00 am on Saturday and ends at 11:59 pm on Friday.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all **nonexempt employees**:

- A nonexempt employee shall have the approval of his/her supervisor before working overtime.
- An employee who works overtime without supervisor approval is subject to discipline but shall be compensated in accordance with (FLSA) Fair Labor Standards Act.
- Comp time is considered to be paid time off in lieu of paid overtime.
- Employees can accumulate up to 60 hours of comp time.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction. However, NISD reserves the option for nonexempt employees to receive comp. time rather than overtime pay for overtime work. DEAB(LOCAL).
- If overtime hours will accrue compensatory time rather than pay, then employee will be informed in advance
- An employee may be required to use comp time before using available paid leave (e.g., sick, personal, vacation).
- Comp time earned must be used within the next pay period, of the duty year that it is earned.
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.
- Supervisors, the Business Office and Superintendent reserve the right to make final decisions on the payment of, or application of comp time for overtime work as per FLSA standards and exceptions.

Process:

- Request to use time off the same way you would for state or local leave (see Leaves and Absences)
- Wait for campus principal/supervisor approval
- Submit timesheet with correct information.

Health, Dental, and Life Insurance

Policy CRD

Group health insurance coverage is provided through TRS-ActiveCare, the statewide public school employee health insurance program. The district's contribution to employee insurance premiums is determined annually by the board of trustees. Employees eligible for health insurance coverage include the following:

- Employees who are active, contributing TRS members
- Employees who are not contributing TRS members and who are regularly scheduled to work at least 10 hours per week

TRS retirees who are enrolled in TRS-Care (retiree health insurance program) and employees who are not contributing TRS members who are regularly scheduled to work less than 10 hours per week, are not eligible to participate in TRS-Active Care.

The insurance plan year is from September 1 through August 31, aligning with the District's fiscal year. Current employees can make changes in their insurance coverage during open enrollment each spring or when they experience a qualifying event (e.g., marriage, divorce, birth).. Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are provided to all employees in a separate booklet. Employees should contact PR/HR for more information.The Employee Benefit Guide can be found on www.nataliaisd.net - Department - HR - HR Forms.

Employees are notified several times per year of the Spring Enrollment schedule. All employees are encouraged to review their benefits, EVEN IF they are electing NOT to participate, or electing NOT to change anything. Email reminders are also sent out about enrollment, and benefit information and links.

Supplemental Insurance Benefits

Policy CRD

At their own expense, employees may enroll in supplemental insurance programs for Dental, Vision, Life, Disability, and Cancer. Premiums for these programs can be paid by payroll deduction. Employees should contact Human Resources for more information.

Cafeteria Plan Benefits (Section 125)

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., disability, accidental death and dismemberment, cancer and dread disease, dental, and additional term life insurance). A third-party administrator handles employee claims made on these accounts. New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

Workers' Compensation Insurance

Policy CRE

The district, in accordance with state law, provides workers' compensation benefits to employees who suffer a work-related illness or are injured on the job. The district has workers' compensation coverage from Texas Association of School Boards.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to HR/Central Office. First Report of Injury forms are located at www.nataliaisd.net - Department HR - HR forms. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See *Workers' Compensation Benefits* for information on use of paid leave for such absences.

1. District must Provide/Post Texas Employers Rights & Responsibilities; New Employee Notice; Employee Notice of Alliance Requirements.
2. District must keep a record of all injuries.
3. Members must submit a First Report of Injury within eight days of notice of a work-related injury or illness that results in:
    - More than one day of lost time
    - An occupational disease/illness (a disease or illness which was caused by or aggravated by their employment)
    - Death of an employee while at work
    - Employee seeking medical care
4. Employers must provide a copy of the Employee Rights & Responsibilities to the injured worker along with the First Report of Injury; the Medial Alliance Acknowledgement; the First Fill Card; Election of Benefits Form, etc.

Unemployment Compensation Insurance

Policy CRF

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Texas Workforce Commision http://www.twc.state.tx.us/.

Teacher Retirement

Policy DEG

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitutes not receiving TRS service retirement benefits who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify Central Office as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the Web (www.trs.texas.gov). For more information see: Employment After Retirement in the NISD Employee Handbook.on restrictions of employment of retirees.

Process for Retirement:

- Contact TRS six months prior to your anticipated retirement date
- Set up an online account, complete with login, if you have not done so.
- Login to your TRS account at (https://www.trs.texas.gov/),
- Go to Retirees & Beneficiaries section.
- The TRS Benefits Handbook will be a good resource of information and options available to you.
- Complete and submit online or on paper a Request for Estimate of Retirement Benefits form (found on the TRS website).
- After you receive your retirement packet from TRS, make an appointment with PR/HR.
- Inform your Campus Principal/Department Supervisor of your intentions to retire and discuss a resignation date.
- Bring your letter of resignation, with effective date, if known to the PR/HR appointment.
- Information to be discussed at appointment will include:
    - Scheduling an exit interview,
    - Returning school property
    - Any change in salary that may occur

    - Ending dates of benefits
    - PR/HR will assist with forms at exit interview.
- PR/HR will complete the **Notice of Final Deposit before Retirement and School Official Certification of salaries** once the retiree receives all payments due from Natalia ISD.

Summary of Employee Benefits

NATALIA INDEPENDENT SCHOOL DISTRICT

SUMMARY OF EMPLOYEE BENEFITS

Benefit	Eligible Employee	Amount	Paid By
Social Security (FICA)	All employees, including Substitutes, Retirees and Temporary Employees (pay into Social Security, not TRS)	.062 of gross wages .062 of gross wages	District Employee
Medicare	All employees hired after March 1,1986, including Substitutes, Retirees and Temporary Employees	.0145 of gross wages .0145 of gross wages	District Employee
Workers' Compensation	All employees, including Substitutes and Temporary Employees Professional Employees Drivers All Other Employees	 .001965 of gross wages .021273 of gross wages .026579 of gross wages	 District District District
Unemployment Compensation	All employees, including Substitutes and Temporary Employees	.002462 of gross wages	District
Health Plan (TRS ActiveCare)	All employees eligible for TRS (working no less than 15 hours per week), excluding TRS retirees	$225 per month Remaining premium amount.	District Employee
Teacher Retirement	All employees (except TRS retirees), who work no less than 15 hours per week	.077 of gross wages .077 of gross wages	State Employee
Teacher Retirement Insurance	All employees (except TRS retirees), who work no less than 15 hours per week	.065 of gross wages (Employee portion) .055 of gross wages (District portion)	District District
State Personal Leave	All employees	½ work day for each 18 days of employment @ daily rate of pay (days accumulate with a maximum 5 days per year)	District
Local Sick Leave	All Employees	½ work day for each 18 days worked @ daily rate of pay (days accumulate with a maximum 7 days per year in accordance with Administrative Regs)	District
State Sick Leave	All employees who earned state sick leave prior to September 1, 1995, and have carried a balance of days forward	The number of days carried forward @ daily rate of pay	District

Benefit	Eligible Employee	Amount	Paid By
Family and Medical Leave (FMLA)	Employees working 12 consecutive months and at least 1,250 hours over the past twelve (12) months	12 work weeks per year of job protection (unpaid leave) without loss of any employment benefit accrued prior to the beginning of leave	N/A
Cancer Insurance	Employees working 20 hours or more per week	Rates vary with plan options	Employee
Disability Insurance	Employees working 20 hours or more per week	Rates vary with plan options	Employee
Vision Insurance	Employees working 20 hours or more per week	Rates vary with plan options	Employee
Group Term Life Insurance	Employees working 20 hours or more per week	Rates vary with plan options	Employee
Flexible Spending Accounts	Employees working 20 hours or more per week	Determined by employee	Employee
403(b)/457 Tax Deferred Annuity	All employees, including Substitutes	Determined by employee	Employee

Leaves and Absences

Policies DEC, DECA, DECB

The district offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of **more than five days** should call Payroll & Human Resources - for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district. **Note: All Leaves and Absences will follow the process indicated below unless otherwise indicated.**

Process for Requesting Leave

- Employee requests time off in the system (TxEIS) by entering correct date(s), leave type, and other relevant information.
- Administrator receives an email requesting the leave and proceeds to approve or deny in the system.
- Employee is notified in the system of approval or denial.
- If approved, employee is directed to Frontline Absence Management (formerly known as AESOP) to enter absence and all relevant information such as classroom instructions, etc., so a substitute can view and accept or decline the job.
- Employee leaves all required documents in their campus Substitute Folder.
- For **long-term leave**, the Employee will inform their Administrator and Secretary about the leave, discuss Employee's responsibilities in regards to entering time off in the system(s) and preparing classroom work to be taught during their long-term leave.
- **See steps under Paid Leave for appropriate process of Long-Term Absences.**

Use of Leave

Leave is available for the employee's use at the beginning of the school year. However, **state personal and local leave is earned at a rate of ½ day for each 18 days worked.** If an employee leaves the district before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck.

Paid Leave

Paid Leave for Exempt Personnel may be calculated in **½ workday increments**. Auxiliary/Non-Exempt leave time may be calculated in hourly increments. Earned comp time must be used before any available paid state and local leave.

Employees shall have the choice of using available local or state personal leave. **When the employee does not designate a preference, the district shall use Local personal leave.** State sick leave accumulated prior to the 1995-96 school year may only be used for purposes of personal illness, illness in the immediate family, family emergency, or death in the immediate family.

Immediate Family

For purposes of leave other than family and medical leave, immediate family is defined as the following:

- Spouse
- 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. •
- Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee
- Sibling, step-sibling, and sibling-in-law
- Grandparent and grandchild •
- Any person residing in the employee's household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin. The definition of these are found in Policy DECA (LEGAL).

Leave used shall be **recorded in increments of half workdays**, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act. Employees shall be charged leave as used even if a substitute is not employed.

Any leave taken for which leave balances are insufficient shall result in a deduction from the employee's paycheck commensurate with the amount of leave taken. Employees must follow district and department or campus procedures to report or request any leave of absence and complete the appropriate form or certification.

Process For Long-Term Absences:

- Employee (or his/her Designee) can download the appropriate forms as applicable. (Forms such as: FMLA; Standard Long-term Disability; Request for Sick Leave Pool and Temporary Disability Leave).
- Contact Payroll & Human Resources to make an appointment to return completed forms.
- For emergency situations, forms can be requested from HR via email and be completed and/or returned to PR/HR via email or through an Employee Designee.
- PR/HR will review, complete, and file all relevant forms; discuss if any benefits/deductions are affected, and provide a copies to Employee or Employee's Designee.

Medical Certification

Any employee who is absent more than **five consecutive days** because of a personal or family illness must submit a medical certification from a qualified healthcare provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee's fitness to return to work. See: DEC(LOCAL)

GINA

The ***Genetic Information Nondiscrimination Act of 2008 (GINA)*** prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Continuation of Health Insurance

Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

Personal Leave

State law entitles all employees to **five days** of paid personal leave per year. Personal leave is earned at a rate of ½ day for each 17 days worked. A day of earned personal leave is equivalent to an assigned workday. State personal leave accumulates without limit, is transferable to other Texas school districts, and generally transfers to education service centers. There are two types of personal leave: nondiscretionary and discretionary.

Non-discretionary. Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. Reasons for this type of leave allow very little, if any, advance planning. Non-discretionary leave will be granted to employees in the same manner as state sick leave.

Discretionary. Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a request to his or her principal or supervisor **five days in advance** of the anticipated absence. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

DAYS WORKED	LOCAL LEAVE IN DAYS	LEAVE IN HOURS (BASED ON AN 8-HOUR DAY)	STATE LEAVE IN DAYS	LEAVE IN HOURS (BASED ON AN 8-HOUR DAY)
0-17	0.0	0	0.0	0
18-35	0.5	4	0.5	4
36-53	1.0	8	1.0	8
54-71	1.5	12	1.5	12
72-89	2.0	16	2.0	16
90-107	2.5	20	2.5	20
108-125	3.0	24	3.0	24
126-143	3.5	28	3.5	28
144-161	4.0	32	4.0	32
162-179	4.5	36	4.5	36
180-194	5.0	40	5.0	40

(11 & 12) Month Employee

195-216	5.5	44	5.0	40
217-220	6.0	48	5.0	40
221-226	6.5	52	5.0	40
226+	7.0	56	5.0	40

State Sick Leave

State sick leave accumulated before 1995 is available for use and may be transferred to other school districts in Texas. **State sick leave can be used only in ½ day increments,** except when coordinated with family and medical leave taken on an intermittent or reduced-schedule basis or when coordinated with workers' compensation benefits.

State sick leave *may be used for the following reasons* only:

- Employee illness
- Illness in the employee's immediate family
- Family emergency (i.e., natural disasters or life-threatening situations)
- Death in the immediate family
- Active military service

Local Leave

All employees shall earn **five paid local leave days** of local leave per school year, at the same rate as state personal leave. As per Board revision Spring 2017, Local Leave shall have no maximum. Local leave shall be used according to the terms and conditions of state personal leave and shall be taken with no loss in pay. See DEC (LOCAL & EXHIBIT A) for more information.

Sick Leave Bank (or Sick Leave Pool)

A District sick leave pool shall be established from **voluntary donations** of state personal leave by individual District employees to assist a fellow employee suffering from personal illness or disability, including pregnancy-related disability.

An employee may receive a **maximum of 30 leave days from a pool i**n a school year. An employee may request that a sick leave pool be established only after he or she has exhausted all other available paid leave.

The employee or a member of the employee's family shall address any request for the establishment of a sick leave pool in writing to the Superintendent. The Superintendent or designee shall then initiate the sick leave pool for the employee and notify District staff.

The sick leave pool shall be composed of voluntary contributions for a specific individual, and donated days shall be designated to a specific pool. A staff member **shall not** be allowed to contribute **more than three** of his or her state personal leave days to sick leave pools in a school year.

All contributions to sick leave pools shall be voluntary and confidential donations. Employees violating this provision shall be considered in violation of District policy and the standards of ethics outlined at DH (EXHIBIT) and shall be subject to disciplinary action in accordance with DH (LOCAL).

The sick leave pool ceases to exist when the employee returns to work or when each voluntary donation reaches the maximum contribution and the sick leave pool is exhausted. Unused sick leave pool days shall revert to the donors in increments of no less than one-half days. No general pool shall remain in existence. See DEC (LOCAL) for more information and www.nataliaisd.net **- HR - HR Forms for voluntary donation and sick leave pool request forms.**

Family and Medical Leave Act (FMLA)—General Provisions

The following text is from the federal notice, *Employee Rights and Responsibilities Under the Family and Medical Leave Act*. Specific information that the district has adopted to implement the FMLA follows this general notice.

Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: •

- The birth of a child or placement of a child for adoption or foster care; •
- To bond with a child (leave must be taken within 1 year of the child's birth or placement); •
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- **Military Family Leave Entitlements**. Eligible employees with a spouse, son, daughter
    - , or parent on active military duty and deployed to a foreign country may use their **12-week leave entitlement** to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
    - The FMLA also includes a special leave entitlement that permits eligible employees to take **up to 26 weeks of leave** to care for a covered service member **during a single 12-month period.**
    - A **covered service member** is:
        - A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a *serious injury or illness* incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. It also includes a family member who is a veteran with an illness or injury that occurs in the line of duty while on active duty and manifests itself before or after the service member became a veteran. The veteran must have been on active duty during the five years preceding the need for treatment, recuperation, or therapy.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections
While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

Eligibility Requirements
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months; •
- Have at least 1,250 hours of service in the 12 months before taking leave;* and •
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.
- *Special hours of service eligibility requirements apply to airline flight crew employees.

Requesting Leave
Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.
Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627 *** www.wagehour.dol.gov

www.wagehour.dol.gov

Use of FML cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Definition of Serious Health Condition - A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a healthcare provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Substitution of Paid Leave for Unpaid Leave - Employees **may choose or employers may require use of accrued paid leave** while taking FML. In order to use paid leave for FML, employees must comply with the district's normal paid leave policies.

Unlawful Acts by Employers - The FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right protected under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Process for filing:

- Download FMLA Employee Guide @ www.nataliaisd.net - HR - HR forms
- Download appropriate forms.@ www.nataliasd.net - HR - HR Forms,
- Make an appointment with HR
- Bring completed forms to HR appointment.

Local Family and Medical Leave Provisions

Eligible employees can take **up to 12 weeks of unpaid leave in the 12-month period** measured forward from the date an individual employee's first FML begins.

Use of Paid Leave. - FML **runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury.** The district will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

Combined Leave for Spouses - A husband and wife who are both employed by the district are **limited to a combined total of 12 weeks of FML** to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

Intermittent Leave - When **medically necessary** or in the **case of a qualifying exigency**, an employee may take leave intermittently or on a reduced schedule. The district shall permit the use of intermittent or reduced-schedule leave for the care of a *newborn child or for adoption or placement of a child with the employee*.[See DEC (LOCAL)].

Fitness for Duty - An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee's ability to perform essential job functions is required, the district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider.
Policy DEC (LOCAL) will specify whether the employee is required to provide the district with a fitness-for-duty certification from a healthcare provider before returning to work.

Reinstatement An employee returning to work at the end of FML will be returned to the same position held when the leave began or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

In certain cases, instructional employees desiring to return to work at or near the conclusion of a semester may be required to continue on family and medical leave until the end of the semester. The additional time off is not counted against the employee's FML entitlement, and the district will maintain the employee's group health insurance and reinstate the employee at the end of the leave according the procedures outlined in policy (see DECA (LEGAL)).

Failure to Return. If, at the expiration of FML, the employee is able to return to work but chooses not to do so, the district may require the employee to reimburse the district's share of insurance premiums paid during any portion of FML when the employee was on unpaid leave. If the employee fails to return to work for a reason beyond the employee's control, such as a continuing personal or family serious health condition or a spouse being unexpectedly transferred more than 75 miles from the district, the district may not require the employee to reimburse the district's share of premiums paid

District Contact - Employees that require FML or have questions should contact Human Resources for details on eligibility, requirements, and limitations.

Process:

- Download appropriate forms.@ www.nataliasd.net - HR - HR Forms,
- Make an appointment with HR
- Bring completed forms to HR appointment.

Temporary Disability Leave (TDL)

Certified Employees - Any full-time employee whose position requires certification from the State Board for Educator Certification (SBEC) is eligible for temporary disability leave. The purpose of temporary disability leave is to provide job protection to full-time educators who cannot work for an extended period of time because of a mental or physical disability of a temporary nature. Temporary disability leave **must be taken as a continuous block of time**. It may not be taken intermittently or on a reduced schedule. Pregnancy and conditions related to pregnancy are treated the same as any other temporary disability.

Employees must request approval for temporary disability leave. An employee's **notification of need for extended absence due to the employee's own medical condition shall be accepted as a request for temporary disability leave.** The request must be accompanied by a physician's statement confirming the employee's inability to work and estimating a probable date of return. If disability leave is approved, the length of leave is no longer than 180 calendar days.

If an employee is placed on **temporary disability leave involuntarily,** he or she has the **right to request a hearing before the board of trustees.** The employee may protest the action and present additional evidence of fitness to work.

When an employee is ready to return to work, Human Resources should be notified **at least 30 days in advance.** The return-to-work notice must be accompanied by a physician's statement confirming that the employee is able to resume regular duties. Certified employees returning from leave will be reinstated to the school to which they were previously assigned if an appropriate position is available. If an appropriate position is not available, the employee may be assigned to another campus, subject to the approval of the campus principal. If a position is not available before the end of the school year, the employee will be reinstated to a position at the original campus at the beginning of the following school years.

Process:

- Download appropriate forms.@ www.nataliasd.net - HR - HR Forms,
- Make an appointment with HR
- Bring completed forms to HR appointment.

Workers' Compensation Benefits

An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits **if the absence exceeds seven calendar days.**

An employee receiving workers' compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or - injury wage.

Assault Leave

Policy DEC

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job. An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-responsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained.

Process:

- At the request of an employee, the district will immediately assign the employee to assault leave.
- The same Process for Requesting Leave will be followed but with a specific code assigned
- Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits.
- Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave.
- The employee's pay will be deducted if accrued paid leave is not available.

Bereavement Leave

Leave for bereavement of an immediate family member meets the criteria for use of non discretionary state personal leave (see DEC (LEGAL)) and specific limitations.

Jury Duty

The district provides paid leave to employees who are summoned to jury duty. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and may be required to provide the district a copy of the summons to document the need for leave. An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or of documentation of time spent at the court may be required.

Process:

- Employee requests time off as per the **Process for Requesting Leave** that is listed above.
- Employee provides campus (who then provides to PR/HR) copy of summons/Jury duty note-proof of attendance.

Compliance with a Subpoena

Employees will be paid while on leave to comply with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding and will not be required to use personal leave. Employees may be required to submit documentation of their need for leave for court appearances.

DEC Local wording: **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.**

Valid shall mean work/school related summons.

- Employee requests time off as per the **Process for Requesting Leave** that is listed above.
- Employee provides campus (who then provides to PR/HR) copy of summons/Jury duty note-proof of attendance.

Truancy Court Appearance

An employee who is a parent or guardian of a child and any court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing may use personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

Religious Observance

The district will reasonably accommodate an employee's request for absence for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the district. The employee may use any accumulated personal leave for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence

Military Leave

Paid Leave for Military Service. Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave when engaged in authorized training or duty orders by proper authority. Paid military leave is **limited to 15 days each federal fiscal year (October 1–September 30)**. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

Reemployment after Military Leave. Employees who leave the district to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the district will be reemployed provided they can be qualified to perform the required duties. To be eligible for reemployment, employees must provide notice of their obligation or intent to perform military service, provide evidence of honorable discharge or release, and submit an application for reemployment within the time specified by law to Human Resources. **In most cases, the length of federal military service cannot exceed five years.**

Continuation of Health Insurance. Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost **for a period not to exceed 24 months.** Employees should contact Central Office for details on eligibility, requirements, and limitations.

Process:

- Contact Supervisor and PR/HR about upcoming leave and approximate time of return
- Provide copy of orders to supervisor and to PR/HR
- Request leave in the appropriate system such as TxEIS
- Complete leave
- Return to work
- Contact PR/HR to verify return

Accounts Payable

Travel Expense Reimbursement

Policy DEE

An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's supervisor and in accordance with administrative regulations. For any allowable expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses. For approved travel, employees must utilize school district-owned vehicles if available. Policy and procedure shall be reviewed for efficiency and cost effectiveness annually. Personnel shall be informed of any changes as needed.

Purchasing Procedures

Policy CH

All requests for purchases shall be completed according to the NISD Purchasing Procedures Manual located at www.nataliaisd.net . For more specific information or questions, please contact the Business Manager.

Employee Relations and Communications

Employee Recognition and Appreciation

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the district. Employees are recognized at board meetings, in the district newsletter, and through special events and activities. Recognition and appreciation activities also include appreciation events held throughout the school year.

District Communications

Throughout the school year, the Central Administration Office publishes newsletters, brochures, fliers, calendars, news releases, and other communication materials that may be found on the District website www.nataliaisd.net. These publications offer employees and the community information pertaining to school activities and achievements.

Bad Weather Closing

The district may close schools because of bad weather or emergency conditions. When such conditions exist, the Superintendent will make the official decision concerning the closing of the district's facilities. When it becomes necessary to open late, to release students early, or to cancel school, district officials will:

- Post a notice on the district's web site www.nataliaisd.net
- Attempt to notify all major San Antonio News Television Stations
- Contact personnel through NISD mass communications system by: phone, email and/or text

Emergencies

Policies CKC, CKD

All employees should be familiar with the safety procedures for responding to a medical emergency and the evacuation diagrams posted in their work areas. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use as provided by the campus/department.

Please refer to <u>safety plans and/or trainings provided by the District as well as the NISD District Emergency Operations Plan for the current school year.</u>

Complaints and Grievances

Policy DGBA

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the board of trustees.

For ease of reference, the district's policy concerning the process of bringing concerns and complaints is outlined below. In this policy, the terms *"complaint" and "grievance"* shall have the same meaning.

Definitions:

- <u>Supervisor</u> - shall mean a Campus/District administrator or designee and a Department Director/Supervisor or designee
- <u>Days</u> - shall mean working days unless otherwise designated by law
- <u>Response</u> - shall mean a written communication to the employee from the appropriate administrator
- <u>Representative</u> - 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
- <u>Board Notice of Decision</u> - shall mean oral or written notice of decision at any time up to and including the next regularly scheduled Board meeting
- <u>Complaint</u> - Employee complaints may include but are not limited to wages, hours, working conditions and unlawful discrimination or retaliation on the basis of constitutional rights. Employee complaints shall be filed in accordance with Policy DGBA **except as required by the policies listed below**. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:
    - 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.
    - Complaints **alleging certain forms of harassment**, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
    - Complaints concerning **retaliation relating to discrimination and harassment** shall be submitted in accordance with DIA..

- Complaints concerning **instructional materials** shall be submitted in accordance with EFA.
- Complaints **concerning a commissioned peace officer** who is an employee of the District shall be submitted in accordance with CKE.
- Complaints **concerning the proposed nonrenewal of a term contract** issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
- 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.
- **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 **alleging a violation of law by a supervisor** may be made to the Superintendent or designee.
- Complaint forms **alleging a violation of law by the Superintendent** may be submitted directly to the Board or designee.

Process:

The employee complaint procedure will generally follow a **three-step process:**

1. Begin with the employee's immediate supervisor at **Level One**
2. Then the Superintendent, (or designee) at **Level Two**
3. 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 at **Level Three.**

Forms - may be accessed through Administrators/Supervisors or at www.nataliaisd.net, - HR - HR Forms or Board Policy - Board Policy Exhibit forms.

Complaint Process Level One

Complaint forms must be filed:

- **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
- **With the lowest level administrator** who has the authority to remedy the alleged problem **or a "different supervisor if"** the employee alleges that their immediate supervisor violated the law in the workplace or unlawfully harassed the employee. See DGBA(LEGAL)
  - File Level One complaints with the **campus principal**. Other non-campus employees file 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.** Follow the same procedure as Level One, including deadlines.
- 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.
- Appropriate administrator shall investigate as necessary
- Administrator schedules a conference with the employee **within 10 days after receipt of the written complaint.**
- The administrator shall provide the employee a **written response within 10 days following the conference,** absent any extenuating circumstances
- The **written response shall set forth the basis of the decision**. The administrator may consider information provided at the Level One conference and any other relevant documents/information.

Complaint Process Level Two

Employee Did Not Receive Relief at Level One or Time for Response Expired:

- **Employee may request a conference** with the Superintendent/designee to appeal the Level One decision.
- **Appeal notice must be filed in writing,** on the District appeal form, **within 10 days of the date of the written Level One response or***, if no response was received,* **within 10 days of the Level One response deadline.**
- **Level One administrator shall** prepare and **forward a record of the Level One** complaint **to** the **Level Two administrator,** after receiving notice of the appeal.
- **Employee may request a copy** of the Level One record.
- **Level One** record **shall include**:
  - The original complaint form and any attachments.
  - All other documents submitted by the employee at Level One.
  - The written response issued at Level One and any attachments.
  - All other documents relied upon by the Level One administrator in reaching the Level One decision.
- **Superintendent** or designee **shall schedule a conference within 10 days after the appeal notice is filed.**
  - Conference shall be limited to the issues and documents considered at Level One.
  - At the conference, the employee may provide information concerning any documents/information relied upon by administration for the Level One decision.
  - Superintendent or designee may set reasonable time limits for the conference.
- **Superintendent or designee shall provide employee a written response within 10 days following the conference.**
  - Written response shall set forth the basis of the decision.
  - Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information to reach a decision.
- **Recordings** of Level One & Level Two conferences, if any, **shall be maintained with the Level One and Level Two records.**

Complaint Process Level Three

Employee Did Not Receive Relief at Level Two or Time for Response Expired:

- **Appeal notice must be filed in writing**, on the District appeal form, **within 10 days** of the date ***of the written Level Two response or***, if no response was received, **within 10 days** of the **Level Two response deadline**.
- **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.
- **Superintendent or designee shall provide the Board the record of the Level Two appeal.**
- **Employee may request a copy** of the Level Two record**.** The **Level Two record shall include:**
    - Level One record.
    - Notice of appeal from Level One to Level Two.
    - Written response issued at Level Two and any attachments.
    - All other documents relied upon in reaching the Level Two decision.
- **Appeal shall be limited to issues and documents considered at Level Two**. ***Exception***: If administration at the Level Three hearing intends to rely on evidence not included in the Level Two record. **Then, administration shall provide employee notice of the nature of evidence at least 3 days prior to hearing.**
- **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 **Board is not required to conduct an open meeting** to hear a complaint or charge against an employee. As well, the **Board *may not* conduct a closed meeting If** the **employee who is** the **subject of the hearing requests a public hearing,** as per Gov't Code 551.074 [See BEC]
- **Presiding officer may set reasonable time limits and guidelines** for the presentation, including opportunity for employee and administration to make presentations and provide rebuttal and opportunity for questioning by the Board.
- The **Board shall hear the complaint and may request that administration provide an explanation for decisions at the preceding levels.**
- The **Board shall prepare a separate record of the Level Three presentation**, in addition to any other record of the Board meeting required by law,
- **Level Three presentations, shall be recorded by audio recording, video/audio recording, or court reporter**. including presentation by the employee or the employee's representative, presentations from administration, as well as questions from the Board with responses.
- **Board shall** then **consider the complaint.** A decision may be given orally or in writing at any time up to and including the next regularly scheduled Board meeting.
- **If Board *does not make a decision*** regarding the complaint **by the end of the next regularly scheduled meeting,** then **lack of a response** by the Board **will uphold administrative decision at Level Two.**

Please see Natalia ISD Policy Online for more detailed information - DGBA (LEGAL & LOCAL) at www.nataliaisd.net.

Employee Conduct and Welfare

Standards of Conduct

Policy DH

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and district policies and procedures.
- **Express concerns, complaints, or criticism through appropriate channels.**
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day after the superintendent first learns of the incident. See *Reports to Texas Education Agency,* in Employee Handbook for additional information.

The *Educators' Code of Ethics*, adopted by the State Board for Educator Certification, which all district employees must adhere to, is reprinted below:

Texas Educators' Code of Ethics

Statement of Purpose

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. (19 TAC 247.1(b))

Enforceable Standards

1. *Professional Ethical Conduct, Practices, and Performance*

Standard 1.1 The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2 The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3 The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4 The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5 The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6 The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7 The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8 The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9 The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10 The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11 The educator shall not intentionally or knowingly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12 The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

Standard 1.13 The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Standard 1.14 The educator shall not assist another educator, school employee, contractor, or agent in obtaining a new job as an educator or in a school, apart from the routine transmission of administrative and personnel files, if the educator knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of the law.

2. *Ethical Conduct Toward Professional Colleagues*

Standard 2.1 The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2 The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3 The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4 The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5 The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.
Standard 2.6 The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.
Standard 2.7 The educator shall not retaliate against any individual who has filed a complaint with the SBEC or provides information for a disciplinary investigation or proceeding under this chapter.

3. *Ethical Conduct toward Students*
Standard 3.1 The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2 The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.
Standard 3.3 The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.
Standard 3.4 The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.
Standard 3.5 The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.
Standard 3.6 The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.
Standard 3.7 The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.
Standard 3.8 The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.
Standard 3.9 The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

(i) the nature, purpose, timing, and amount of the communication;
(ii) the subject matter of the communication;
(iii) whether the communication was made openly or the educator attempted to conceal the communication;
(iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
(v) whether the communication was sexually explicit; and
(vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

Dress and Grooming Guidelines

Natalia ISD employees are expected to set a high standard in dress and grooming since they serve as role models for our students. The dress and grooming of Natalia ISD employees shall be clean, neat, and in a manner appropriate for their assignments and in accordance with any additional standards established by their supervisors and with approval from the superintendent.

All district employees shall adhere to all dress and grooming regulations during regular school hours. Employees are also expected to dress appropriately for all Natalia ISD events that may occur outside of regular school hours as well.

(Please be aware that dress and grooming violations could result in loss of personal employee time.)

Men's Dress and Grooming Guidelines:

- Hair (including facial) shall be neatly groomed at all times.
- Shirts must be collared type.
- Shirts must be tucked in at all times.
- Sleeveless shirts are not permitted.
- T-shirts are not permitted. (Natalia Spirit t-shirts will only be allowed on Spirit Fridays. College Spirit t-shirts will only be allowed on College Spirit Thursdays*)
- Pants shall be business casual style.
- Blue jeans are not permitted. (except on Spirit Friday's, College Spirit Thursday's, or when appropriate assignments demand)
- Coaches have the option to wear shorts and Natalia Spirit t-shirts while teaching physical education or coaching. When entering common areas and in the classrooms, athletic pants or warm up suits must be worn. (No shorts allowed)
- Footwear/shoes must be appropriate to the activity. *(Rubber flip-flops, shower shoes, and sandals without straps are not permitted.)*

Women's Dress and Grooming Guidelines:

- Hair shall be neatly groomed at all times.
- Shirts that are designed to be worn tucked into pants or skirts shall be tucked in.
- Sleeveless shirts, tank tops, spaghetti straps or halter tops are not permitted.
- Dresses and skirts must be at least knee length without excessively long slits or openings.
- Sleeveless dresses are not permitted.
- T-shirts are not permitted. (Natalia spirit t-shirts will only be allowed on Spirit Fridays. College Spirit t-shirts will only be allowed on College Spirit Thursdays*)
- Pants and Capris shall be business casual style. (in reference to appropriate business casual: when wearing leggings - all extremities between the knees and waist shall be completely covered by a dress code compliant dress, shirt or blouse)
- Blue jeans are not permitted. (except on Spirit Friday's,College Spirit Thursday's, or when appropriate assignments demand
- Coaches have the option to wear shorts and Natalia spirit t-shirts while teaching physical education or coaching. When entering common areas and in the classrooms, athletic pants or warm up suits must be worn. (No shorts allowed)
- Footwear/shoes must be appropriate to the activity. *(Rubber flip-flops, shower shoes, and sandals without straps are not permitted.)*
- Employees will not display tattoos or visible body/facial piercings.

**Natalia Spirit Days are designated for Fridays only (not the last day of the work week).*

Discrimination, Harassment, and Retaliation

Policies DH, DIA

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action.

Employees who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official. If the campus principal, supervisor, or district official is the subject of a complaint, the employee should report the complaint directly to the superintendent. A complaint against the superintendent may be made directly to the board.

Alternatively, the following may be reported to:

- Title IX Coordinator (Employees) - Mrs. Barbara Flores, Personnel C.O.
  Reports of discrimination based on sex, including sexual harassment
- ADA/Section 504 Coordinator (Employees) - Mrs. Barbara Flores, Personnel C.O.
  Reports of discrimination based on disability
- Superintendent - Shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws

The district's policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation, may be found at www.nataliaisd.net. - DIA (LOCAL)

Harassment of Students

Policies DHB, DH, FFG, FFH, FFI

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited ***(see solicitation of a romantic relationship below***). Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment of a student by an employee or adult will be reported to the student's parents and promptly investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See: *Reporting Suspected Child Abuse* and *Bullying* for additional information.

> ***"Solicitation of a romantic relationship"*** means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance.

The following acts, considered in context, ***may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:***

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

- The nature of the communications;
- The timing of the communications;
- The extent of the communications;
- Whether the communications were made openly or secretly
- The extent that the educator attempts to conceal the communications;
- If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities;
- Any other evidence tending to show the context of the communications between educator and student.

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.

3. Making sexually demeaning comments to a student.

4. Making comments about a student's potential sexual performance.

5. Requesting details of a student's sexual history.

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

8. Inappropriate hugging, kissing, or excessive touching.

9. Providing the student with drugs or alcohol.

10. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

11. Any other acts tending to show that the educator solicited a romantic relationship with the student. 19 TAC 249.3(50) A superintendent may notify SBEC of any educator misconduct

The district's policy that includes additional definitions and procedures for reporting and investigating harassment of students can be found in DHB (LEGAL) & FFH (LOCAL) at www.nataliaisd.net.

Reporting Suspected Child Abuse

Policies DG, DH, DHB, FFG, GRA

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §26.001, to a law enforcement agency, Child Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) within 48 hours of the event that led to the suspicion.

Abuse is defined by SBEC and includes the following acts or omissions:

- Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;
- Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or
- Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

Employees are also required to make a report if they have cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child or disabled person.

Reports to Child Protective Services can be made to: ***1-800-342-3720*** or to the ***Texas Abuse Hotline (800-252-5400).*** State law specifies that an employee may not delegate to or rely on another person to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the district is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to report suspected child abuse may result in prosecution as a Class A misdemeanor. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the Code of Ethics and Standard Practices for Texas Educators.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agency.

- Reporting the concern to the principal does not relieve the employee of the requirement to report it to the appropriate state agency.

In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

REPORTING:

Reports are usually made by phone or online to the following organizations.

- Department of Family and Protective Services (CPS division)
- 1-800-252-5400
- On-line: www.dfps.state.tx.us
- On-line: www.txabusehotline.org
- A law enforcement agency: The Medina County Sheriff's Department, at (830) 665-8000, or the Natalia Police Department, at (830) 665-5552
- Reporting your suspicion to a school counselor, a principal or to another school staff member does NOT fulfill your responsibility under the law to report a suspicion of child abuse or neglect:
- Not reporting may place a child at risk of continued abuse or neglect;
- You are violating the law and may be subject to legal penalties, including criminal sanctions if you do not report
- By not reporting you are violating Natalia ISD Board Policy (FFG: LEGAL, LOCAL, EXHIBIT) and may be subject to disciplinary action, including possible termination of employment
- Not reporting could result in your certification from the State Board of Educator Certification being suspended, revoked or canceled if you hold a current active certification.
- If you need assistance in reporting, please contact a counselor, administrator or other knowledgeable personnel that they may direct you to.

Sexual Abuse and Maltreatment of Children

The district has established a plan for addressing sexual abuse and other maltreatment of children, which may be accessed in the District Improvement Plan. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated.

Possible physical warning signs: Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches.

Behavioral indicators may include: Verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior.

Emotional warning signs: Include withdrawal, depression, sleeping and eating disorders, and problems in school. A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult.

Be aware as an educator or parent or other trusted adult that disclosures of sexual abuse may be more indirect than disclosures of physical abuse and neglect

Be aware it is important **to be calm and comforting** if the child, or another child, confides in you. **Reassure** the child that he or she **did the right thing by telling you**

Sexual abuse in the Texas Family Code is **defined** as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child.

Maltreatment is **defined** as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Employees are required to follow the procedures described above in *Reporting Suspected Child Abuse* for reporting Sexual Abuse and Maltreatment of Children.

Reporting Crime

Policy DG

The Texas Whistleblower Act protects district employees who make good faith reports of violations of law by the district **to an appropriate law enforcement authority.** The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

Criminal History Background Checks

Policy DBAA

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the district and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history. For more information about use and dissemination restrictions of submission and receipt of FBI identification records, please refer to Title 28, Code of Federal Regulations (CFR), Section 50.12. See Title 28, CFR, Section 16.34 for additional information about procedures a person can follow to make changes, corrections or updates to an FBI record.

Process

- Prior to hire a NISD employee will have a TXDPS computerized criminal history (CCH) verification processed by HR
- Notification of results will be provided to the hiring administrator/supervisor or committee by HR
- Natalia ISD will be subscribed to the employee in the TXDPS system once they are hired.
- Hourly employees that are not fingerprinted and were hired prior to 2008, are not subscribed in the TXDPS system and therefore **will be** processed each semester.
- From 2008 forward, Natalia ISD will be subscribed to all current employees in the TXDPS system and shall remain subscribed to them until an employee leaves the district.

- All employees, regardless of whether they are fingerprinted/subscribed "or not", **are required** to inform their administrator/supervisor within **3 calendar days** of any arrest and convictions, as continued in the Employees, Arrests and Convictions section below.

Employee Arrests and Convictions

Policy DH

An employee must notify his or her principal or immediate supervisor within **3 calendar days** of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any of the other offenses listed below:

- Crimes involving school property or funds
- Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator
- Crimes that occur wholly or in part of school property or at a school-sponsored activity
- Crimes involving moral turpitude
- Moral turpitude includes the following:
  - Dishonesty
  - Fraud
  - Deceit
  - Theft
  - Misrepresentation
  - Deliberate violence
  - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor
- Crimes involving any felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance
- Felonies involving driving while intoxicated (DUI)
- Acts constituting abuse or neglect under the Texas Family Code

If an educator is arrested or criminally charged, the Superintendent is also required to report the educator's criminal history to the Division of Investigations at TEA.

Alcohol and Drug-Abuse Prevention

Policies DH, DI

Natalia ISD is committed to maintaining an alcohol- and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school-sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed. District policy regarding employee drug-free workplace and drug use follows:

Drug-Free Workplace

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace.

Employees who violate this prohibition shall be subject to disciplinary sanctions.

Sanctions may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment with the District; and Referral to appropriate law enforcement officials for prosecution.

As a condition of employment, an employee shall:

- Abide by the terms of this notice; and
- Notify the Superintendent, in writing, if the employee is convicted for a violation of a criminal drug statute occurring in the workplace. The employee must provide the notice in accordance with DH(LOCAL).

[This notice complies with the requirements of the federal Drug-Free Workplace Act (41 U.S.C. 702).]

Maintaining a Drug-Free Environment

The District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DI(LOCAL)] The program shall provide applicable information to employees in the following areas:

- The dangers of drug use and abuse in the workplace.
- The District's policy of maintaining a drug-free environment. [See DH(LOCAL)]
- Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
- The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

- Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
- Alcohol or any alcoholic beverage.
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

It **shall not** be considered a violation of this policy if the employee:

- Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities
- Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
- Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Tobacco Products and E-Cigarette Use

Policies DH, FNCD GKA

State law prohibits smoking of any kind or using tobacco products or e-cigarettes on all district-owned property and at school- related or school-sanctioned activities (both on or off campus). This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities.

Drivers of district-owned vehicles are prohibited from smoking while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings. *(Use of vapor-based or electronic smoking products is also prohibited on district property.)*

Fraud and Financial Impropriety

Policy CAA

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below:

- Forgery or unauthorized alteration of any document or account belonging to the district
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other district assets including employee time
- Impropriety in the handling of money or reporting of district financial transactions
- Profiteering as a result of insider knowledge of district information or activities
- Unauthorized disclosure of confidential or proprietary information to outside parties
- Unauthorized disclosure of investment activities engaged in or contemplated by the district
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment
- Failing to provide financial records required by state or local entities
- Failure to disclose conflicts of interest as required by policy
- Any other dishonest act regarding the finances of the district
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards

Technology Resources

Internet Acceptable Use Policy

Overview

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation for the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical, and legal utilization for the network resources. If a network user violates any of the provisions, his or her account will be terminated and future access could possibly be denied.

Computer Use and Data Management

Policy CQ

The district's technology resources, including its network access to the Internet, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the district.
- Does not unduly burden the district's computer or network resources
- Has no adverse effect on job performance or on a student's academic performance

Electronic mail transmissions and other use of the technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees who are authorized to use the system are required to **abide by the provisions of the acceptable use policy and administrative procedures**. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary action. Employees with questions about computer & electronic media use and data management can contact the Technology Coordinator.

Personal Use of Electronic Media

Policy CQ DH

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or her job duties, the

employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for Web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses **electronic media for personal purposes** shall observe the following:

- The employee may not set up or update the employee's personal social network page(s) using the district's computers, network, or equipment.
- The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
    - Confidentiality of student records. [See Policy FL]
    - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See Policy DH (EXHIBIT)]
    - Confidentiality of district records, including educator evaluations and private e-mail addresses. [See Policy GBA]
    - Copyright law [See Policy CY]
    - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy DH (EXHIBIT)]

See: **Use of Electronic Media with Students,** below, for regulations on employee communication with students through electronic media.

Use of Electronic Media with Students

Policy DH

A certified or licensed employee, or any other employee designated in writing by the superintendent or a campus principal, may communicate through electronic media with students who are currently enrolled in the district. The employee must comply with the provisions outlined below. All other employees are prohibited from communicating with students who are enrolled in the district through electronic media.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.

An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol

- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student

The following definitions apply for the use of electronic media with students:

- **Electronic media** includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), Web logs (blogs), electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, MySpace, Twitter, LinkedIn). *Electronic media* also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.
- **Communicate** means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a *communication*: however, the employee may be subject to district regulations on personal electronic communications. See *Personal Use of Electronic Media*, above. Unsolicited contact from a student through electronic means is not a *communication*.
- **Certified or licensed employee** means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who uses electronic media to communicate with students shall observe the following:

- The employee may use any form of electronic media **except** text messaging. **Only a teacher, trainer, or other employee who has an extracurricular duty may use text messaging in EMERGENCY situations,** and then **ONLY** to communicate with students who participate in the extracurricular activity over which the employee has responsibility. **Natalia ISD Remind 101 Account** is still considered to be preferential for contact.
- The employee shall include at least one of the student's parents or guardians as a recipient on each text message to the student so that the student and parent receive the same message
- The **employee shall not communicate directly with any student between the hours o*f 10:00 p.m. and 6:00 a.m.*** An employee **may**, however, make **public posts** to an **approved** and appropriate social network site, blog, or the **Natalia ISD Remind 101 Account.** at any time.
- The **employee shall limit communications to** matters within the scope of the employee's professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity).
- The **employee is prohibited from** knowingly communicating with students through a personal social network page; the employee must create a separate social network page ("professional page") for the purpose of communicating with students. The employee must enable administration and parents to access the employee's professional page.
- The **employee does not have a right to privacy** with respect to communications with students and parents.

- The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Code of Ethics and Standard Practices for Texas Educators, including:
    - **Compliance with** the Public Information Act and the Family Educational Rights and Privacy Act **(FERPA)**, including retention and confidentiality of student records. [See Policies CPC and FL]
    - **Copyright law** [Policy CY]
    - **Prohibition against soliciting or engaging in sexual conduct or a romantic relationship with a student.** [See Policy DH]
- **Upon request from administration,** an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with any one or more currently-enrolled students.
- **Upon written request from a parent or student**, the employee shall discontinue communicating with the student through e-mail, text messaging, instant messaging, or any other form of one-to- one communication.

An employee may request an ***exception*** from one or more of the limitations above by ***submitting a written request to his or her immediate supervisor,*** with final approval of decision being approved by the Superintendent of Schools.

Natalia Net Regulations and Guidelines

The Superintendent or designee will oversee the District's electronic communication system. The District's System will be used only for administrative and educational purposes consistent with the District's mission and goals. Commercial use by individuals of the District's system is strictly prohibited.

The District will provide training to employees in proper use of the system and will provide all users with copies of acceptable use guidelines. All training in the use of the District's system will emphasize the ethical use of this resource.

Monitoring

The District monitors its entire electronic computer system, including email and internet usage.

Inappropriate Uses

- Sharing the password for your account with others
- Accessing other user's accounts including files and/or other documents without permission
- Using the Internet for political or commercial activity
- Using the system to threaten or harass another person, or engage in personal attacks, including prejudicial or discriminatory attacks
- Accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal
- Send/post messages under a false identity
- Send/post unsolicited junk mail or chain letters

- Using inappropriate language (no swearing, vulgarity, ethnic or racial slurs, or any inflammatory or threatening language)
- Harming equipment, materials, data, or gain unauthorized access to restricted information or resources
- Knowingly disrupt the network including infecting a computer or network with a virus, send inappropriate mass mailings or spamming, nor disconnect equipment to disable any computing function
- Disabling any Internet filtering device
- Encrypting communications to avoid security review
- Installing any software program to a district computer without permission
- Downloading large files unless absolutely necessary
- Using the system for illegal purposes

Consequences for Inappropriate Use

- Suspension of access to the system;
- Revocation of the computer system account; or
- Other disciplinary or legal action, in accordance with the District policies and applicable laws.

System Access

Access to the District's electronic communications system will be governed as follows:

- All employees assigned to the District‘s electronic communications system account are required to sign the Employee Agreement for Acceptable Use of the Electronic Communication System. Upon agreeing to the District's Acceptable Use Policy and approval of the Superintendent or designee, District employees will be granted access to the District's system.
- If class accounts become available, a teacher may apply for a class account and in doing so will be ultimately responsible for use of the account. Teachers with accounts will be required to maintain password confidentiality by not sharing the password with students or others.
- Students completing required course work on the system will have first priority for use of the District equipment after school hours.
- Any system user identified as a security risk or having violated District and/or campus computer-use guidelines may be denied access to the District's system.

Campus-Level Coordinator Responsibilities

As the campus-level coordinator for the electronic communications system, the principal or designee will:

- Abide by the job description that denotes basic responsibilities
- Have their campus principal be their direct supervisor, but may also work in conjunction with campus/District Technology Department direction or decisions.
- Be responsible for disseminating and enforcing applicable District policies and acceptable use guidelines for the District's system at the campus level.

- Ensure that accounts are created (as needed) for all program use by students/teachers at your campus with the **exception** of applications that **require District Technology Department account creation.**
- Ensure (in conjunction with campus administrator) that employees supervising students ,who use the District's system, provide training emphasizing the appropriate use of this resource. The training shall also address online safety and appropriate online behavior including interaction on social network websites, chat rooms and cyberbullying awareness and response. Curriculum choice will be at campus administrator's discretion. ***Ex: Common Sense K-12 Digital Citizenship Curriculum - FREE to educators.***
  https://www.commonsensemedia.org/educators/scope-and-sequence

Individual User Responsibilities On-Line Conduct

The following standards will apply to all users of the District's electronic information and communication systems.

- The individual in whose name a system account is issued will be responsible at all time for its proper use.
- The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by District policy.
- Use for commercial, income-generating or "for-profit" activities, produce advertisement, or political lobbying is prohibited by users. Sending unsolicited junk mail or chain letters is prohibited.
- System users may not use another person's system account without appropriate permission and documentation from the District Coordinator and/or in conjunction with the Superintendent of Schools.
- System users must purge electronic mail in accordance with established retention guidelines upon request
- System users may redistribute copyrighted programs or data only with the written permission of the copyright holder or designee. Such permission must be specified in the document or must be obtained directly from the copyright holder or designee in accordance with applicable copyright laws, District policy, and administrative regulations.
- System users may upload public domain programs to the system. System users may also download public domain programs for their own use or may non-commercially redistribute a public program. System users are responsible for determining whether a program is in the public domain. If you are in question, then assistance may be sought from the District Technology Department.

Vandalism Prohibited

Any malicious attempt to harm or destroy District equipment or materials, data of another user of the District's system, or any of the agencies or other networks that are connected to the Internet is prohibited. Deliberate attempts to degrade or disrupt system performance may be viewed as violations of District policy and administrative regulations and possibly, as criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creating of computer viruses.

Vandalism as defined above will result in the cancellation of system use privileges and possible prosecution. The person/persons responsible will be responsible for restitution costs associated with system restoration, hardware, or software.

Forgery Prohibited

Forgery or attempted forgery of electronic mail messages is prohibited. Attempts to read, delete, copy, or modify the electronic mail of other system users to send/receive electronic mail is prohibited.

Information Content/Third Party Supplied

System users and parents of students with access to the District's system should be aware that use of the system may provide access to other electronic communications systems in the global electronic network that may contain inaccurate and/or objectionable material.

A student knowingly bringing prohibited materials into the school's electronic environment will be subject to a suspension and/or a revocation of privileges on the District's system and will be subject to disciplinary action in accordance with the Student Code of Conduct.

An employee knowingly bringing prohibited materials into the school's electronic environment will be subject to disciplinary action in accordance with District policies.

Network Etiquette

System users are expected to observe the following network etiquette:

- Be polite.
- Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and any other inflammatory language are prohibited.
- Pretending to be someone else when sending or receiving messages is considered inappropriate.
- Transmitting obscene messages or pictures is prohibited.
- Revealing personal addresses or phone numbers of the user or others is prohibited.
- Using the network in such a way that would disrupt the use of the network by other users is prohibited.

Termination/Revocation of System User Account

The District may suspend or revoke a system user’s account upon violation of District policy and/or administrative regulations regarding acceptable use.

Termination of an employee's account or of a student's access will be effective on the date the principal or District coordinator receives notice of student withdrawal or of revocation of system privileges, or on a future date if so specified in the notice.

Copyrighted Materials

Policy CY

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used in the classroom for instructional purposes only. Duplication are to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent or designee, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain. CY(LOCAL)

Disclaimer

The District's system is provided on an "as is, as available" basis. The District does not make any warranties, whether expressed or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District does not warrant that the functions or services performed by, or that information or software contained on, the system will meet the system user's requirements, or that the system will be uninterrupted or error-free, or that defects will be corrected.

Opinions, advice, services, and all other information expressed by system users, information providers, service providers or other third party individuals in the system are those of the providers and not the District.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to the misuse of the District's electronic communications system.

Conflict of Interest

Policy DBD

Employees are required to disclose to their supervisor any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the district. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Non-school employment

Non-Employment Disclosure (Conflict of Interest) form is available at www.nataliaisd.net - Department -HR - HR forms.

Gifts and Favors

Policy DBD

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee's discharge of assigned duties and responsibilities. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks, electronic textbooks, instructional materials or technological equipment may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials such as maps or worksheets that convey information to students or contribute to the learning process.

Charitable Contributions

Policy DG

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fund-raiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fund raiser or attending a meeting called for the purpose of soliciting charitable contributions.

Associations and Political Activities

Policy DGA

The district will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual's employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Use of district resources including work time for political activities is **prohibited**.

Safety

Policy CK series

The district has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve district equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.

- Immediately report all accidents to their supervisor.
- Fill out appropriate paperwork should injury or accident occur.
- Operate only equipment or machines for which employee has training and authorization.

For further information refer to the NISD District Emergency Operations Plan located at www.nataliaisd.net and direction from your campus administrator or department supervisor.
Employees with questions or concerns relating to safety programs and issues can contact the Superintendent of Schools.

Possession of Firearms and Weapons

Policies DH, FNCG, GKA

Employees, visitors, and students, including those with a license to carry a handgun, are prohibited from bringing firearms, illegal knives, clubs or other *prohibited weapons (as clarified in Policy FNCG)* onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the district's weapon policy should report it to their supervisor immediately or call the Superintendent at (830) 663-4416.

Visitors in the Workplace

Policy GKC

All visitors are expected to enter any district facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions to their destination or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

Process:

- All visitors enter any district facility through the main entrance
- Visitors report to the main office, sign in and show proof of identity with a driver's license or valid form of government or state-issued photo ID, US passport or active military ID
- Identification will be scanned and/or processed for verification before visitor pass will be issued
- Visitors will receive a visitor's pass to wear in full view
- Visitors will receive directions to their destination or be escorted to their destination.
- Visitor will return name tag and sign out when leaving
- The following persons are not required to submit a photo ID - as long as they are wearing their District issued NISD badge:
  - NISD employees and substitutes
  - Approved volunteers
  - Approved vendors/contractors

Asbestos Management Plan

Policy CKA

The district is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the district's management plan is kept in the central office and is available for inspection during normal business hours.

Pest Control Treatment

Policies CLB, DI

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. Notices are generally located in the main office. In addition, **individual employees may make requests in writing, to the Director of Operations, to be notified of pesticide application dates. An employee who requests individualized notice will be notified by telephone, written or electronic means.** Pest control information sheets are available from campus principals or facility managers upon request.

Termination of Employment

Resignations

Policy DFE

Contract Employees

Contract employees may **resign** their position **without penalty** at the end of any school year **if written notice is received 45 days before the first day of instruction of the following school year**. If **school is in session**, a written notice of resignation should be submitted directly to the campus principal/supervisor, who then will date-stamp it and forward on to the Superintendent/HR. If **school is not in session**, then written notice may be submitted directly to the Superintendent/HR. Contract employees may resign at any other time only with the approval of the superintendent or the board of trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The superintendent will notify SBEC when an employee resigns and reasonable evidence exists to indicate that the employee has engaged in any of the acts listed in *Reports to the State Board for Educator Certification*.

Process:

- Educators and non-educator personnel will generally submit their resignation directly to their supervisor (if school is in session). The supervisor date-stamps it and forwards it to Superintendent and HR.
- If school is not in session it will be submitted directly to the Superintendent through HR.
- Once the Superintendent has approved it, then HR mails a letter to the employee notifying them of acceptance of the resignation.
- Resigning employees are to follow the exit process (turning in keys, electronics,etc.) required at their campus/department for all their personnel. Dependent upon the resignation date this exit process is to be completed during or at the end of the school year or during the summer.
- If the exit process could not be completed at the campus/department then it will be completed through HR
- **HR sets up an appointment** with employee to discuss how/if their payroll, benefits/deductions are affected and **conducts an exit interview**.
- HR reports terminations to all required agencies/websites/programs, etc.

Non-contract Employees

Non-contract employees may resign their position at any time. A written notice of resignation should be submitted to the Superintendent of Schools at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

Process:

- All employees submit their resignation directly to their supervisor (if school is in session). The supervisor date-stamps it and forwards it to Superintendent and HR.
- Once the Superintendent has approved the resignation then HR mails a letter to the employee notifying them of the acceptance of the resignation.
- **HR sets up an appointment** with employee to discuss how/if their payroll, benefits/deductions are affected and **conducts an exit interview.**

Dismissal or Nonrenewal of Contract Employees

Policies DFAA, DFAB, DFBA, DFBB, DFD, DFF

Employees on probationary, term, and continuing contracts can be dismissed during the school year according to the procedures outlined in district policies. Employees on probationary or term contracts can be non-renewed at the end of the contract term. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided when a

written notice is given to an employee. Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct. Information on the timelines and procedures can be found in the DF series policies that are provided to employees or are available on line.

Probationary Contracts:

Policy DFAA

- May be discharged or suspended for "good cause" **- during contract**
- Before dismissal or suspension, reasonable notice in writing shall be given
- If protest of dismissal or suspension occurs then the employee will be entitled to a hearing as per Education Code Chapter 21 Subchapter F
- HR reports terminations to all required agencies/websites/programs, etc.
- May be terminated at the **end of the contract period**
- Board notice to terminate shall be personally given to employee no later than the 10th day before last day of instruction under the contract
- Board decision is final and not subject to appeal
- If there is failure to notify within the time prescribed, then the Board must employ the employee for the following school year in the same capacity as provided for in Education Code 21.103(b)
- HR reports terminations to all required agencies/websites/programs, etc.

Term/Continuing Contracts

Policy DFBA

- The Superintendent may suspend a term contract employee with pay or place on administrative leave during an investigation of alleged misconduct
- The Board may suspend an employe without pay for "good cause" pending discharge or in lieu of termination
- If an employee is not discharged after being suspended without pay pending discharge, then they are entitled to back pay for the period of suspension
- A Board may terminate a term contract and discharge a term contract employee at any time for "good cause" or financial exigency that requires a reduction in personnel
- Reasonable written notice shall be given a term contract employee before they are dismissed for "good cause". Notice shall include:
    - Charges against them
    - An explanation of the district's evidence in sufficient detail to enable the employee to show any error that may exist (see DF Exhibit)
- Hearings:
    - A term contract employee may request a hearing before an independent hearing examiner
    - Employee must file a written request with the commissioner no later than the **15th day after receiving notice of proposed termination or suspension without pay**
    - The employee must provide the district with a copy of the written request sent to the commissioner

    - Parties may agree in writing to extend the deadline for requesting a hearing by no more than **10 days**
    - Protest and hearings for financial exigency will be as per Ed. Code 44.0119 (see CEA) and Ed. Code 21.207
- HR reports terminations to all required agencies/websites/programs, etc.

Dismissal of Non-Contract Employees

Policy DCD

Non-contract employees are employed **"at will"** and **may be dismissed without notice, a description of the reasons for dismissal, or a hearing.** It is unlawful for the district to dismiss any employee for reasons of race, color, religion, sex, national origin, age, disability, military status, genetic information, or any other basis protected by law, or in retaliation for the exercise of certain protected legal rights.
Non-contract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the district process outlined in this handbook when pursuing the grievance. (See *Complaints and Grievances*)

Exit Interviews and Procedures

Exit interviews will be scheduled for all employees leaving the district through Human Resources. Call Human Resources for an appointment. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time.

Employees who are separating, terminated or suspended pending discharge or in lieu of termination are required to provide the district with:

- A forwarding address and phone number
- Complete a questionnaire that provides the district with feedback on his or her employment experience.
- Return all district:
    - keys
    - books
    - intellectual property
    - equipment
    - Return of all district property may be completed through campus/department process with a copy brought to HR exit interview

Reports to Texas Education Agency

Policy DF, DHB

The dismissal of a certified employee must be reported to the Division of Investigations at TEA whenever the termination is based on evidence that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor, or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual conduct contact or a romantic relationship with a student or minor

- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district or school property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event

The superintendent is also required to notify TEA when a certified employee resigns and there is evidence that the educator engaged in the conduct listed above.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee has a reported criminal history. "Reported criminal history" means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT Clearinghouse).

Reports Concerning Court-Ordered Withholding

The district is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code §8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination
- Employee's last known address
- Name and Address of the Employee's new employer, if known

Student Issues

Equal Educational Opportunities

Policies FB, FFH

Natalia ISD does not discriminate on the basis of race, color, religion, national origin, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to the Superintendent of Schools.

Student Records

Policy FL

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records:

- Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights
- The student (if 18 or older or emancipated by a court)
- School officials with legitimate educational interests

The student handbook provides parents and students with detailed information on student records. Parents or students who want to review student records should be directed to the campus principal for assistance and procedure. See: www.nataliaisd.net - Links & Announcements - Student Handbook.

Parent and Student Complaints

Policy FNG

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the board has adopted orderly processes for handling complaints on different issues. Any campus office or the superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teacher or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response. See: www.nataliaisd.net - Links & Announcements - Student Handbook.

Administering Medication to Students

Policy FFAC

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as provided below.
Only employees authorized by the Superintendent or designee may administer the above to students:

- Prescription medication in accordance with legal requirements and upon a written request by a physician or other health-care professional with authority to write prescriptions. [See FFAC (LEGAL)-(LOCAL)]
- Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
- Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan of a student with disabilities.

A student who must take medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. If any authorized employee other than the School Nurse is giving medication to a student then they must contact the school nurse or Superintendent's designee for information on procedures that must be followed when administering medication to students.

Dietary Supplements

Policies DH, FFAC

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance- enhancing dietary supplement to any student.

Psychotropic Drugs

Policy FFAC

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug
- Suggesting a particular diagnosis
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student

Student Conduct and Discipline

Policies in the FN series and FO series

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district. Other employees that have concerns about a particular student's conduct should contact the classroom teacher or campus principal. See: Student Code of Conduct in Appendix.

Student Attendance

Policy FEB

Teachers and staff should be familiar with the district's policies and procedures for attendance accounting. These procedures require minor students to have parental consent before they are allowed to leave campus. When absent from school, the student upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

Bullying

Policy FFI

All employees are required to report student complaints of bullying to the campus principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and is reprinted below:

Definition*:*

Bullying occurs when a student or group of students engages in *written or verbal* expression, expression through *electronic* means or *physical conduct* that occurs on school property, at a school sponsored or school related activity or in a vehicle operated by the District and that:

- Will *have* the *effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property*;
- Is *sufficiently severe*, *persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment* for a student.

Procedures: For reporting and investigating bullying:

Reports for bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. **A failure to promptly report may impair the district's ability to investigate and address the prohibited conduct.**

Any ***student*** who believes that he or she has experienced bullying or believes that another student has experienced bullying should:

- Immediately report the alleged act(s) to a teacher, counselor, and principal or other district employee.
- A report may be made orally or in writing.
- Any ***district employee*** who receives notice that a student has or may have experienced bullying shall immediately notify the campus principal or designee.

The Campus Principal or Designee shall:

- Reduce oral reports to written form.
- Determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by [Policy FFH],
- Promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate as per [Policy FFH].

Hazing

Policy FNCC

Students must have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. While most initiation rites are permissible, ***engaging in or permitting "hazing" is a criminal offense.*** Any teacher, administrator, or employee who observes a student engaged in any form of hazing, who has reason to know or suspect that a student intends to engage in hazing, or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

General Procedures

Building Use

Policies DGA, GKD

Organizations representing professional, paraprofessional, or support employees may use District facilities with prior approval of the appropriate administrator. Other groups composed of District employees may use District facilities in accordance with Policy GKD.

Employees who wish to use district facilities after school hours must follow established procedures. See NISD Facility Use Agreement Package and/or NISD Athletic Facility Use Packet at www.nataliaisd.net under Business, Operations or Athletics.

Appendix

Natalia Independent School District
Employee Agreement for Acceptable Use of the Electronic Communications System 2017-2018

The Natalia Independent School District has established a District electronic communications system to facilitate the educational process and administrative services. The District network includes access to the Internet providing resources that extend educational experiences far beyond those currently available through other means.

Use of the District electronic communications system comes with certain responsibilities. It is important that you read the District's Acceptable Use Agreement form and ask questions if you need help in understanding it. Inappropriate system use will result in the loss of the privilege to use this educational and administrative tool. It is possible that you may run across objectionable material when accessing the Internet from the Natalia ISD electronic communications system. While the District will use filtering technology to restrict access to such material, it is impossible to absolutely prevent such access. It will be your responsibility to follow the rules for appropriate use. The District may suspend or revoke your access if you violate the rules.

Access and Use

- You are being assigned a District electronic communications system account and will be responsible at all times for its proper use, including proper management of your email account and network storage. You are responsible for the safekeeping of your password.
- You will use the District network, including the Internet, for work-related uses. Limited personal use is permitted as long as this does not interfere with job responsibilities, imposes no financial burden on the District nor degrades or disrupts network performance.
- You will be aware of copyright laws and will adhere to them.
- **System users supervising students' use of the District electronic communications system** will annually provide training emphasizing the appropriate use of the resource and will monitor students' use at all times. This training will also address online safety and appropriate online behavior including interaction on social network websites and chat rooms and cyberbullying awareness and response. Curriculum to be used will be at campus administrator discretion.

Inappropriate Uses

- You will not share the password for your account with others.
- You will not access other users' accounts including files and/or other documents without permission.
- You will not use the Internet for political or commercial activity.
- You will not use the system to threaten or harass another person, or engage in personal attacks,

including prejudicial or discriminatory attacks.

- You will not access materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal.
- You will not send/post messages under a false identity.
- You will not send/post unsolicited junk mail or chain letters.
- You will not use inappropriate language (no swearing, vulgarity, ethnic or racial slurs, or any inflammatory or threatening language).
- You will not attempt to harm equipment, materials, data, or gain unauthorized access to restricted information or resources.
- You will not knowingly disrupt the network including infect a computer or network with a virus, send inappropriate mass mailings or spamming, nor disconnect equipment to disable any computing function.
- You will not disable any Internet filtering device.
- You will not encrypt communications to avoid security review.
- You will not install any software program to a district computer without permission.
- You will not download large files unless absolutely necessary.
- You will not use the system for illegal purposes.

Disclaimer

The District electronic communications system is provided on an "as is, as available" basis. The District does not make any warranties, whether expressed or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The District does not warrant that the functions or services performed by, or that information or software contained on, the system will meet the system user's requirements, or that the system will be uninterrupted or error-free, or that defects will be corrected.

I understand that my computer use is not private. Network administrators may review files and communications to maintain system integrity and insure the system is used responsibly. I have read the District's electronic communications system employee agreement and agree to abide by these provisions. I understand that violation of these provisions may result in suspension or revocation of system access or other disciplinary or legal action, in accordance with the District policies and applicable laws.

Name _____Title/Position _____Date: _____

Signature _____Dept./Campus _____

Forms Required for District Signature:

- Employee Handbook and Procedural Guidelines Receipt - Drug Free Workplace Document & Confidential Information Document
- NISD Internet Acceptable Use and Safety Policy (AUP) Receipt
- Employee Information Update - (for current school year)
- Authorization for Release/Closure of Personal Information
- Employee Emergency Contacts

Forms

For any forms an employee may require:

1. Go to www.nataliaisd.net
   Click Tab **Department -** Ex: HR,
   Click Tab **Forms -** Ex: HR Forms,
   Download or Print Out as needed

2. Go to www.nataliaisd.net
   Click Tab **Board**
   Click Tab **Board Policy Exhibit Forms**
   Download or Print Out as needed

Departments
Superintendent
Curriculum & Instruction
Business
Special & Federal Programs
Technology
Libraries
Guidance and Counseling
District Nurse
Child Nutrition
Head Start
Athletics
Operations

Important Note To All Employees Concerning: Forms Required for District Signature

- **ALL** forms required for District signature **must** be filled out through the **Aesop Program** as required or downloaded and hard copy turned into **campus secretaries** or **department supervisor/designees.**
- Once **ALL** hard copy forms are turned in and Aesop forms cleared by HR, you will be cleared by your secretary and your forms will be distributed to the appropriate department(s) for filing.
- The **deadline** for turning in signed forms to your campus or department is:
    - ***THE LAST DAY OF AUGUST INSERVICE***
- **Campuses or Departments may have forms they require** you to sign and turn into them. Please follow campus/department procedures.
- **Personnel** will **have the ability to make copies** of (signed/required) District/campus/department forms.

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Natalia Independent School District
P.O. Box 548, 805 Pearson St.
www.nataliaisd.net
Phone: 830 663-4416 Fax: 830 663-4186

Receipt Form:
Employee Handbook
Substitute and/or Volunteer Handbook
District Forms:
Confidentiality Information Agreement
Drug-Free Workplace Requirements

Name:_____Campus/Department /Role_____
(Initial all that apply.)

_____ I hereby acknowledge receipt of a copy of the Natalia ISD Employee Handbook and/or Natalia ISD Substitute and/or Volunteer Handbook (Circle any/all that apply). I agree to read each handbook *received and applicable* and abide by the standards, policies, and procedures defined or referenced to in this document.

_____ The information in these handbooks is subject to change. I understand that changes in district policies may supersede, modify, or render obsolete the information summarized in these books and forms. As the district provides updated policy information, I accept responsibility for reading and abiding by these changes.

_____ I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by these handbooks.

_____ I understand that I have an obligation to my supervisor or department head of any changes in personal information such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Superintendent if I have questions or concerns or need further explanation.

_____ (If Applicable) I also have received the Natalia ISD Substitute or Volunteer (Circle that which applies) 3 Ring Notebook containing my handbook and training materials as well as forms to be completed or for use.

_____ I have received, read, and understand the Natalia ISD Anti-Drug Program Policy as stated in the Drug-Free Workplace Requirements Document and that it is effective for the duration of my employment.

_____ I have received, read, understand, and agree to abide by all statements in the Natalia ISD Confidential Information Agreement Document and that it is effective for the duration of my employment.

Signature_____Date _____
Please sign and date this receipt and forward it to your campus principal or supervisor who will then forward it to Human Resources.



2017–2018

Natalia ISD

Student Handbook

*"**Building** **L**ives **U**tilizing **E**ducation"*

Natalia ISD Student Handbook

Revised on: June 6, 2017

Board Approved on: July 10 , 2017

NATALIA INDEPENDENT SCHOOL DISTRICT
8TH and Pearson St., P.O. Box 548 • Natalia, Texas 78059

Board of Trustees
Eric Smith, President
Paul Almendarez, Vice President
Jack Bradley, Secretary
Andrew Besa, Trustee
Fernando Garza, Trustee
Eric Owens, Trustee
Tiffany Rodriguez, Trustee

Dr. Hensley Cone, Superintendent of Schools

School Directory
(830 area code)

Central Office Administration	663-4416
Central Office Administration Fax	663-4186
School Nurse	663-6808
Technology Director and Tech Training Center	663-9222
Office of Academic and Pupil Services	663-5603
Transportation and Plant Operations Director	663-5467
Food Service Director	663-5971
High School Office and Principal	663-4417
High School Counselor	663-4417
High School Cafeteria	663-6855
Junior High School Office and Principal	663-4027
Junior High School Counselor	663-4153
Elementary School Office and Principal	663-2837
Elementary School Counselor	663-2837
Elementary School Cafeteria	663-3465
Early Childhood Center Office	663-9739
Early Childhood Center Cafeteria and Dean of Students	663-2996
Headstart Office/Family Services/ESC-20	663-9741
Adult Education Building	663-4629
WEB Address	www.nataliaisd.net
District Policies	http://pol.tasb.org/Home/Index/881

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Your child will not be required to participate without parental consent in any survey, analysis, or evaluation—funded in whole or in part by the U.S. Department of Education—that concerns: 5

Political affiliations or beliefs of the student or the student's parent. 5

Mental or psychological problems of the student or the student's family 5

Sexual behavior or attitudes. 5

Illegal, antisocial, self-incriminating, or demeaning behavior 5

Critical appraisals of individuals with whom the student has a close family relationship. 5

Relationships privileged under law, such as relationships with lawyers, physicians, and ministers. 5

Religious practices, affiliations, or beliefs of the student or parents. 5

Income, except when the information is required by law and will be used to determine the student's eligibility to participate in a special program or to receive financial assistance under such a program. 6

You will be able to inspect the survey or other instrument and any instructional materials used in connection with such a survey, analysis, or evaluation. [For further information, see policy EF(LEGAL).] 6

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PREFACE

To Students and Parents:

Welcome to school year 2017-2018! Education is a team effort, and we know that students, parents, teachers, and other staff members all working together can make this a wonderfully successful year for our students.

The Natalia Independent School District Student Handbook is designed to provide basic information that you and your child will need during the school year. The handbook is divided into two sections:

Section I—PARENTAL RIGHTS—with information to assist you in responding to school- related issues. We encourage you to take some time to closely review this section of the handbook.

Section II—OTHER IMPORTANT INFORMATION FOR STUDENTS AND PARENTS—
organized alphabetically by topic, and, where possible, further divided by applicability to ages and/or grade levels, for quick access when searching for information on a specific issue.

Please be aware that the term "parent," unless otherwise noted, is used to refer to the parent, legal guardian, any person granted some other type of lawful control of the student, or any other person who has agreed to assume school-related responsibility for a student.

Both students and parents should become familiar with the Natalia ISD Student Code of Conduct, which is a document adopted by the board and intended to promote school safety and an atmosphere for learning. That document may be found on the district's website at www.nataliaisd.net and is available in hard copy upon request.

The Student Handbook is a general reference guide only and is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that it is not a complete statement of all policies, procedures, or rules that may be applicable in a given circumstance.

In case of conflict between board policy (including the Student Code of Conduct) and any provisions of the Student Handbook, the current provisions of board policy and the Student Code of Conduct are to be followed.

Also, please be aware that the Student Handbook is updated yearly, while policy adoption and revision may occur throughout the year. The district encourages parents to stay informed of proposed board policy changes by attending board meetings. Changes in policy or other rules that affect Student Handbook provisions will be made available to students and parents through newsletters or other communications. The district reserves the right to modify provisions of the Student Handbook at any time, whenever it is deemed necessary. Notice of any revision or modification will be given as is reasonably practical under the circumstances.

Although the Student Handbook may refer to rights established through law or district policy, the Student Handbook does not create any additional rights for students and

parents. It does not, nor is it intended to, create contractual or legal rights between any student or parent and the district.

If you or your child has questions about any of the material in this handbook, please contact a teacher, the school counselor, or the principal.

Also, please complete and return to your child's campus the following forms provided in the forms packet distributed at the beginning of the year or upon the student's enrollment:

1. Acknowledgment Form OR Acknowledgment of Electronic Distribution of Student Handbook Form;
2. Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information form;
3. Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education form, if you choose to restrict the release of information to these entities; and
4. Consent/Opt-Out Form.

[See **Objecting to the Release of Directory Information** and **Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation** for more information.]

Please note that references to policy codes are included so that parents can refer to current board policy. The district's official policy manual is available for review in the district administration office, and an unofficial electronic copy is available at www.nataliaisd.net .

SECTION I: PARENTAL RIGHTS

This section of the Natalia ISD Student Handbook includes information related to certain rights of parents as specified in state or federal law.

CONSENT, OPT-OUT, AND REFUSAL RIGHTS

Consent to Conduct a Psychological Evaluation

A district employee will not conduct a psychological examination, test, or treatment without obtaining prior written parental consent unless the examination, test, or treatment is required under state or federal law regarding requirements for special education or by the Texas Education Agency (TEA) for child abuse investigations and reports.

Consent to Display a Student's Original Works and Personal Information

Teachers may display students' work, which may include personally identifiable student information, in classrooms or elsewhere on campus as recognition of student achievement.

However, the district will seek parental consent before displaying students' artwork, special projects, photographs taken by students, original videos or voice recordings, and other original works on the district's website, a website affiliated or sponsored by the district, such as a campus or classroom website, and in district publications, which may include printed materials, videos, or other methods of mass communication.

Consent to Receive Parenting and Paternity Awareness Instruction if Student is Under Age 14

A child under the age of 14 must have parental permission to receive instruction in the district's parenting and paternity awareness program; otherwise, the child will not be allowed to participate in the instruction. This program, developed by the Office of the Texas Attorney General and the State Board of Education (SBOE), is incorporated into the district's health education classes.

Consent to Video or Audio Record a Student When Not Otherwise Permitted by Law

State law permits the school to make a video or voice recording without parental permission for the following circumstances:

- When it is to be used for school safety;
- When it relates to classroom instruction or a co-curricular or extracurricular activity;
- When it relates to media coverage of the school; or
- When it relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

The district will seek parental consent through a written request before making any other video or voice recording of your child not otherwise allowed by law.

Prohibiting the Use of Corporal Punishment

Corporal punishment—spanking or paddling the student—may be used as a discipline management technique in accordance with the Student Code of Conduct and policy FO(LOCAL) in the district's policy manual.

If you do not want corporal punishment to be administered to your child as a method of student discipline, submit a written statement to the campus principal stating this decision. A signed statement must be provided each year if you do not want corporal punishment to be administered to your child.

You may choose to revoke this prohibition at any time during the year by providing a signed statement to the campus principal. However, district personnel may choose to use discipline methods other than corporal punishment even if the parent requests that this method be used on the student.

Please note that if the district is made aware that a student is in temporary or permanent conservatorship (custody) of the state, through foster care, kinship care, or other arrangements, corporal punishment will not be administered, even when a signed statement prohibiting its use has not been submitted by the student's caregiver or caseworker.

Limiting Electronic Communications with Students by District Employees

Teachers and other approved employees are permitted by the district to communicate with students through the use of electronic media within the scope of the individual's professional responsibilities. For example, a teacher may set up a social networking page for his or her class that has information related to class work, homework, and tests. As a parent, you are welcome to join or become a member of such a page.

An employee described above may also contact a student individually through electronic media to communicate about items such as homework or upcoming tests.

However, instant or text messages sent to an individual student are only allowed if a district employee with responsibility for an extracurricular activity needs to communicate with a student participating in the extracurricular activity.

If you prefer that your child not receive any one-to-one electronic communications from a district employee or if you have questions related to the use of electronic media by district employees, please contact the campus principal.

Objecting to the Release of Directory Information

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated "directory information" from a child's education records without written consent. "Directory information" is information that is generally not considered harmful or an invasion of privacy if released. Examples

include a student's photograph for publication in the school yearbook; a student's name and grade level for purposes of communicating class and teacher assignment; the name, weight, and height of an athlete for publication in a school athletic program; a list of student birthdays for generating schoolwide or classroom recognition; a student's name and photograph posted on a district-approved and -managed social media platform; and the names and grade levels of students submitted by the district to a local newspaper or other community publication to recognize the A/B honor roll for a specific grading period. Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of a student's directory information. This objection must be made in writing to the principal within ten school days of your child's first day of instruction for this school year. [See the "Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information" included in the forms packet.]

As allowed by state law, the district has identified two directory information lists—one for school-sponsored purposes and the second for all other requests. For all district publications and announcements, the district has designated the following as directory information: include only those items listed as directory information for school-sponsored purposes in your FL(LOCAL). If you do not object to the use of your child's information for these limited school-sponsored purposes, the school will not need to ask your permission each time the district wishes to use the information for the school-sponsored purposes listed above.

For all other purposes, the district has identified lists in FL(LOCAL) as directory information. If you do not object to the use of your child's information for these purposes, the school must release this information when the school receives a request from an outside entity or individual.

Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)

The district is required by federal law to comply with a request by a military recruiter or an institution of higher education for students' names, addresses, and telephone listings, unless parents have advised the district not to release their child's information without prior written consent. A form included in the forms packet is available if you do not want the district to provide this information to military recruiters or institutions of higher education.

Participation in Third-Party Surveys

Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation

Your child will not be required to participate without parental consent in any survey, analysis, or evaluation—funded in whole or in part by the U.S. Department of Education—that concerns:

- Political affiliations or beliefs of the student or the student's parent.
- Mental or psychological problems of the student or the student's family.
- Sexual behavior or attitudes.
- Illegal, antisocial, self-incriminating, or demeaning behavior.
- Critical appraisals of individuals with whom the student has a close family relationship.
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers.
- Religious practices, affiliations, or beliefs of the student or parents.
- Income, except when the information is required by law and will be used to determine the student's eligibility to participate in a special program or to receive financial assistance under such a program.

You will be able to inspect the survey or other instrument and any instructional materials used in connection with such a survey, analysis, or evaluation. [For further information, see policy EF(LEGAL).]

"Opting Out" of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information

As a parent, you have a right to receive notice of and deny permission for your child's participation in:

- Any survey concerning the private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from your child for the purpose of marketing, selling, or otherwise disclosing that information. Note that this does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.
- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student. Exceptions are hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law. [See policies EF and FFAA.]

As a parent, you may inspect a survey created by a third party before the survey is administered or distributed to your child.

REMOVING A STUDENT FROM INSTRUCTION OR EXCUSING A STUDENT FROM A REQUIRED COMPONENT OF INSTRUCTION

Human Sexuality Instruction

As a part of the district's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) is involved with the selection of course materials for such instruction.

State law requires that any instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) must:

- Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

As a parent, you are entitled to review the curriculum materials. In addition, you may remove your child from any part of the human sexuality instruction with no academic, disciplinary, or other penalties. You may also choose to become more involved with the development of curriculum used for this purpose by becoming a member of the district's SHAC. Please see the campus principal for additional information.

Reciting a Portion of the Declaration of Independence in Grades 3–12

You may request that your child be excused from recitation of a portion of the Declaration of Independence. State law requires students in social studies classes in grades 3–12 to recite a portion of the text of the Declaration of Independence during Celebrate Freedom Week unless (1) you provide a written statement requesting that your child be excused, (2) the district determines that your child has a conscientious objection to the recitation, or (3) you are a representative of a foreign government to whom the United States government extends diplomatic immunity. [See policy EHBK(LEGAL).]

Reciting the Pledges to the U.S. and Texas Flags

As a parent, you may request that your child be excused from participation in the daily recitation of the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. The request must be in writing. State law does not allow your child to be excused from participation in the required minute of silence or silent activity that follows. [See **Pledges of Allegiance and a Minute of Silence** and policy EC(LEGAL).]

Religious or Moral Beliefs

You may remove your child temporarily from the classroom if an instructional activity in which your child is scheduled to participate conflicts with your religious or moral beliefs. The removal cannot be for the purpose of avoiding a test and may not extend for an entire semester. Further, your child must satisfy grade-level and graduation requirements as determined by the school and by state law.

Tutoring or Test Preparation

Based on informal observations, evaluative data such as grades earned on assignments or tests, or results from diagnostic assessments, a teacher may determine that a student is in need of additional targeted assistance in order for the student to achieve mastery in state-developed essential knowledge and skills. The school will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible. In accordance with state law and policy EC, the school will not remove a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the school days on which the class is offered, unless the student's parent consents to this removal.

The school may also offer tutorial services, which students whose grades are below 70 will be required to attend.

[Also refer to policies EC and EHBC, and contact your student's teacher with questions about any tutoring programs provided by the school.]

RIGHT OF ACCESS TO STUDENT RECORDS, CURRICULUM MATERIALS, AND DISTRICT RECORDS/POLICIES

Instructional Materials

As a parent, you have a right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered to your child.

You are also entitled to request that the school allow your child to take home any instructional materials used by the student. If the school determines that sufficient availability exists to grant the request, the student must return the materials at the beginning of the next school day if requested to do so by the child's teacher.

Notices of Certain Student Misconduct to Noncustodial Parent

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to his or her child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See policy FO(LEGAL) and the Student Code of Conduct.]

Participation in Federally Required, State-Mandated, and District Assessments

You may request information regarding any state or district policy related to your child's participation in assessments required by federal law, state law, or the district.

Student Records

Accessing Student Records

You may review your child's student records. These records include:

- Attendance records,
- Test scores,
- Grades,
- Disciplinary records,
- Counseling records,
- Psychological records,
- Applications for admission,
- Health and immunization information,
- Other medical records,
- Teacher and school counselor evaluations,
- Reports of behavioral patterns,
- State assessment instruments that have been administered to your child, and
- Teaching materials and tests used in your child's classroom.

Authorized Inspection and Use of Student Records

A federal law, known as the Family Educational Rights and Privacy Act, or FERPA, affords parents and eligible students certain rights with respect to the student's education records. For purposes of student records, an "eligible" student is one who is 18 or older or who is attending an institution of postsecondary education.

Objecting to the Release of Directory Information are:

- The right to inspect and review student records within 45 days after the day the school receives a request for access.
- The right to request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA.
- The right to provide written consent before the school discloses personally identifiable information from the student's records, except to the extent that FERPA authorizes disclosure without consent.
- The right to file a complaint with the U.S. Department of Education

concerning failures by the school to comply with FERPA requirements. The name and address of the office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of
Education 400
Maryland Avenue,
SW Washington, DC
20202-5901

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy. Before disclosing any personally identifiable information from a student's records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance, including grades, test results, and disciplinary records, is considered confidential educational records.

Inspection and release of student records is primarily restricted to an eligible student or a student's parents—whether married, separated, or divorced—unless the school is given a copy of a court order terminating parental rights or the right to access a student's education records.

Federal law requires that, as soon as a student reaches the age of 18, is emancipated by a court, or enrolls in a postsecondary institution, control of the records goes to the student. The parents may continue to have access to the records, however, if the student is a dependent for tax purposes and under limited circumstances when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records, without written consent of the parent or eligible student, in the following circumstances:

- When district school officials have what federal law refers to as a "legitimate educational interest" in a student's records. School officials would include board members and employees, such as the superintendent, administrators, and principals; teachers, school counselors, diagnosticians, and support staff (including district health or district medical staff); a person or company with whom the district has contracted or allowed to provide a particular institutional service or function (such as an attorney, consultant, third-party vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer); a parent or student serving on a school committee; or a parent or student assisting a school official in the performance of his or her duties. "Legitimate educational interest" in a student's records includes working with the student; considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an educational record to fulfill the official's professional responsibility to the school and the student; or investigating or evaluating programs.

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, TEA, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or other child welfare representatives, in certain cases.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, school district/system, or institution of postsecondary education to which a student seeks or intends to enroll or in which he or she is already enrolled.
- In connection with financial aid for which a student has applied or which the student has received.
- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school, in order to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the district discloses information it has designated as directory information [see **Objecting to the Release of Directory Information** for opportunities to prohibit this disclosure].

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The principal is custodian of all records for currently enrolled students at the assigned school. The principal is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wishes to inspect the student's records should submit a written request to the records custodian identifying the records he or she wishes to inspect. Records may be inspected by a parent or eligible student during regular school hours. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records.

A parent or eligible student who provides a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the records requested or make other arrangements for the parent or student to review these records. A parent (or eligible student) may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights. A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate.

If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended as a result of the hearing, the parent or eligible student has 30 school days to exercise the right to place a statement commenting on the information in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the general complaint process found in policy FNG(LOCAL). A grade issued by a classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading policy. [See FINALITY OF GRADES at FNG(LEGAL), **Report Cards/Progress Reports and Conferences** and **Complaints and Concerns** for an overview of the process.]

The district's policy regarding student records found at policy FL is available from the principal's or superintendent's office [or on the district's website at www.nataliaisd.net].

The parent's or eligible student's right of access to and copies of student records do not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student that are shared only with a substitute teacher—do not have to be made available to the parents or student.

Teacher and Staff Professional Qualifications

You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher has an emergency permit or other provisional status for which state requirements have been waived; and whether the teacher is currently teaching in the field of discipline of his or her certification. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.

STUDENTS WITH EXCEPTIONALITIES OR SPECIAL CIRCUMSTANCES

Children of Military Families

Children of military families will be provided flexibility regarding certain district requirements, including:

- Immunization requirements.
- Grade level, course, or educational program placement.
- Eligibility requirements for participation in extracurricular activities.
- Graduation requirements.

In addition, absences related to a student visiting with his or her parent, including a stepparent or legal guardian, who has been called to active duty for, is on leave from, or is returning from a deployment of at least four months will be excused by the district. The district will permit no more than five excused absences per year for this purpose.

For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at http://tea.texas.gov/index2.aspx?id=7995.

Parental Role in Certain Classroom and School Assignments

Multiple Birth Siblings

As a parent, if your children are multiple birth siblings (e.g., twins, triplets, etc.) assigned to the same grade and campus, you may request that they be placed either in the same classroom or in separate classrooms. Your written request must be submitted no later than the 14th day after the enrollment of your children. [See policy FDB(LEGAL).]

Safety Transfers/Assignments

As a parent, you may:

- Request the transfer of your child to another classroom or campus if your child has been determined by the district to have been a victim of bullying as the term is defined by Education Code 37.0832. Transportation is not provided for a transfer to another campus. See the superintendent OR principal for information.
- Consult with district administrators if your child has been determined by the district to have engaged in bullying and the board decides to transfer your child to another classroom or campus. Transportation is not provided for a transfer to another campus.

  [See **Bullying**, policy FDB, and policy FFI.]
- Request the transfer of your child to attend a safe public school in the district if your child attends school at a campus identified by TEA as persistently dangerous or if your child has been a victim of a violent criminal offense while at school or on school grounds. [See policy FDE.]

Service/Assistance Animal Use by Students

A parent of a student who uses a service/assistance animal because of the student's disability must submit a request in writing to the principal at least ten district business days before bringing the service/assistance animal on campus.

Students in the Conservatorship of the State (Foster Care)

A student who is currently in the conservatorship (custody) of the state and who enrolls in the district after the beginning of the school year will be allowed credit-by-examination opportunities outside the district's established testing windows, and the district will grant proportionate course credit by semester (partial credit) when a student only passes one semester of a two-semester course.

A student who is currently in the conservatorship (custody) of the state and who is

moved outside of the district's or school's attendance boundaries, or who is initially placed in the conservatorship of the state and who is moved outside the district's or school's boundaries, is entitled to continue in enrollment at the school he or she was attending prior to the placement or move until the student reaches the highest grade level at the particular school. In addition, if a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request to receive a diploma from the previous district if he or she meets the criteria to graduate from the previous district.

[See also Credit by Examination For Advance Course Credit information.]

Students Who Are Homeless

Children who are homeless will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement, if the student is unable to provide previous academic records, or misses an application deadline during a period of homelessness;
- Credit-by-examination opportunities;
- The award of partial credit (awarding credit proportionately when a student passes only one semester of a two-semester course);
- Eligibility requirements for participation in extracurricular activities; and
- Graduation requirements.

If a student in grade 11 or 12 is homeless and transfers to another school district but does not meet the graduation requirements of the receiving district, the student can request to receive a diploma from the previous district if he or she meets the criteria to graduate from the previous district.

Federal law also allows a homeless student to remain enrolled in what is called the "school of origin" or to enroll in a new school in the attendance area where the student is currently residing.

Students Who Have Learning Difficulties or Who Need Special Education Services

If a child is experiencing learning difficulties, the parent may contact the campus principal to learn about the district's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the

regular classroom should be considered for tutorial, compensatory, and other academic or behavior support services that are available to all students including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

A parent may request an evaluation for special education services at any time. If a parent makes a written request to a school district's director of special education services or to a district administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give the parent prior written notice of its proposal to evaluate the student, a copy of the Notice of Procedural Safeguards, and the opportunity for the parent to give written consent for the evaluation or must give the parent prior written notice of its refusal to evaluate the student and a copy of the Notice of Procedural Safeguards.

If the school decides to evaluate the student, the school must complete the initial evaluation and the resulting report no later than 45 school days from the day the school receives a parent's written consent to evaluate the student. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period must be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45 school day timeline. If the school receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the school must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completion, the school must give you a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled "Parent's Guide to the Admission, Review, and Dismissal Process."

The following websites provide information to those who are seeking information and resources specific to students with disabilities and their families:

- Texas Project First, at http://www.texasprojectfirst.org
- Partners Resource Network, at http://www.partnerstx.org

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education services is the student's campus principal.

Students Who Receive Special Education Services with Other School-Aged Children in the Home

If a student is receiving special education services at a campus outside his or her attendance zone, the parent or guardian may request that any other student residing

in the household be transferred to the same campus, if the appropriate grade level for the transferring student is offered on that campus. However, the district is not required to provide transportation to the other children in the household. The parent or guardian should speak with the principal of the school regarding transportation needs prior to requesting a transfer for any other children in the home. [See policy FDB(LOCAL).]

Students Who Speak a Primary Language Other than English

A student may be eligible to receive specialized support if his or her primary language is not English, and the student has difficulty performing ordinary class work in English. If the student qualifies for these extra services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

Students With Physical or Mental Impairments Protected Under Section 504

A child determined to have a physical or mental impairment that substantially limits a major life activity, as defined by law, and who does not otherwise qualify for special education services, may qualify for protections under Section 504 of the Rehabilitation Act. Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities. When an evaluation is requested, a committee will be formed to determine if the child is in need of services and supports under Section 504 to receive a free appropriate public education (FAPE), as this is defined in federal law.

The designated person to contact regarding a referral for evaluation applicable to Section 504 is the student's campus principal.

[Also see policy FB.]

SECTION II: OTHER IMPORTANT INFORMATION FOR STUDENTS AND PARENTS

Topics in this section of the Student Handbook contain important information on

academics, school activities, and school operations and requirements. Take a moment with your child to become familiar with the various issues addressed in this section. It is organized in alphabetical order to serve as a quick-reference when you or your child has a question about a specific school-related issue. Where possible, the topics are also organized to alert you to the applicability of each topic based on a student's age or grade level. Should you be unable to find the information on a particular topic, please contact the student's campus principal.

ABSENCES/ATTENDANCE

Regular school attendance is essential for a student to make the most of his or her education—to benefit from teacher-led and school activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Two state laws—one dealing with the required presence of school-aged children in school, e.g., compulsory attendance, the other with how a child's attendance affects the award of a student's final grade or course credit—are of special interest to students and parents. They are discussed below.

Compulsory Attendance

Age 19 and Older

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If a student age 19 or older has more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA.]

Between Ages 6 and 19

State law requires that a student between the ages of 6 and 19 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

State law requires attendance in an accelerated reading instruction program when kindergarten, first grade, or second grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and/or applicable subject area.

Prekindergarten and Kindergarten

Students enrolled in prekindergarten or kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

Exemptions to Compulsory Attendance

All Grade Levels

State law allows exemptions to the compulsory attendance requirements for several types of absences if the student makes up all work. These include the following activities and events:

- Religious holy days;
- Required court appearances;
- Activities related to obtaining United States citizenship;
- Documented health-care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders, if the student comes to school or returns to school on the same day as the appointment. A note from the health-care provider must be submitted upon the student's arrival or return to campus; and
- For students in the conservatorship (custody) of the state,
    - An activity required under a court-ordered service plan; or
    - Any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

As listed in Section I at **Children of Military Families**, absences of up to five days will be excused for a student to visit with a parent, stepparent, or legal guardian who has been called to duty for, is on leave from, or immediately returned from certain deployments.

Secondary Grade Levels

In addition, a junior or senior student's absence of up to two days related to visiting a college or university will be considered an exemption, provided this has been authorized by the board under policy FEA(LOCAL), the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed.

Absences of up to two days in a school year will also be considered an exemption for:

- A student serving as an early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies his or her teachers, and the student receives approval from the principal prior to the absences; and
- A student serving as an election clerk, if the student makes up any work missed.

An absence of a student in grades 6–12 for the purpose of sounding "Taps" at a military honors funeral for a deceased veteran will also be excused by the district.

Failure to Comply with Compulsory Attendance

All Grade Levels

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

Age 19 and Older

After a student age 19 or older incurs a third unexcused absence, the district will send the student a letter as required by law explaining that the district may revoke the student's enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking a student's enrollment, the district may implement a behavior improvement plan.

Between Ages 6 and 19

When a student between ages 6 and 19 incurs unexcused absences for three or more days or parts of days within a four-week period, the school will send a notice to the student's parent, as required by law, to remind the parent that it is the parent's duty to monitor his or her child's attendance and to require the student to come to school. The notice will also inform the parent that the district will initiate truancy prevention measures and request a conference between school administrators and the parent. These measures will include a behavior improvement plan, school-based community service, or referrals to either in-school or out-of-school counseling or other social services. Any other measures considered appropriate by the district will also be initiated.

The truancy prevention facilitator for the district is the School Resource Officer. If you have questions about your student and the effect of his or her absences from school, please contact the facilitator or any other campus administrator.

A court of law may also impose penalties against a student's parent if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student is absent without excuse from school on ten or more days or parts of days within a six- month period in the same school year.

If a student ages 12 through 18 incurs unexcused absences on ten or more days or parts of days within a six-month period in the same school year, the district, in most circumstances, will refer the student to truancy court.

[See policy FEA(LEGAL).]

Attendance for Credit or Final Grade (Kindergarten Through Grade 12)

To receive credit or a final grade in a class, a student in kindergarten–grade 12 must attend at least 90 percent of the days the class is offered. A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit

or a final grade for the class if he or she completes a plan, approved by the principal, that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit or a final grade for the class.

If a student attends less than 75 percent of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade lost because of absences. [See policy FEC.]

All absences, whether excused or unexcused, must be considered in determining whether a student has attended the required percentage of days. In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- If makeup work is completed, absences for the reasons listed above at **Exemptions to Compulsory Attendance** will be considered extenuating circumstances for purposes of attendance for credit or the award of a final grade.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.
- In reaching a decision about a student's absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will review absences incurred based on the student's participation in board-approved extracurricular activities. These absences will be considered by the attendance committee as extenuating circumstances in accordance with the absences allowed under FM(LOCAL) if the student made up the work missed in each class.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit or a final grade.

The student or parent may appeal the committee's decision to the board by following policy FNG(LOCAL).

The actual number of days a student must be in attendance in order to receive credit

or a final grade will depend on whether the class is for a full semester or for a full year.

Official Attendance-Taking Time (All Grade Levels)

The district must submit attendance of its students to the TEA reflecting attendance at a specific time each day. Official attendance is taken every day during the second instructional hour. A student absent for any portion of the day, including at the official attendance-taking time, should follow the procedures below to provide documentation of the absence.

Documentation After an Absence (All Grade Levels)

When a student is absent from school, the student—upon arrival or return to school—must bring a note signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is age 18 or older or is an emancipated minor under state law. A phone call from the parent may be accepted, but the district reserves the right to require a written note.

The campus will document in its attendance records for the student whether the absence is considered by the district to be excused or unexcused. Please note that, unless the absence is for a statutorily allowed reason under compulsory attendance laws, the district is not required to excuse any absence, even if the parent provides a note explaining the absence.

Doctor's Note After an Absence for Illness (All Grade Levels)

Upon return to school, a student absent for more than 3 consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school. Otherwise, the student's absence may be considered unexcused and, if so, would be considered to be in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school in order to determine whether the absence or absences will be excused or unexcused.

[See policy FEC(LOCAL).]

Driver License Attendance Verification (Secondary Grade Levels Only)

For a student between the ages of 16 and 18 to obtain a driver license, written parental permission must be provided for the Texas Department of Public Safety (DPS) to access the student's attendance records and, in certain circumstances, for a school administrator to provide the student's attendance information to DPS. A verification of enrollment (VOE) form may be obtained from the office, which the student will need to submit to DPS upon application for a driver license.

ACCOUNTABILITY UNDER STATE AND FEDERAL LAW (All Grade Levels)

Natalia ISD and each of its campuses are held to certain standards of accountability under state and federal law. A key component of the accountability requirements is the dissemination and publication of certain reports and information, which include:

- The Texas Academic Performance Report (TAPR) for the district, compiled by TEA, the state agency that oversees public education, based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district compiled by TEA based on academic factors and ratings;
- The district's financial management report, which will include the financial accountability rating assigned to the district by TEA;
- The performance ratings of the district's evaluation of community and student engagement using the indicators required by law; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.

Information about all of these can be found on the district's website at www.nataliaisd.net. Hard copies of any reports are available upon request to the district's administration office.

TEA also maintains additional accountability and accreditation information at http://www.texasschoolaccountabilitydashboard.org and http://www.tea.texas.gov.

AWARDS AND HONORS (All Grade Levels)

BULLYING (All Grade Levels)

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic methods, or physical conduct against another student on school property, at a school-sponsored or -related activity, or in a district operated vehicle, and the behavior:

- Results in harm to the student or the student's property;
- Places a student in reasonable fear of physical harm or of damage to the student's property; or
- Is so severe, persistent, and pervasive that it creates an intimidating, threatening, or abusive educational environment.

This conduct is considered bullying if it exploits an imbalance of power between the student perpetrator(s) and the student victim and if it interferes with a student's education or substantially disrupts the operation of the school.

Bullying is prohibited by the district and could include hazing, threats, taunting,

teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism. In some cases, bullying can occur through electronic methods, called "cyberbullying."

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor, principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. The district will also contact the parents of the victim and of the student who was found to have engaged in the bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon the recommendation of the administration, the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. [Also see **Safety Transfers/Assignments**.]

A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's website, and is included at the end of this handbook in the form of an appendix.
Procedures related to reporting allegations of bullying may also be found on the district's website.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL).

[Also see **Safety Transfers/Assignments**, **Dating Violence, Discrimination, Harassment, and Retaliation**, **Hazing**, policy FFI, and the district improvement plan, a copy of which can be viewed in the campus office.]

CAREER AND TECHNICAL EDUCATION (CTE) PROGRAMS (Secondary Grade Levels Only)

The district offers career and technical education programs in the following areas: agriculture science, business, computer technology, family and consumer science. These programs will be offered without regard to race, color, national origin, sex, or disability. Natalia ISD will take steps to ensure that lack of English language skills will not be a barrier to admission and participation in all educational and CTE programs. [Also see **Nondiscrimination Statement** for the name and contact information for the Title IX coordinator and Section 504 coordinator, who will address certain allegations of

discrimination.]

CELEBRATIONS (All Grade Levels)

Although a parent or grandparent is not prohibited from providing food for a school-designated function or for children in the child's or grandchild's classroom for his or her birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with the child's teacher prior to bringing any food in this circumstance. Occasionally, the school or a class may host certain functions or celebrations tied to the curriculum that will involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers for bringing food products.

[Also see **Food Allergies**.]

CHILD SEXUAL ABUSE AND OTHER MALTREATMENT OF CHILDREN (All Grade Levels**)**

The district has established a plan for addressing child sexual abuse and other maltreatment of children, which may be accessed at www.nataliaisd.net. As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused.
Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Possible physical warning signs of sexual abuse could be difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches. Behavioral indicators may include verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior. Emotional warning signs to be aware of include withdrawal, depression, sleeping and eating disorders, and problems in school.

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Be aware as a parent or other trusted adult that disclosures of sexual abuse may be more indirect than disclosures of physical abuse and neglect, and it is important to be calm and comforting if your child, or another child, confides in you. Reassure the child that he or she did the right thing by telling you.

As a parent, if your child is a victim of sexual abuse or other maltreatment, the school counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (TDFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see

http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_C ounty/default.asp.

The following websites might help you become more aware of child abuse and neglect:

- https://www.childwelfare.gov/pubs/factsheets/whatiscan.pdf
- http://kidshealth.org/parent/positive/talk/child_abuse.html
- http://taasa.org/resources-2/
- https://www.texasattorneygeneral.gov/cvs/what-we-can-do-about-child- abuse-1
- https://www.texasattorneygeneral.gov/cvs/what-we-can-do-about-child- abuse-2
  Reports of abuse or neglect may be made to:
  The CPS division of the TDFPS (1 800-252-5400 or on the web at http://www.txabusehotline.org).

CLASS RANK/HIGHEST-RANKING STUDENT (Secondary Grade Levels Only)

Calculation

The District shall include in the calculation of class rank grades earned in all high school credit courses regardless of when the credit was earned, unless excluded below.

Exclusions

The calculation of class rank shall exclude grades earned in or by athletics; a local credit course; summer school; or credit by examination, with or without prior instruction. Grades earned only for college credit shall also be excluded from calculation of class rank. With the exception of "Foundations of Physical Education," all physical education courses shall be excluded from the calculation of class rank.

Weighted Grade System Categories

The District shall categorize and weight eligible courses as dual credit/concurrent enrollment, Advanced, and Regular in accordance with provisions of this policy.

Dual Credit/ Concurrent Enrollment/ AP

Eligible dual credit/concurrent enrollment/Advanced Placement (AP) courses shall be categorized and weighted as dual credit/ concurrent enrollment/AP courses.

Pre-AP Courses

Eligible Pre-AP designated courses shall be categorized and weighted as Pre-AP courses.

Regular Courses

All other eligible courses shall be designated as Regular courses.

Weighted Grade Point Average

The District shall convert grades earned in eligible courses to grade points and shall calculate a weighted grade point average (GPA) in accordance with the following chart:

Grade	Dual Credit / Concurrent Enrollment/AP	Pre-AP	Regular
100	5.0	4.5	4.0
99	4.9	4.4	3.9
98	4.8	4.3	3.8
97	4.7	4.2	3.7
96	4.6	4.1	3.6
95	4.5	4.0	3.5
94	4.4	3.9	3.4
93	4.3	3.8	3.3
92	4.2	3.7	3.2
91	4.1	3.6	3.1
90	4.0	3.5	3.0
89	3.9	3.4	2.9
88	3.8	3.3	2.8
87	3.7	3.2	2.7
86	3.6	3.1	2.6
85	3.5	3.0	2.5
84	3.4	2.9	2.4
83	3.3	2.8	2.3
82	3.2	2.7	2.2
81	3.1	2.6	2.1
80	3.0	2.5	2.0
79	2.9	2.4	1.9
78	2.8	2.3	1.8
77	2.7	2.2	1.7
76	2.6	2.1	1.6
75	2.5	2.0	1.5
74	2.4	1.9	1.4
73	2.3	1.8	1.3
72	2.2	1.7	1.2
71	2.1	1.6	1.1
70	2.0	1.5	1.0
Below 70	0	0	0

Transferred Grades

When a student transfers grades for properly documented and eligible courses, the District shall assign weight to those grades based on the categories and grade weight system used by the District.

In the event a numerical value cannot be obtained for a letter grade from the previous district, the high school principal shall make the following conversion:

1. Grades recorded as A–, A, or A+, or their equivalents, shall be assigned the value of 93, 95, or 97, respectively.

2. Grades recorded as B–, B, or B+ or their equivalents, shall be assigned the value of 83, 85, or 87, respectively.

3. Grades recorded as C–, C, or C+, or their equivalents, shall be assigned the value of 73, 75, or 77, respectively.

4. Grades recorded as D–, D, or D+, or their equivalents, shall be assigned the value of 68, 70, or 72, respectively.

5. Grades translated to have a value below the numerical value of 70 shall be considered failing and shall be assigned a value of 60.

Local Graduation Honors

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank using grades available at the time of calculation at the end of the fifth six-week grading period of the senior year. The average of the fourth and fifth six-week grades shall be used as the semester grade for this purpose.

For the purpose of applications to institutions of higher education, the District shall also calculate class ranking as required by state law. The District's eligibility criteria for local graduation honors shall apply only for local recognitions and shall not restrict class ranking for the purpose of automatic admission under state law. [See EIC (LEGAL)]

Valedictorian and Salutatorian

The valedictorian and salutatorian shall be the eligible students with the highest and second highest ranking, respectively. To be eligible for such recognition, a student must:

1. Have been continuously enrolled in the District high school for the two years immediately preceding graduation;

2. Have completed the Recommended Program or the Advanced/Distinguished Achievement Program for graduation; and

3. Must not have engaged in, during the two semesters prior to graduation, any serious violations of the Student Code of Conduct resulting in removal to a disciplinary alternative education program (DAEP), suspension, or expulsion.

Breaking Ties

In case of a tie in weighted GPAs, the District shall apply the following methods, in this order, to determine recognition as valedictorian or salutatorian:

1. Compute the weighted GPA to a sufficient number of decimal places until the tie is broken.

2. Compare scores on standardized college entrance tests, if the same tests were taken by all students involved in the tie.

If the tie is not broken after applying these methods, the District shall recognize all students involved in the tie as sharing the honor and title.

Top Ten Honor Graduates

The District shall recognize at the graduation ceremony the students in the graduating class with the ten highest class rankings.

CLASS SCHEDULES (Secondary Grade Levels Only)

All students are expected to attend school for the entire school day and maintain a class/course schedule to fulfill each period of the day. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day's schedule.

[See **Schedule Changes** for information related to student requests to revise their course schedule.]

COLLEGE AND UNIVERSITY ADMISSIONS (Secondary Grade Levels Only)

For two school years following his or her graduation, a district student who graduates in the top ten percent and, in some cases, the top 25 percent, of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program (a student must graduate with at least one endorsement and must have taken Algebra II as one of the four required math courses); or
- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT.

*Beginning with ninth graders in the 2014–15 school year, to be eligible for automatic admission to a Texas four-year college or university, a student must be on track to graduate with the distinguished level of achievement under the foundation graduation program. This means that a student must graduate with at least one endorsement and must have taken Algebra II as one of the four required math courses.

In addition, the student must submit a completed application for admission in accordance with the deadline established by the college or university. The student is ultimately responsible for ensuring that he or she meets the admission requirements of

the university or college to which the student submits an application.

The University of Texas at Austin may limit the number of students automatically admitted to 75 percent of the University's enrollment capacity for incoming resident freshmen. For students who are eligible to enroll in the University of Texas at Austin during the summer or fall 2018 term, the University will be admitting the top seven percent of the high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

Should a college or university adopt an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

[See also **Class Rank/Highest-Ranking Student** for information specifically related to how the district calculates a student's rank in class, and requirements for **Graduation** for information associated with the foundation graduation program].

COLLEGE CREDIT COURSES (Secondary Grade Levels Only)

Students in grades 9–12 have opportunities to earn college credit through the following methods:

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory;
- Enrollment in an AP or dual credit course through the Texas Virtual School Network;
- Enrollment in courses taught in conjunction and in partnership with Southwest Texas Junior College, which may be offered on or off campus;
- Enrollment in courses taught at other colleges or universities; and
- Certain CTE courses.

All of these methods have eligibility requirements and must be approved prior to enrollment in the course. Please see the school counselor for more information. Depending on the student's grade level and the course, a state-mandated end-of-course assessment may be required for graduation.

It is important to keep in mind that not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

Communications—Automated

Emergency

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. An emergency purpose may include early dismissal or delayed opening because of severe weather or another emergency, or if the campus must restrict access due to a security threat. It is crucial to notify your child's school when a phone number previously provided to the district has changed.
[See Safety for information regarding contact with parents during an emergency situation.]

Nonemergency

Your child's school will request that you provide contact information, such as your phone number and email address, in order for the school to communicate items specific to your child, your child's school, or the district. If you consent to receive such information through a landline or wireless phone, please ensure that you notify the school's administration office immediately upon a change in your phone number. The district or school may generate automated or pre-recorded messages, text messages, or real-time phone or e-mail communications that are closely related the school's mission, so prompt notification of any change in contact information will be crucial to maintain timely communication with you. Standard messaging rates of your phone carrier may apply. If you have specific requests or needs related to how the district contacts you, please contact your child's principal. [See **Safety** for information regarding contact with parents during an emergency situation.]

COMPLAINTS AND CONCERNS (All Grade Levels)

Usually student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal. For those complaints and concerns that cannot be handled so easily, the board has adopted a standard complaint policy at FNG(LOCAL) in the district's policy manual. A copy of this policy may be obtained in the principal's or superintendent's office or on the district's website at www.nataliaisd.net.

Should a parent or student feel a need to file a formal complaint, the parent or student should file a district complaint form within the timelines established in policy FNG(LOCAL). In general, the student or parent should submit the written complaint form to the campus principal. If the concern is not resolved, a request for a conference should be sent to the superintendent. If still unresolved, the district provides for the complaint to be presented to the board of trustees.

CONDUCT (All Grade Levels)

Applicability of School Rules

As required by law, the board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior—both on and off campus as well as on district vehicles—and consequences for violation of these standards. The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules. During any periods of instruction during the summer months, the Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

Campus Behavior Coordinator

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The campus behavior coordinator at each district campus is the campus principal.

Disruptions of School Operations

Disruptions of school operations are not tolerated and may constitute a misdemeanor offense. As identified by law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.
- Interference with the transportation of students in vehicles owned or operated by the district.

Social Events

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted.

Please contact the campus principal if you are interested in serving as a chaperone for any school social events.

COUNSELING

Academic Counseling

Elementary and Middle/Junior High School Grade Levels

The school counselor is available to students and parents to talk about the importance of postsecondary education and how best to plan for postsecondary education, including appropriate courses to consider and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction related to how the student can best prepare for high school, college, and a career.

High School Grade Levels

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures. Each year, high school students will be provided information on anticipated course offerings for the next school year and other information that will help them make the most of academic and CTE opportunities, as well as information on the importance of postsecondary education.

The school counselor can also provide information about entrance exams and application deadlines, as well as information about automatic admission, financial aid, housing, and scholarships as these relate to state colleges and universities. The school counselor can also provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

Personal Counseling (All Grade Levels)

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional or mental health issues, or substance abuse. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

[Also see **Substance Abuse Prevention and Intervention** and **Suicide Awareness**.]

COURSE CREDIT (Secondary Grade Levels Only)

A student in grades 9–12, or in a lower grade when a student is enrolled in a high school credit- bearing course, will earn credit for a course only if the final grade is 70 or above. For a two- semester (1 credit) course, the student's grades from both semesters will be averaged and credit will be awarded if the combined average is 70 or above. Should the student's combined average be less than 70, the student will be required to retake the semester in which he or she failed.

CREDIT BY EXAM—If a Student Has Taken the Course/Subject (All Grade Levels)

A student who has previously taken a course or subject—but did not receive credit or a final grade for it—may, in circumstances determined by the principal or attendance committee, be permitted to earn credit by passing an exam approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject. Prior instruction may include, for example, incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a nonaccredited school. The opportunity to take an examination to earn credit for a course or to be awarded a final grade in a subject after the student has had prior instruction is sometimes referred to as "credit recovery."

The school counselor or principal would determine if the student could take an exam for this purpose. If approval is granted, the student must score at least 70 on the exam to receive credit for the course or subject.

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an exam.

[For further information, see the school counselor and policy EHDB(LOCAL).]

CREDIT BY EXAM FOR ADVANCEMENT/ACCELERATION—If a Student Has Not Taken the Course/Subject

A student will be permitted to take an exam to earn credit for an academic course or subject area for which the student has had no prior instruction, i.e., for advancement or to accelerate to the next grade level. The exams offered by the district are approved by the district's board of trustees, and state law requires the use of certain exams, such as College Board Advanced Placement (AP) and College Level Examination Program (CLEP) tests, when applicable. The dates on which exams are scheduled during the 2017–18 school year will be published in appropriate district publications and on the district's website. The only exceptions to the published dates will be for any exams administered by another entity besides the district or if a request is made outside of these time frames by a student experiencing homelessness or by a student involved in the foster care system. When another entity administers an exam, a student and the district must comply with the testing schedule of the other entity. During each testing window provided by the district, a student may attempt a specific exam only once.

If a student plans to take an exam, the student (or parent) must register with the school counselor no later than 30 days prior to the scheduled testing date. [For further information, see policy EHDC.]

Kindergarten Acceleration

Students in Grades 1–5

A student in elementary school will be eligible to accelerate to the next grade level if the student scores at least 80 on each exam in the subject areas of language arts, mathematics, science, and social studies, a district administrator recommends that the student be accelerated, and the student's parent gives written approval of the grade advancement.

Students in Grades 6–12

A student in grade 6 or above will earn course credit with a passing score of at least 80 on the exam, a scaled score of 50 or higher on an exam administered through the CLEP, or a score of 3 or higher on an AP exam, as applicable. A student may take an exam to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION

(All Grade Levels)

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and district employees with courtesy and respect, to avoid behaviors known to be offensive, and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law. A copy of the district's policy is available in the principal's office and in the superintendent's office www.nataliaisd.net. [See policy FFH.]

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits

these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults; name-calling; put-downs; threats to hurt the student, the student's family members, or members of the student's household; destroying property belonging to the student; threats to commit suicide or homicide if the student ends the relationship; threats to harm a student's current dating partner; attempts to isolate the student from friends and family; stalking; or encouraging others to engage in these behaviors.

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law, that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

In addition to dating violence as described above, two other types of prohibited harassment are described below.

Sexual Harassment and Gender-Based Harassment

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in

nature, such as comforting a child with a hug or taking the child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to, offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism and assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Reporting Procedures

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH(LOCAL) and (EXHIBIT) for other appropriate district officials to whom to make a report.]

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

The district will promptly notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume the investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action, and, in some cases, corrective action, will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL).

DISCRIMINATION

[See **Dating Violence, Discrimination, Harassment, and Retaliation**.]

DISTANCE LEARNING

All Grade Levels

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, Internet, video-conferencing, and instructional television.

If a student wishes to enroll in a correspondence course or a distance learning course that is not provided through the Texas Virtual School Network (TxVSN), as described below, in order to earn credit in a course or subject, the student must receive permission from the principal prior to enrolling in the course or subject. If the student does not receive prior approval, the district may not recognize and apply the course or subject toward graduation requirements or subject mastery.

Texas Virtual School Network (TxVSN) (Secondary Grade Levels)

The Texas Virtual School Network (TxVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TxVSN to earn course credit for graduation.

Depending on the TxVSN course in which a student enrolls, the course may be subject to the "no pass, no play" rules. [Also see **Extracurricular Activities, Clubs, and Organizations**.] In addition, for a student who enrolls in a TxVSN course for which an end-of-course (EOC) assessment is required, the student must still take the corresponding EOC assessment.

If you have questions or wish to make a request that your child be enrolled in a TxVSN course, please contact the school counselor. Unless an exception is made by the campus principal, a student will not be allowed to enroll in a TxVSN course if the school offers the same or a similar course.

A copy of policy EHDE will be distributed to parents of middle and high school students at least once each year. If you do not receive a copy or have questions about this policy, please contact the campus principal. .

DISTRIBUTION OF LITERATURE, PUBLISHED MATERIALS, OR OTHER DOCUMENTS (All Grade Levels)

School Materials

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, brochures, flyers, etc. All school publications are under the supervision of a teacher, sponsor, and the principal.

Non-school Materials

From Students

Students must obtain prior approval from the superintendent before selling, posting, circulating, or distributing more than 10 copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any non-school material must include the name of the sponsoring person or organization. The decision regarding approval will be made within two school days.

The superintendent has designated Central Office as the location for approved non-school materials to be placed for voluntary viewing or collection by students. [See policy FNAA.]

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

From Others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKDA. To be considered for distribution, any non school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the superintendent for prior review. The superintendent will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA or GF.]

The superintendent has designated Central Office as the location for approved non-school materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a non-curriculum- related student group meeting held in accordance with FNAB(LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All non-school materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

DRESS AND GROOMING (All Grade Levels)

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine a student's dress and grooming standards, provided that they comply with the following:

Standards of Decency Dress Code Requirements for all Students

The following specific dress code requirements shall apply to all students including those who have received exemptions:

- All clothing that is suggestive or indecent that causes distraction shall be prohibited. Such clothing includes tank tops, muscle shirts, halter-tops, sleeveless shirts, spaghetti straps, clothing that exposes backs or midriffs, and see-through garments without a shell or shirt underneath.
- Inappropriate or indecent patches, writings, or drawings on clothing or the body shall be prohibited. Clothing with inappropriate advertising or statements that are lewd, offensive, vulgar, obscene, or inflammatory, such as alcoholic beverages, sex, tobacco, drugs, gangs, and the like, shall be prohibited.

The district prohibits pictures, emblems, or writings on clothing that:

- Are lewd, offensive, vulgar, or obscene as determined by campus and district administrators.
- Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under FNCF (Legal)

Specific Dress Code Requirements for All Students

The following specific dress code requirements shall apply to all students who are under district jurisdiction whether or not they are required to wear uniforms:

1. Short, skirts and skorts shall be worn no shorter than (3) inches above the top of the knee.
2. All students must wear appropriate footwear.
    a. Footwear with the toes reinforced by steel, hard plastics, or similar materials is prohibited.
    b. The student may be required to bring an alternative pair of shoes for Physical Education classes or any activity where sturdier footwear is required.
    c. The district prohibits any footwear that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.
3. Students' hair shall be neatly trimmed. Hair color must be a shade of a naturally occurring hair color. Students who dye their hair an unnaturally occurring hair color shall be subject to disciplinary action. Unconventional color, hairstyles or designs that cause distraction shall not be permitted. Facial hair must be neatly groomed and trimmed.
4. Students shall not be permitted to wear sunglasses, hats or caps or other headwear on campus except when these items are used for protection in class and when appropriate during extracurricular activities. Prohibited items shall be confiscated. Parents may pick up confiscated items at the school during office hours.
5. Student shall be prohibited from wearing oversized clothing to school. Specifically prohibited are baggy or sagging pants. All pants shall be worn at the waist.
6. Leggings of any kind, spandex, or yoga pants shall be prohibited. Students are not permitted to cut the bottom of the pants leg in a manner that allows the material to be frayed-out.
7. Extra-long belts shall be prohibited. If a belt is worn, it must be through the belt loops on garments.
8. Clothing that exposes a student's midriff or belly button (naval) shall not be permitted.
9. Students shall not be permitted to wear dangling key rings or chains, including

chains attached to wallets, footwear, or backpacks.

10. Except for ear piercing, body-piercing jewelry shall be prohibited.
11. All tattoos must be covered up or taped over while on school property or off school property as a representative of our school.
12. Gang-related attire shall be prohibited. A list of gang-related attire shall be maintained at each campus.
13. Students shall not be permitted to wear underwear, as outerwear, including underwear t- shirts.
14. Jackets are permitted if the guidelines that have been established for wearing jackets are followed. (See guidelines listed below.)
15. Shoes that have skates are not permitted.
16. Students shall wear articles of clothing that shall not create a health or other hazard to the student's safety or to the safety of others.
17. Grills on teeth are not permitted.
18. Excessively tight shirts are not permitted.
19. Natalia spirit shirts are permitted (all colors).{Must meet standard dress code regulations.}
20. No wide bell bottoms that cover the entire shoe
21. The garment cannot have lacing up the front, sides, or back instead of a zipper.
22. Skirts cannot have slits.
23. Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Uniform

The Board has determined that requiring school uniforms improves the learning environment in the district. The Board requires that students from Pre-K to high school wear the uniforms outlined in this policy. Students who are new to the district and have never previously attended Natalia Secondary Schools are exempt from the uniform requirement on their first day of enrollment. Returning students must be in compliance with the uniform policy.

Definition

For the purpose of this policy, uniforms shall be defined as one or more specific kinds of articles of clothing required to be worn by students at a particular school during normal school. Alterations that change the integrity of the uniform shall not be permitted.

Uniform Requirements

Where uniforms are required, they shall include the following items:

- Long-or short-sleeved Polo style shirts with collars
- Pants with or without pleats

- walking shorts
- skirts
- skorts
- sweatshirts and sweaters
-

I. Uniform Shirts

- Long or short sleeved polo style shirts with collars and two or three button placket. (Buttons may not be removed)
- The shirts must be solid navy blue, royal blue or solid white.

II. Uniform Pants, Walking Shorts, Skirts/Skorts

- Garment with or without pleats
- No wide bell bottoms that cover the entire shoe
- The garment cannot have lacing up the front, sides, or back instead of a zipper.
- Skirts cannot have slits.
- Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Monday	Tuesday	Wednesday	Thursday	Friday
Uniform Day	**Uniform Day**	**Choice Day**	**College Day**	**Spirit Day**

Jackets

Jackets must not be provocative, distracting, or cause one to question their purpose or intended use. The campus principal or campus principal's designee may designate time periods when jackets may be worn. The campus principal or campus principal's designee may disallow a student from wearing a jacket in the classroom and around the campus if the jacket is used to conceal violations of the dress code.

Jurisdiction

These rules shall apply to all District campuses and facilities and to any locations off-campus at which District students receive or participate in classroom, co-curricular or extracurricular instruction, such as official class field trips, internships, and other programs or activities hosted at facilities other than District facilities.

Grooming and Grooming Violations

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be disciplined according to the Student Code of Conduct. Any inappropriate attire shall require the student to be sent home to change clothes. Absence

time shall be counted as unexcused. If not corrected, the student may be assigned to in-school suspension for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

ELECTRONIC DEVICES AND TECHNOLOGY RESOURCES (All Grade Levels)

Possession and Use of Personal Telecommunications Devices, Including Mobile Telephones

For safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during instructional delivery, including during all testing, unless they are being used for approved instructional purposes. A student must have approval to possess other telecommunications devices such as netbooks, laptops, tablets, or other portable computers.

The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored events.

If a student uses a telecommunications device without authorization during the school day, the device may be confiscated. The parent may pick up the confiscated telecommunications device from the principal's office for a fee of $15.

Confiscated telecommunications devices that are not retrieved by the student or the student's parents will be disposed of after the notice required by law. [See policy FNCE.]

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

Possession and Use of Other Personal Electronic Devices

Except as described below, students are not permitted to possess or use personal electronic devices such as MP3 players, video or audio recorders, DVD players, cameras, games, e-readers, or other electronic devices at school, unless prior permission has been obtained. Without such permission, teachers will collect the items and turn them into the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel. [See **Searches** and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for any damaged, lost, or stolen electronic device.

Instructional Use of Personal Telecommunications and Other Electronic Devices

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook). When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Acceptable Use of District Technology Resources

To prepare students for an increasingly technological society, the district has made an investment in the use of district-owned technology resources for instructional purposes; specific resources may be issued individually to students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child http://beforeyoutext.com, a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

END-OF-COURSE (EOC) ASSESSMENTS

[See **Graduation** and **Standardized Testing**.]

LIMITED ENGLISH PROFICIENT STUDENTS ENGLISH

LANGUAGE LEARNERS (All Grade Levels)

A student who is an English language learner in is entitled to receive specialized services from the district. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both district personnel and at least one parent representative. The student's parent must consent to any services recommended by the LPA C for an English language learner. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

In order to determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state- mandated assessments. The STAAR Spanish, as mentioned at Standardized Testing on page, may be administered to an English language learner, or, for a student up to grade 5, a Spanish version of STAAR. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to English language learners who qualify for services.

If a student is considered an English language learner and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right.

Participation in some of these activities may result in events that occur off-campus. When the district arranges transportation for these events, students are required to use the transportation provided by the district to and from the events. Exceptions to this may only be made with the approval of the activity's coach or sponsor. [Also

see **Transportation**.]

Eligibility for initial and continuing participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL)—a statewide association overseeing interdistrict competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students involved in UIL athletic activities and their parents can access the UIL Parent Information Manual at https://www.uiltexas.org/athletics/manuals; a hard copy can be provided by the coach or sponsor of the activity on request. To report a complaint of alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

[See http://www.uiltexas.org for additional information on all UIL-governed activities.]

Student safety in extracurricular activities is a priority of the district. The equipment used in football is no exception. As a parent, you are entitled to review the district's records regarding the age of each football helmet used by the campus, including when a helmet has been reconditioned.

In addition, the following provisions apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class—other than an Advanced Placement or International Baccalaureate course; or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or language other than English—may not participate in extracurricular activities for at least three school weeks.
- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- A student is allowed in a school year up to 10 absences not related to post-district competition, a maximum of 5 absences for post-district competition prior to state, and a maximum of 3 absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.

An absence for participation in an activity that has not been approved will receive an unexcused absence.

Standards of Behavior

Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the

organization's standards of behavior.

Offices and Elections

Certain clubs, organizations, and performing groups will hold elections for student officers.

FEES (All Grade Levels)

Materials that are part of the basic educational program are provided with state and local funds at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

Costs for materials for a class project that the student will keep.

Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.

Security deposits.

Personal physical education and athletic equipment and apparel.

Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.

Voluntarily purchased student accident insurance.

Musical instrument rental and uniform maintenance, when uniforms are provided by the district.

Personal apparel used in extracurricular activities that becomes the property of the student.

Parking fees and student identification cards.

Fees for lost, damaged, or overdue library books.

Fees for driver training courses, if offered.

Fees for optional courses offered for credit that require use of facilities not available on district premises.

Summer school for courses that are offered tuition-free during the regular school year.

A reasonable fee for providing transportation to a student who lives within two miles of the school. [See **Buses and Other School Vehicles**.]

A fee not to exceed $50 for costs of providing an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program in order for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a district-provided request form.

In some cases, a fee for a course taken through the Texas Virtual School

Network (TxVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the superintendent. [For further information, see policy FP.]

FUNDRAISING (All Grade Levels)

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes. An application for permission must be made to the superintendent at least 5 days before the event. [For further information, see policies FJ and GE.]

GANG-FREE ZONES (All Grade Levels)

Certain criminal offenses, including those involving organized criminal activity such as gang- related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

GENDER-BASED HARASSMENT

[See **Dating Violence, Discrimination, Harassment, and Retaliation**.]

GRADE-LEVEL CLASSIFICATION (Grades 9–12 Only)

After the ninth grade, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6	Grade 10 (Sophomore)
12	Grade 11 (Junior)
18	Grade 12 (Senior)

GRADING GUIDELINES (All Grade Levels)

Grading guidelines for each grade level or course will be communicated and distributed to students and their parents by the classroom teacher. These guidelines have been reviewed by each applicable curriculum department and have been approved by the campus principal. These guidelines establish the minimum number of assignments, projects, and examinations required for each grading period. In addition, these guidelines establish how the student's mastery of concepts and achievement will be communicated (i.e., letter grades, numerical averages, checklist of required skills, etc.). Grading guidelines also outline in what circumstances a student will be allowed to redo an assignment or retake an examination for which the student originally made a failing grade. Procedures for a student to follow after an absence will also be addressed.

GRADING GUIDELINES

In the Headstart program for three and four year old children, achievement is reported to parents as:

- Experiencing difficulty
- Showing progress
- Exceeds expectations

In grades K–12, achievement is reported to parents as numeric grades:

- 90 to 100% - A
- 80 to 89% - B
- 70 to 79% - C
- 0 to 69% - F

CAMPUS-LEVEL GRADING POLICY

The assignment of a grade in a particular course should reflect the student's mastery of the skills and content of the course. Nine weeks grades shall be assigned according to the following criteria:

- Forty percent (40%) of a nine weeks grade shall be based on summative activities such as major projects and tests.
- Sixty percent (60%) of a nine weeks grade shall be based on formative activities such as classwork and daily quizzes.
- During each nine weeks grading period, at least nine (9) formative activity (classwork and daily quizzes) grades shall be recorded.
- During each nine weeks grading period, at least six (6) summative activity (major projects and tests) grades shall be recorded.
- A minimum of two (2) grades per week shall be recorded by the close of business each Friday.
- A minimum of six (6) grades per three week period shall be recorded by the deadline for progress report or report card issuance.
- Projects may not have a due date within the last three weeks of a nine weeks period without the prior approval of the campus administrator.
- An average of 70, or higher, shall be considered a passing grade.
- Students must be provided a reasonable opportunity to re-do or makeup any failing grades.
- In the event a second consecutive grade of "0" is assigned to a student, a parent conference must be held. Parents are to be contacted subsequently

every time when a grade of "0" is to be assigned.

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[Also see **Report Cards/Progress Reports and Conferences** for additional information on grading guidelines.]

GRADUATION (Secondary Grade Levels Only)

Requirements for a Diploma Beginning with the 2014–15 School Year

Beginning with students who entered grade 9 in the 2014–15 school year, as well as any currently enrolled high school student who decides to graduate under the foundation graduation program, a student must meet the following requirements to receive a high school diploma from the district:

- Complete the required number of credits established by the state and any additional credits required by the district;
- Complete any locally required courses in addition to the courses mandated by the state;
- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law; and
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education.

Testing Requirements for Graduation

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on the following EOC assessments: English I, English II, Algebra I, Biology, and United States History. A student who has not achieved sufficient scores on the EOC assessments to graduate will have opportunities to retake the assessments. State law and state rules also provide for certain scores on norm-referenced national standardized assessments or on the state- developed assessment used for entrance into Texas public universities to substitute for the requirement to meet satisfactory performance on an applicable EOC assessment, should a student choose this option. See the school counselor for more information on the state testing requirements for graduation.

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation to the student in the content area for which the performance standard was not met. This may require participation of the student before or after normal school hours or at times of the year outside normal school operations.

In limited circumstances, a student who fails to demonstrate proficiency on two or fewer of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law, unanimously determines that the student is eligible to graduate.

[Also see **Standardized Testing** for more information.]

Foundation Graduation Program

Every student in a Texas public school who entered grade 9 in the 2014–15 school year and thereafter will graduate under the "foundation graduation program." Within the foundation graduation program are "endorsements," which are paths of interest that include Science, Technology, Engineering, and Mathematics (STEM); Business and Industry; Public Services; Arts and Humanities; and Multidisciplinary Studies. Endorsements earned by a student will be noted on the student's transcript. The foundation graduation program also involves the term "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A personal graduation plan will be completed for each high school student.

State law and rules prohibit a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission to the school counselor for the student to graduate without an endorsement. A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student's desired college or university.

Graduating under the foundation graduation program will also provide opportunities to earn "performance acknowledgments" that will be acknowledged on a student's transcript.
Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB exam, on certain national college preparatory and readiness or college entrance exams, or for earning a state recognized or nationally or internationally recognized license or certificate. The criteria for earning these performance acknowledgments are prescribed by state rules, and the school counselor can provide more information about these acknowledgments.

A student enrolled in high school prior to the 2014–15 school year has the option of graduating under the foundation graduation program rather than the programs identified above that would otherwise be applicable to that student. See the school counselor for additional information.

The foundation graduation program requires completion of the following credits:

Course Area	**Number of Credits: Foundation Graduation Program**	**Number of Credits: Foundation Graduation Program With an Endorsement**
English/Language Arts	4	4

Mathematics	3	4*
Science	3	4

Social Studies, including Economics	3	4
Physical Education**	1	1
Language other than English***	2	2
Fine Arts	1	1
Locally required courses	1	1
Electives	4	5
Miscellaneous		Available Endorsements****: Science, Technology, Engineering, and Math Business and Industry Public Services Arts and Humanities Multidisciplinary
TOTAL	22 credits	26 credits

Additional considerations apply in some course areas, including:

- **Mathematics.** In order to obtain the distinguished level of achievement under the foundation graduation program, which will be included on a student's transcript and is a requirement to be considered for automatic admission purposes to a four-year Texas college or university, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits.
- **Physical education.** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.
- **Language other than English.** Students are required to earn 2 credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits. In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district

committee authorized by law to make these decisions for the student.

Available Endorsements

A student must specify upon entering grade 9 the endorsement he or she wishes to pursue:

- Science, Technology, Engineering, and Mathematics;
- Business and Industry;
- Public Services;
- Arts and Humanities; or
- Multidisciplinary Studies.

Personal Graduation Plans for Students Under the Foundation Graduation Program

A personal graduation plan will be developed for each high school student who is subject to the requirements of the foundation graduation program. The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four year college or university in Texas, depending on his or her rank in class. The school will review personal graduation plan options with each student entering grade 9 and his or her parent. Before the end of grade 9, a student and his or her parent will be required to sign off on a personal graduation plan that includes a course of study that promotes college and workforce readiness and career placement and advancement, as well as facilitates the transition from secondary to postsecondary education. The student's personal graduation plan will denote an appropriate course sequence based on the student's choice of endorsement.

Please also review TEA's Graduation Toolkit,
available here:
http://tea.texas.gov/communications/brochures.aspx.

A student may, with parental permission, amend his or her personal graduation plan after the initial confirmation.

Available Course Options for all Graduation Programs

Information regarding specific courses required or offered in each curriculum area will be distributed to students each spring in order to enroll in courses for the upcoming school year. Note that the district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Please be aware that not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at his or her regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for those students to take a course in the required curriculum other than fine arts or CTE, the district will offer the course for the following year either by teleconference or at the school from which the transfers were requested.

Certificates of Coursework Completion

A certificate of coursework completion will be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation. Students who have met coursework requirements for graduation but have not yet demonstrated satisfactory performance on end-of-course assessments and have not been declared eligible to graduate by an individual graduation committee, if applicable, will be allowed to participate in graduation activities. However, please keep in mind that participating in the activities and ceremonies is not synonymous with graduating. Ultimately, the final awarding of a diploma will be contingent upon the student's completion of all applicable requirements for graduation.

Students With Disabilities

Upon the recommendation of the admission, review, and dismissal (ARD) committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of his or her IEP and in accordance with state rules.

A student who receives special education services and has completed four years of high school, but has not met the requirements of his or her IEP, may participate in graduation ceremonies and receive a certificate of attendance. Even if the student participates in graduation ceremonies to receive the certificate of attendance, he or she may remain enrolled to complete the IEP and earn his or her high school diploma; however, the student will only be allowed to participate in one graduation ceremony.

[See policy FMH (LEGAL).]

Please also be aware that if an ARD committee places a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum Program, if that program is applicable based on the school year in which the student entered high school, in accordance with state rules.

If a student receiving special education services is scheduled to graduate under the Minimum Program or in accordance with the provisions of his or her IEP, the student's ARD committee will determine whether the general EOC assessment is an accurate measure of the student's achievement and progress and, if so, whether successful performance is required for graduation, or whether an alternative assessment is more appropriate. STAAR Alternate 2 is the alternative assessment currently allowed by the state. [See **Standardized Testing** for additional information.]

ARD committees for students with disabilities who receive special education services

and who are subject to the foundation graduation program will make instructional and assessment decisions for these students in accordance with state law and rules. In order to earn an endorsement under the foundation program, a student must perform satisfactorily on the EOC assessments and receive no modified curriculum in the student's chosen endorsement area. A student may still be awarded an endorsement when the student fails to perform satisfactorily on no more than two EOC assessments but meets the other requirements for graduation under state law.

Graduation Speakers

Certain graduating students will be given an opportunity to have speaking roles at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See FNA (LOCAL) and the Student Code of Conduct. For student speakers at other school events, see **Student Speakers**.]

Graduation Expenses

Because students and parents will incur expenses in order to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture— both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Student Fees**.]

Scholarships and Grants

Students who have a financial need according to federal criteria and who complete the Recommended Program or Advanced/Distinguished Achievement Program, for as long as those programs are in place, or who complete the foundation graduation program, may be eligible under the T.E.X.A.S. Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions.

Contact the school counselor for information about other scholarships and grants available to students.

HARASSMENT

[See **Dating Violence, Discrimination, Harassment, and Retaliation**.]

HAZING (All Grade Levels)

Hazing is defined as any intentional, knowing, or reckless act occurring on or off campus directed against a student that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated to, affiliating with, holding office in, or maintaining membership in any organization whose members are

or include other students.

Hazing will not be tolerated by the district. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[Also see **Bullying** and policies FFI and FNCC.]

HEALTH-RELATED MATTERS

Student Illness (All Grade Levels)

When your child is ill, please contact the school to let us know he or she won't be attending that day. It is important to remember that schools are required to exclude students with certain illnesses from school for periods of time as identified in state rules. For example, if your child has a fever over 100 degrees, he or she must stay out of school until fever free for 24 hours without fever-reducing medications. In addition, students with diarrheal illnesses must stay home until they are diarrhea free without diarrhea-suppressing medications for at least 24 hours. A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, he or she must receive permission from the teacher before reporting to the school nurse. If the nurse determines that the child should go home, the nurse will contact the parent.

The district is also required to report certain contagious (communicable) diseases or illnesses to the Texas Department of State Health Services (TDSHS) or our local/regional health authority. The school nurse can provide information from TDSHS on these notifiable conditions. Contact the school nurse if you have questions or if you are concerned about whether or not your child should stay home.

Bacterial Meningitis (All Grade Levels)

State law requires the district to provide information about bacterial meningitis:

What is meningitis?

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is common and most people recover fully. Parasitic and fungal meningitis are very rare. Bacterial meningitis is very serious and may involve complicated medical, surgical, pharmaceutical, and life support management.

What are the symptoms?

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms.

Children (over 2 years old) and adults with bacterial meningitis commonly have a severe headache, high fever, and neck stiffness. Other symptoms might include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body.

The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

How serious is bacterial meningitis?

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.

How is bacterial meningitis spread?

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. They are spread when people exchange respiratory or throat secretions (such as by kissing, coughing, or sneezing).

The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

How can bacterial meningitis be prevented?

Maintaining healthy habits, like getting plenty of rest, can help prevent infection. Using good health practices such as covering your mouth and nose when coughing and sneezing and washing your hands frequently with soap and water can also help stop the spread of the bacteria. It's a good idea not to share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.There are vaccines available to offer protection from some of the bacteria that can cause bacterial meningitis.* The vaccines are safe and effective (85–90 percent). They can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

What should you do if you think you or a friend might have bacterial meningitis?

You should seek prompt medical attention.

Where can you get more information?

Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the websites for the Centers for Disease Control and Prevention, http://www.cdc.gov, and the Department of State Health Services, http://www.dshs.state.tx.us.

Note:Please note that the DSHS requires at least one meningococcal vaccination for a student ages 11 to 12 or for a student enrolling in grades 7 through 12, and state guidelines recommend this vaccination be administered between ages 11 and 12, with a booster dose at 16 years of age. Also note that entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[Also refer to **Immunization** for more information.]

Food Allergies (All Grade Levels)

The district requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, which addresses employee training, dealing with common food allergens, and specific strategies for dealing with students diagnosed with severe food allergies. When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, individual care plans will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed at www.nataliaisd.net.

[Also see policy FFAF and **Celebrations**.]

Head Lice (All Grade Levels)

Head lice, although not an illness or a disease, is very common among children and is spread very easily through head-to-head contact during play, sports, or nap time and when children share things like brushes, combs, hats, and headphones. If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to determine whether the child will need to be picked up from school and to discuss a plan for treatment with an FDA- approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent their return.

More information on head lice can be obtained from the DSHS website at http://www.dshs.state.tx.us/schoolhealth/lice.shtm.

Physical Activity Requirements

Elementary School

In accordance with policies at EHAB, EHAC, EHBG, and FFA, the district will ensure that students in full-day prekindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week.

For additional information on the district's requirements and programs regarding elementary school student physical activity requirements, please see the principal.

Junior High/Middle School

In accordance with policies at EHAB, EHAC, EHBG, and FFA, the district will ensure that students in middle or junior high school will engage in at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters.

For additional information on the district's requirements and programs regarding junior high and middle school student physical activity requirements, please see the principal.

School Health Advisory Council (SHAC) (All Grade Levels)

During the preceding school year, the district's School Health Advisory Council (SHAC) held at minimum 6 meetings. Additional information regarding the district's SHAC is available from the www.nataliaisd.net.

The duties of the SHAC range from recommending curriculum to developing strategies for integrating curriculum into a coordinated school health program encompassing issues such as school health services, counseling services, a safe and healthy school environment, recess recommendations, improving student fitness, mental health concerns, and employee wellness.

[See policies at BDF and EHAA. See **Human Sexuality Instruction** for additional information.]

Student Wellness Policy/Wellness Plan (All Grade Levels)

Natalia ISD is committed to encouraging healthy students and therefore has developed a board- adopted wellness policy at FFA (LOCAL) and corresponding plans and procedures to implement the policy. You are encouraged to contact the district nurse with questions about the content or implementation of the district's wellness policy and plan.

Other Health-Related Matters

Physical Fitness Assessment (Grades 3–12)

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to the campus principal to obtain the results of his or her child's

physical fitness assessment conducted during the school year.

Vending Machines (All Grade Levels)

The district has adopted and implemented the state and federal policies and guidelines for food service, including the guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, see the campus principal. [See policies at CO and FFA.]

Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarettes (e-cigarettes), or any other electronic vaporizing device, while on school property at any time or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e- cigarettes, or any other electronic vaporizing device, by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCD and GKA.]

Asbestos Management Plan (All Grade Levels)

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's Asbestos Management Plan is available in the superintendent's office. If you have any questions or would like to examine the district's plan in more detail, please contact superintendent, the district's designated asbestos coordinator, at Central Office.

Pest Management Plan (All Grade Levels)

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the United States Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have further questions or who want to be notified prior to pesticide application inside their child's school assignment area may contact superintendent, the district's IPM coordinator, at Central Office.

Homeless Students (All Grade Levels)

You are encouraged to inform the district if you or your child are experiencing homelessness. District staff can share resources with you that may be able to assist you

and your family.

Please also check the campus website for information related to services available in the area that can help families who are homeless.

For more information on services for homeless students, contact the district's homeless education liaison, superintendent, at Central Office.

[See also **Students Who Are Homeless**.]

Homework (All Grade Levels)

Teachers in Natalia ISD will assign homework when necessary. Students are more prepared to master content when they have additional opportunities to practice content alongside process skills. Homework will be used to preview material that will be relevant in future lessons as well as review and practice content from current lessons.

Homework will not be weighted higher than 10 percent at the elementary level and no more than 15 percent at the secondary level of a student's 9 week average. When homework is not turned in on time it is subject to the late work policy.
When assigned, homework is not optional, it is mandatory. Students must turn in homework, even if it is after the window for credit If a student needs any assistance with homework or is in need of materials to complete homework please contact the teacher.

Illness

[See **Student Illness** under **Health-Related Matters**.]

IMMUNIZATION (All Grade Levels)

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (TDSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the TDSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at https://corequest.dshs.texas.gov/. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are: diphtheria, tetanus, and pertussis; measles, mumps, and rubella; polio; hepatitis A; hepatitis B; varicella (chicken pox); and meningococcal. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the TDSHS. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must

present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

As noted at **Bacterial Meningitis**, entering college students must also, with limited exception, furnish evidence of having received a bacterial meningitis vaccination within the five years prior to enrolling in and attending classes at an institution of higher education. A student wanting to enroll in a dual credit course taken off campus may be subject to this requirement.

[For further information, see policy FFAB(LEGAL) and the TDSHS website: http://www.dshs.state.tx.us/immunize/school/default.shtm.]

LAW ENFORCEMENT AGENCIES (All Grade Levels)

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken Into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the

Family Code relating to the student's physical health or safety.

- To comply with a properly issued directive to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses or who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors.
- All appropriate district personnel in regards to a student who is required to register as a sex offender.

[For further information, see policies FL (LEGAL) and GRAA(LEGAL).]

LEAVING CAMPUS (All Grade Levels)

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a child early on a regular basis results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The district has put the following procedures in place in order to document parental consent:

- For students in elementary and middle school, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other area unescorted to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign

the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

- For students in high school, the same process will be followed. If the student's parent will authorize the student to leave campus unaccompanied, a note provided by the parent must be submitted to the main office in advance of the absence, no later than two hours prior to the student's need to leave campus. A phone call received from the parent may be accepted, but the school may ultimately require a note to be submitted for documentation purposes. Once the office has received information that the student's parent consents to the student leaving campus, a pass will be issued to the student to hand to his or her teacher with the necessary information. The student must sign out through the main office and sign in upon his or her return, if the student returns the same day. If a student is 18 years of age or is an emancipated minor, the student may produce a note on his or her own behalf. Documentation regarding the reason for the absence will be required.

- If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school. Unless directed by the parent to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures as listed above. If a student is allowed to leave campus by himself or herself, as permitted by the student's parent, or if the student is age 18 or is an emancipated minor, the nurse will document the time of day the student was released. Under no circumstances will a child in elementary or middle school be released unaccompanied by a parent or adult authorized by the parent.

During Lunch

Both elementary and junior high campuses are closed campuses and no students are allowed to leave during lunch without a parent or guardian present.

High School Lunch Permits

- Freshmen and Sophomores are not allowed to leave campus for lunch. Junior and Senior students are given the privilege of leaving campus for lunch. Beginning with the first progress report students must earn the privilege of leaving campus for lunch by passing all their classes, having no office referrals, and no more than four or more absences or a total (all classes combined) of four or more tardies since their last progress report or report card. Their off-campus lunch eligibility will be determined by the progress reports, six-week report cards, office referrals, and attendance records. If a student has met all the criteria listed, they will be given the privilege of going off campus for lunch until the next progress report or report card is issued.

- A parent who wishes to allow their son or daughter to participate in this program must fill out the "Lunch Permit" found in the registration packet. Filling out the form only allows your son or daughter the opportunity to

participate in the program. After the form is completed and signed, the student will receive a lunch permit for the first three weeks of school. Beginning with the first progress report, students must pick up their lunch permits from the high school office if they meet the eligibility requirements mentioned above. Please remember that students must also present their school ID cards before they will be allowed to leave campus. The lunch permit privilege will be revoked for thirty days the first time a student is late returning from lunch. The permit will be revoked for ninety days for the second late return from lunch. The third time a student is late from returning from lunch will result in losing the privilege for the remainder of the year. Eligibility in the off-campus lunch program may be revoked any time during the school year due to student misconduct or by parent request.

At Any Other Time During the School Day

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

LOST AND FOUND (All Grade Levels)

A "lost and found" collection box is located in the campus office. If your child has lost an item, please encourage him or her to check the lost and found box. The district discourages students from bringing to school personal items of high monetary value, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

MAKEUP WORK

Makeup Work Because of Absence (All Grade Levels)

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.

A student will be responsible for obtaining and completing the makeup work in a satisfactory manner and within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

A student is encouraged to speak with his or her teacher if the student knows of an absence ahead of time, including absences for extracurricular activities, so that the teacher and student may plan any work that can be completed before or shortly after the absence. Please remember the importance of student attendance at school and that, even though absences may be excused or unexcused, all absences account for the 90 percent threshold in regards to the state laws surrounding "attendance for credit or final grade."

[See also **Attendance for Credit or Final Grade**.]

A student involved in an extracurricular activity must notify his or her teachers ahead of time about any absences.

A student will be permitted to make up tests and to turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with time lines approved by the principal and previously communicated to students.

DAEP Makeup Work

Elementary and Middle/Junior High School Grade Levels

A elementary or Junior high student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, a foundation curriculum course in which the student was enrolled at the time of removal. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA (LEGAL).]

Grades 9–12

A high school student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, a foundation curriculum course in which the student was enrolled at the time of removal. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA (LEGAL).]

In-School Suspension (ISS) Makeup Work (All Grade Levels)

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO (LEGAL).]

MEDICINE AT SCHOOL (All Grade Levels)

Medication that must be administered to a student during school hours must be provided by the student's parent. All medication, whether prescription or nonprescription, must be kept in the nurse's office and administered by the nurse or

another authorized district employee, unless the student is authorized to possess his or her own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student. District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

Only authorized employees, in accordance with policy FFAC, may administer:

- Prescription medication, in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

For students at the elementary level, the student's teacher or other district personnel will apply sunscreen to a student's exposed skin if the student brings the sunscreen to school and requests assistance with the application of the sunscreen. Nothing prohibits a student at this level from applying his or her own sunscreen if the student is capable of doing so.

For students at the secondary level, a student may possess and apply sunscreen when necessary. If the student will need assistance with this application, please address the need for assistance with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF (LEGAL).]

Psychotropic Drugs

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policy FFAC.]

NONDISCRIMINATION STATEMENT (All Grade Levels)

In its efforts to promote nondiscrimination and as required by law, Natalia ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs, including CTE programs, and provides equal access to the Boy Scouts and other designated youth groups. The following district representatives have been designated to coordinate compliance with these legal requirements:

- Title IX Coordinator, for concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment: Superintendent of Schools at Central Office.
- ADA/Section 504 Coordinator, for concerns regarding discrimination on the basis of disability: Superintendent of Schools at Central Office.
- All other concerns regarding discrimination: See the Superintendent of Schools at Central Office.

[See policies FB(LOCAL) and FFH(LOCAL).]

NONTRADITIONAL ACADEMIC PROGRAMS (All Grade Levels)

PARENT AND FAMILY ENGAGEMENT (All Grade Levels)

Working Together

Both experience and research tell us that a child's education succeeds best when there is good communication and a strong partnership between home and school. Your involvement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all of your child's school activities and with the academic programs, including special programs, offered in the district.
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See Academic Counseling.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call the school office for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school. [See **Report Cards/Progress Reports and Conferences**.]
- Becoming a school volunteer. [For further information, see policy GKG and **Volunteers**.]
- Participating in campus parent organizations.
- Serving as a parent representative on the district-level or campus-level planning committees, assisting in the development of educational goals and plans to improve student achievement. [For further information, see policies at BQA and BQB, and contact Superintendent of Schools
- Serving on the School Health Advisory Council (SHAC), assisting the district in ensuring local community values are reflected in health education instruction and other wellness issues. [See policies at BDF, EHAA, FFA, and information in this handbook at[School Health Advisory Council.]
- Serving on a committee to determine criteria to be used to evaluate the overall performance of the district and each campus in community and student engagement. For further information, please contact the campus principal.
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contacting school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. [See policies at BE and BED for more information.]

PHYSICAL EXAMINATIONS/HEALTH SCREENINGS

Athletics' Participation (Secondary Grade Levels Only)

A student who wishes to participate in, or continue participation in, the district's athletics program governed by the UIL must submit certification from a health-care provider authorized under UIL rules that the student has been examined and is physically able to participate in the athletic program. This examination is required to be submitted annually to the district.

Other Exams and Screenings (All Grade Levels)

Students may be required to undergo a risk assessment for type 2 diabetes at the same time the district screens students for hearing and vision issues, or for abnormal spinal curvatures.

[Also see policy FFAA.]

PLEDGES OF ALLEGIANCE AND A MINUTE OF SILENCE (All Grade Levels)

Each school day, students will recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags**]

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others. In addition, state law requires that each campus provide for the observance of one minute of silence at the beginning of the first class period when September 11 falls on a regular school day in remembrance of those who lost their lives on September 11, 2001.

[See policy EC for more information.]

PRAYER (All Grade Levels)

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt instructional or other activities of the school. The school will not encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

PROMOTION AND RETENTION

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level, the recommendation of the student's teacher, the score received on any criterion-referenced or state-mandated assessment, and any other necessary academic information as determined by the district.

In addition, at certain grade levels a student—with limited exceptions—will be required

to pass the State of Texas Assessments of Academic Readiness (STAAR), if the student is enrolled in a public Texas school on any day between January 1 and the date of the first administration of the STAAR.

Elementary and Middle/Junior High Grade Levels

In grades K-8, promotion is based on EIE(LOCAL) policy.

In order to be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the mathematics and reading sections of the grade 5 assessment in English or Spanish.

In order to be promoted to grade 9, students enrolled in grade 8 must perform satisfactorily on the mathematics and reading sections of the grade 8 assessment in English.

If a student in grade 5 or 8 is enrolled in a course that earns high school credit and for which an end-of-course (EOC) assessment will be administered, the student will not be subject to the promotion requirements described above for the relevant grade 5 or 8 assessment. The student will instead take the corresponding EOC assessment.

If a student in grades 3–8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

[See **Standardized Testing**]

A student in grade 5 or 8 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the district, the decision of the committee must be unanimous and the student must complete additional special instruction before beginning the next grade level.
Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policy EIE.]

Certain students—some with disabilities and some classified as English Language Learners— may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, school counselor, or special education director.

Parents of a student at or above grade level 3 who does not perform satisfactorily on his or her state-mandated exams will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside of the normal school year. Failure of a student to attend these programs may result in violations of required school attendance as well as the student not being promoted to

the next grade level.

A Personal Graduation Plan (PGP) will be prepared for any student at the middle school or junior high level who did not perform satisfactorily on a state-mandated assessment or is determined by the district as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a school counselor, teacher, or other staff member designated by the principal. The plan will, among other items, identify the student's educational goals, address the parent's educational expectations for the student, and outline an intensive instruction program for the student. [For additional information, see the school counselor or principal and policy EIF(LEGAL).] For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[For information related to the development of personal graduation plans for high school students, see **Personal Graduation Plans for Students Under the Foundation Graduation Program**]

High School Grade Levels

To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards.

A student in grades 9–12 will be advanced a grade level based on the number of course credits earned. [Also see **Grade Level Classification**]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** and **Standardized Testing** for more information about EOC assessments.]

RELEASE OF STUDENTS FROM SCHOOL

[See **Leaving Campus**]

REPORT CARDS/PROGRESS REPORTS AND CONFERENCES (All Grade Levels)

Report cards with each student's grades or performance and absences in each class or subject are issued at least once every 9 weeks.

At the end of the fourth week of a nine-week grading period, parents will receive a progress report if their child's performance in any course/subject area is near or below 70, or is below the expected level of performance. If the student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be requested to schedule a conference with the teacher of that class or subject. [See **Working Together** for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the superintendent pursuant to the board-adopted policy and are designed to reflect each student's relative mastery of each assignment for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher

did not follow the district's grading policy. [See policy EIA(LOCAL) and **Grading Guidelines**]

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70 in a class or subject.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school. The district may use an electronic program to communicate academic information about your child, including for report card and progress reporting purposes. An electronic signature of the parent will be accepted by the district, but you are entitled to request the option to provide a handwritten signature of acknowledgment instead

RETALIATION

[See **Dating Violence, Discrimination, Harassment, and Retaliation**]

SAFETY (All Grade Levels)

Student safety on campus, at school-related events, and on district vehicles is a high priority of the district. Although the district has implemented safety procedures, the cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, campus behavior coordinator, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Accident Insurance

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies

From time to time, students, teachers, and other district employees will participate in preparedness drills of emergency procedures. When the command is given or alarm is sounded, students need to follow the direction of teachers or others in charge quickly,

quietly, and in an orderly manner.

Emergency Medical Treatment and Information

If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school may have to rely on previously provided written parental consent to obtain emergency medical treatment, and information about allergies to medications, foods, insect bites, etc. Therefore, parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up-to-date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the school nurse to update any information that the nurse or the teacher needs to know.

Emergency School-Closing Information

Each year, parents are asked to complete an emergency release form to provide contact information in the event that school is dismissed early or opening is delayed because of severe weather or another emergency, or if the campus must restrict access due to a security threat.

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real- time or automated messages. It is crucial to notify your child's school when a phone number previously provided to the district has changed.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will alert the community.

SAT, ACT, AND OTHER STANDARDIZED TESTS

[See **Standardized Testing**]

SCHEDULE CHANGES (Middle/Junior High and High School Grade Levels)

SCHOOL FACILITIES

Use by Students Before and After School (All Grade Levels)

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

After dismissal of school in the afternoon, unless a student is involved in an activity under the supervision of a teacher or other authorized employee or adult, or unless students are granted permission to remain on campus in accordance with policy FNAB, students must leave campus immediately.

Conduct Before and After School (All Grade Levels)

Teachers and administrators have full authority over student conduct at before- or after-school activities on district premises and at school-sponsored events off district premises, such as play rehearsals, club meetings, athletic practices, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Use of Hallways During Class Time (All Grade Levels)

Loitering or standing in the halls during class is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Cafeteria Services (All Grade Levels)

The district participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law.

Free and reduced-price meals are available based on financial need or household situation. Information about a student's participation is confidential; however, disclosure of a student's eligibility may be made without prior notice or consent to programs, activities, and individuals that are specifically authorized access under the National School Lunch Act (NSLA), which is the law that sets forth the disclosure limits for the district's child nutrition programs. A student's name, eligibility status, and other information may be disclosed to certain agencies as authorized under the NSLA to facilitate the enrollment of eligible children in Medicaid or the state children's health insurance program (CHIP) unless the student's parent notifies the district that a student's information should not be disclosed. A parent's decision will not affect the child's eligibility for free and reduced price meals or free milk. See the Campus Cafeteria Manager to apply for free or reduced price meal services.

Parents are strongly encouraged to continually monitor their child's meal account balance. When a student's meal account is depleted, the district will notify the parent. If the district is unable to work out an agreement with the student's parent on replenishment of the student's meal account and payment of any outstanding balance, the student will receive an alternate meal.

Library (All Grade Levels)

The library is a learning laboratory with books, computers, magazines, and other materials available for classroom assignments, projects, and reading or listening pleasure during the school day.

Meetings of Non-curriculum-Related Groups (Secondary Grade Levels Only)

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL).

A list of these groups is available in the principal's office.

SEARCHES

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law.

Students' Desks and Lockers (All Grade Levels)

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of their assigned desks and lockers. Students must be certain that their lockers are locked, and that the combinations are not available to others. Searches of desks or lockers may be conducted at any time there is reasonable suspicion to believe that they contain articles or materials prohibited by policy, whether or not a student is present.

The parent will be notified if any prohibited items are found in the student's desk or locker.

Telecommunications and Other Electronic Devices (All Grade Levels)

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated in order to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See policy FNF(LEGAL) and **Electronic Devices and Technology Resources**]

Vehicles on Campus (Secondary Grade Levels Only)

A student has full responsibility for the security and content of his or her vehicle parked on district property and must make certain that it is locked and that the keys are not given to others. [See also the Student Code of Conduct.]

Vehicles parked on district property are under the jurisdiction of the district. School officials may search any vehicle any time there is reasonable suspicion to do so, with or without the permission of the student. If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the student's parent will be contacted. If a search is also refused by the student's parent, the district will turn the matter over to law enforcement. The district may, in certain circumstances, contact law enforcement even if permission to search is granted.

Trained Dogs (All Grade Levels)

The district will use trained dogs to alert school officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, or student belongings may also be conducted by trained dogs when students are not present. An item in a classroom, a locker, or a vehicle to which a trained dog alerts may be searched by school officials.

Metal Detectors (All Grade Levels)

[For further information, see policy FNF(LOCAL).]

Drug Testing (Secondary Grade Levels Only)

[For further information, see policy FNF(LOCAL). Also see **Steroids**]

SEXUAL HARASSMENT

[See **Dating Violence, Discrimination, Harassment, and Retaliation**]

SPECIAL PROGRAMS (All Grade Levels)

The district provides special programs for gifted and talented students, homeless students, bilingual students, migrant students, English language learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact the Superintendent of Schools.

STANDARDIZED TESTING

Secondary Grade Levels

SAT/ACT (Scholastic Aptitude Test and American College Test)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. Students are encouraged to talk with the school counselor early during their junior year to determine the appropriate exam to take; these exams are usually taken at the end of the junior year. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT, and more information can be obtained on these assessments from the school counselor.

Note that participation in these assessments may qualify a student to receive a performance acknowledgment on his or her transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing

requirement in certain circumstances. A student's performance at a certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

TSI (Texas Success Initiative) Assessment

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The purpose of the TSI assessment is to assess the reading, mathematics, and writing skills that entering freshmen-level students should have if they are to perform effectively in undergraduate certificate or degree programs in Texas public colleges and universities. This assessment may be required before a student enrolls in a dual-credit course offered through the district as well. Achieving certain benchmark scores on this assessment for college readiness may also waive certain end-of-course assessment requirements in limited circumstances.

STAAR (State of Texas Assessments of Academic Readiness)

Grades 3–8

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Writing, including spelling and grammar, in grades 4 and 7
- Science in grades 5 and 8
- Social Studies in grade 8

Successful performance on the reading and math assessments in grades 5 and 8 is required by law, unless the student is enrolled in a reading or math course intended for students above the student's current grade level, in order for the student to be promoted to the next grade level. [See also **Promotion and Retention**]

STAAR A will be available for an eligible student with a Section 504 accommodation plan who has been identified with dyslexia or a related disorder, as well as for a student receiving special education services, if the student meets state-established criteria and requires certain instructional and assessment accommodations on a routine basis.

STAAR Alternate 2, for students receiving special education services who meet certain state- established criteria, will be available for eligible students, as determined by the student's ARD committee.

STAAR L is a linguistically accommodated assessment that is available for certain limited English proficient (LEP) students, as determined by the student's Language Proficiency Assessment Committee (LPAC). A Spanish version of STAAR is also available to students through grade 5 who need this

accommodation.

High School Courses—End-of-Course (EOC) Assessments

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- United States History

Satisfactory performance on the applicable assessments will be required for graduation, unless otherwise waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment, which will occur during the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have additional opportunities to retake the assessment.

STAAR A will be available for an eligible student with a Section 504 accommodation plan who has been identified with dyslexia or a related disorder, as well as for a student receiving special education services, if the student meets state-established criteria and requires certain instructional and assessment accommodations on a routine basis.

STAAR Alternate 2, for students receiving special education services who meet certain criteria established by the state, will be available for eligible students, as determined by the student's ARD committee.

A student's ARD committee for students receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan.

STAAR L, which is a linguistically accommodated assessment, will be available for students English language learners who require this type of testing accommodation.

STEROIDS (Secondary Grade Levels Only)

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

STUDENTS IN FOSTER CARE (All Grade Levels)

In an effort to provide educational stability, the district strives to assist any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state) with the enrollment and registration process, as well as other educational

services throughout the student's enrollment in the district.

Please contact Superintendent of Schools, who has been designated as the district's foster care liaison, at Central Office with any questions.

STUDENT SPEAKERS (All Grade Levels)

The district provides students the opportunity to introduce school events. If a student meets the eligibility criteria and wishes to introduce one of the school events, the student should submit his or her name in accordance with policy FNA(LOCAL).

SUBSTANCE ABUSE PREVENTION AND INTERVENTION (All Grade Levels)

If you are worried that your child may be using or is in danger of experimenting, using, or abusing illegal drugs or other prohibited substances, please contact the school counselor. The school counselor can provide you with a list of community resources that may be of assistance to you. The TDSHS maintains information regarding children's mental health and substance abuse intervention services on its website: http://www.dshs.state.tx.us/mhsa-child-adolescent-services/.

SUICIDE AWARENESS (All Grade Levels)

The district is committed to partnering with parents to support the healthy mental, emotional, and behavioral development of its students. If you are concerned about your child, please access http://www.texassuicideprevention.org or contact the school counselor for more information related to suicide prevention services available in your area.

SUMMER SCHOOL (All Grade Levels)

Summer school may become available for students who meet certain criteria. Campuses will provide individual notices to parents when summer school becomes an appropriate and viable option.

Tardies (All Grade Levels)

A student who is tardy to class by more than ____ minutes will be assigned to detention hall. Repeated instances of tardiness will result in more severe disciplinary action, in accordance with the Student Code of Conduct.

TEXTBOOKS, ELECTRONIC TEXTBOOKS, TECHNOLOGICAL EQUIPMENT, AND OTHER INSTRUCTIONAL MATERIALS (All Grade Levels)

Textbooks and other district-approved instructional materials are provided to students free of charge for each subject or class. Any books must be covered by the student, as directed by the teacher, and treated with care. Electronic textbooks and technological equipment may also be provided to students, depending on the course and course objectives. A student who is issued a damaged item should report the damage to the teacher. Any student failing to return an item in acceptable condition loses the right to

free textbooks and technological equipment until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

TRANSFERS (All Grade Levels)

The principal is authorized to transfer a student from one classroom to another.

TRANSPORTATION (All Grade Levels)

School-Sponsored Trips

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. As approved by the principal, a coach or sponsor of an extracurricular activity may establish procedures related to making an exception to this requirement when a parent requests that the student be released to the parent or to another adult designated by the parent.

Buses and Other School Vehicles

The district makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students.

Bus routes and stops will be designated annually, and any subsequent changes will be posted at the school and on the district's website. For the safety of the operator of the vehicle and all passengers, students must board buses or other vehicles only at authorized stops, and drivers must unload passengers only at authorized stops.

A parent may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, you may contact the Transportation Department.

Students are expected to assist district staff in ensuring that buses and other district vehicles remain in good condition and that transportation is provided safely. When riding in district vehicles, including buses, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

Follow the driver's directions at all times.

- Enter and leave the vehicle in an orderly manner at the designated stop.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the vehicle or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle.
- Not possess or use any form of tobacco on any district vehicle.
- Observe all usual classroom rules.

- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a district vehicle, including a school bus, may be suspended or revoked.

VANDALISM (All Grade Levels)

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and for years to come—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

VIDEO CAMERAS (All Grade Levels)

For safety purposes, video and audio recording equipment is used to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

Upon request of a parent of a student who receives special education services, a staff member, or a board member, state law requires the district to place video and audio recording equipment in a classroom in which the student spends at least 50 percent of his or her instructional day, referred to in the law as a self- contained classroom. The majority of students in this type of classroom must also be students who receive special education services. Before the district places a video camera in a classroom or other setting in which your child receives special education services, the district will provide notice to you. Please speak directly with the principal for further information or to request the installation and operation of this equipment.

VISITORS TO THE SCHOOL (All Grade Levels)

General Visitors

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and must comply with all applicable district policies and procedures. When arriving on campus, all parents and other visitors should be prepared to show identification.

Visits to individual classrooms during instructional time are permitted only with approval of the principal and teacher and only so long as their duration or frequency does not interfere with the delivery of instruction or disrupt the normal school environment. Even if the visit is approved prior to the visitor's arrival, the individual must check in at the main office first.

All visitors are expected to demonstrate the highest standards of courtesy and conduct; disruptive behavior will not be permitted.

Visitors Participating in Special Programs for Students

The district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

VOLUNTEERS (All Grade Levels)

We appreciate so much the efforts of parent and grandparent volunteers that are willing to serve our district and students. If you are interested in volunteering, please contact the Superintendent of Schools for more information and to complete an application.

VOTER REGISTRATION (Secondary Grade Levels Only)

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

WITHDRAWING FROM SCHOOL (All Grade Levels)

A student under age 18 may be withdrawn from school only by a parent. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. The parent may obtain a withdrawal form from the principal's office.

On the student's last day, the withdrawal form must be presented to each teacher for current grade averages and book and equipment clearance; to the librarian to ensure a clear library record; to the clinic for health records; to the school counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student, and a copy will be placed in the student's permanent record.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Glossary

Accelerated instruction is an intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level and/or as a result of a student not meeting the passing standard on a state-mandated assessment.

ACT-Aspire refers to an assessment that took the place of ACT-Plan and is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

ACT refers to one of the two most frequently used college or university admissions exams: the American College Test. The test may be a requirement for admission to certain colleges or universities.

ARD is the admission, review, and dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and his or her parents are members of the committee.

Attendance review committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

DAEP stands for disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

ESSA is the Every Student Succeeds Act passed by the federal government in December 2015.

EOC assessments are end-of-course tests, which are state-mandated, and are part of the STAAR program. Successful performance on EOC assessments are required for graduation. These exams will be given in English I, English II, Algebra I, Biology, and United States History.

FERPA refers to the federal Family Educational Rights and Privacy Act that grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

IEP is the written record of the individualized education program prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains several parts, such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; accommodations for state or districtwide tests; whether successful completion of state-mandated assessments is required for graduation, etc.

IGC is the individual graduation committee, formed in accordance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

PGP stands for Personal Graduation Plan, which is required for high school students beginning with ninth graders in the 2014–15 school year, and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

PSAT is the preparatory and readiness assessment for the SAT.

SAT refers to one of the two most frequently used college or university admissions exams: the Scholastic Aptitude Test. The test may be a requirement for admissions to certain colleges or universities.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to assist the district in ensuring that local community values and health issues are reflected in the district's health education instruction, along with providing assistance with other student and employee wellness issues.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

STAAR is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments, effective beginning with certain students for the 2011–2012 school year.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee.

STAAR Spanish is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Successful performance sometimes is a condition of promotion, and passing the STAAR EOC assessments is a condition of graduation. Students have multiple opportunities to take the tests if necessary for promotion or graduation.

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle. It also sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP. It outlines conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English language learners make in learning the English language, and is administered for those who meet the participation requirements in kindergarten–grade 12.

TSI assessment is the Texas Success Initiative assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

TxVSN is the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors, and courses are equivalent in rigor and scope to a course taught in a traditional classroom setting.

UIL refers to the University Interscholastic League, the statewide voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

APPENDIX I:
Freedom From Bullying Policy

Note to handbook developer: *Because state law requires that the district's policy on bullying be distributed in its Student Handbook(s), the following has been formatted for you to more easily insert the district's FFI(LOCAL) policy here rather than in the body of the handbook itself.*

Note that school board policies may be revised at any time. For legal context and the most current copy of the local policy, visit www.nataliaisd.net. Look For:

STUDENT WELFARE: FREEDOM FROM BULLYING FFI(LOCAL) Adopted on 02/17/12

APPENDIX II:

Acknowledgment Form—Amendment

Note to handbook developer: *You might keep this form on hand throughout the school year to assist in documenting communication of Student Handbook amendments made during the year.*

My child and I have received a copy of the Natalia Independent School District Student Handbook dated _____.

Print name of student: _

Signature of student: _

Signature of parent: _

Date: _

Standard Language in all three options

DRESS AND GROOMING (All Grade Levels)

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine a student's dress and grooming standards, provided that they comply with the following:

Standards of Decency Dress Code Requirements for all Students
The following specific dress code requirements shall apply to all students including those who have received exemptions:

- All clothing that is suggestive or indecent that causes distraction shall be prohibited. Such clothing includes tank tops, muscle shirts, halter-tops, sleeveless shirts, spaghetti straps, clothing that exposes backs or midriffs, and see-through garments without a shell or shirt underneath.

- Inappropriate or indecent patches, writings, or drawings on clothing or the body shall be prohibited. Clothing with inappropriate advertising or statements that are lewd, offensive, vulgar, obscene, or inflammatory, such as alcoholic beverages, sex, tobacco, drugs, gangs, and the like, shall be prohibited.

The district prohibits pictures, emblems, or writings on clothing that:

- Are lewd, offensive, vulgar, or obscene as determined by campus and district administrators.

- Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under FNCF (Legal)

Options for 2017-2018 School Year

<u>Option A (Current Dress Code with repeating topics connected)</u>

Specific Dress Code Requirements for All Students

The following specific dress code requirements shall apply to all students who are under district jurisdiction whether or not they are required to wear uniforms:

1. Short, skirts and skorts shall be worn no shorter than (3) inches above the top of the knee.

2. All students must wear appropriate footwear.
   a. Footwear with the toes reinforced by steel, hard plastics, or similar materials is prohibited.
   b. The student may be required to bring an alternative pair of shoes for Physical Education classes or any activity where sturdier footwear is required.

c. The district prohibits any footwear that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

3. Students' hair shall be neatly trimmed. Hair color must be a shade of a naturally occurring hair color. Students who dye their hair an unnaturally occurring hair color shall be subject to disciplinary action. Unconventional color, hairstyles or designs that cause distraction shall not be permitted. Facial hair must be neatly groomed and trimmed.

4. Students shall not be permitted to wear sunglasses, hats or caps or other headwear on campus except when these items are used for protection in class and when appropriate during extracurricular activities. Prohibited items shall be confiscated. Parents may pick up confiscated items at the school during office hours.

5. Student shall be prohibited from wearing oversized clothing to school. Specifically prohibited are baggy or sagging pants. All pants shall be worn at the waist.

6. Leggings of any kind, spandex, or yoga pants shall be prohibited. Students are not permitted to cut the bottom of the pants leg in a manner that allows the material to be frayed-out.

7. Extra-long belts shall be prohibited. If a belt is worn, it must be through the belt loops on garments.

8. Clothing that exposes a student's midriff or belly button (naval) shall not be permitted.

9. Students shall not be permitted to wear dangling key rings or chains, including chains attached to wallets, footwear, or backpacks.

10. Except for ear piercing, body-piercing jewelry shall be prohibited.

11. All tattoos must be covered up or taped over while on school property or off school property as a representative of our school.

12. Gang-related attire shall be prohibited. A list of gang-related attire shall be maintained at each campus.

13. Students shall not be permitted to wear underwear, as outerwear, including underwear t- shirts.

14. Jackets are permitted if the guidelines that have been established for wearing jackets are followed.

15. Shoes that have skates are not permitted.

16. Students shall wear articles of clothing that shall not create a health or other hazard to the student's safety or to the safety of others.

17. Grills on teeth are not permitted.

18. Excessively tight shirts are not permitted.

19. Natalia spirit shirts are permitted (all colors).{Must meet standard dress code regulations.}

20. No wide bell bottoms that cover the entire shoe

21. The garment cannot have lacing up the front, sides, or back instead of a zipper.

22. Skirts cannot have slits.

23. Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Uniform

The Board has determined that requiring school uniforms improves the learning environment in the district. The Board requires that students from Pre-K to high school wear the uniforms outlined in this policy. Students who are new to the district and have never previously attended Natalia Secondary Schools are exempt from the uniform requirement on their first day of enrollment. Returning students must be in compliance with the uniform policy.

Definition

For the purpose of this policy, uniforms shall be defined as one or more specific kinds of articles of clothing required to be worn by students at a particular school during normal school. Alterations that change the integrity of the uniform shall not be permitted.

Uniform Requirements

Where uniforms are required, they shall include the following items:

- Long-or short-sleeved Polo style shirts with collars
- Pants with or without pleats
- walking shorts
- skirts

- skorts
- sweatshirts and sweaters

I. Uniform Shirts

- Long or short sleeved polo style shirts with collars and two or three button placket. (Buttons may not be removed)
- The shirts must be solid navy blue, royal blue or solid white.

II. Uniform Pants, Walking Shorts, Skirts/Skorts

- Garment with or without pleats
- No wide bell bottoms that cover the entire shoe
- The garment cannot have lacing up the front, sides, or back instead of a zipper.
- Skirts cannot have slits.
- Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Option B (All of Option A but includes the Free Choice Day each week)

Specific Dress Code Requirements for All Students

The following specific dress code requirements shall apply to all students who are under district jurisdiction whether or not they are required to wear uniforms:

1. Short, skirts and skorts shall be worn no shorter than (3) inches above the top of the knee.

2. All students must wear appropriate footwear.

a. Footwear with the toes reinforced by steel, hard plastics, or similar materials is prohibited.

b. The student may be required to bring an alternative pair of shoes for Physical Education classes or any activity where sturdier footwear is required.

c. The district prohibits any footwear that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

3. Students' hair shall be neatly trimmed. Hair color must be a shade of a naturally occurring hair color. Students who dye their hair an unnaturally occurring hair color shall be subject to disciplinary action. Unconventional color, hairstyles or designs that cause distraction shall not be permitted. Facial hair must be neatly groomed and trimmed.

4. Students shall not be permitted to wear sunglasses, hats or caps or other headwear on campus except when these items are used for protection in class and when appropriate during extracurricular activities. Prohibited items shall be confiscated. Parents may pick up confiscated items at the school during office hours.

5. Student shall be prohibited from wearing oversized clothing to school. Specifically prohibited are baggy or sagging pants. All pants shall be worn at the waist.

6. Leggings of any kind, spandex, or yoga pants shall be prohibited. Students are not permitted to cut the bottom of the pants leg in a manner that allows the material to be frayed-out.

7. Extra-long belts shall be prohibited. If a belt is worn, it must be through the belt loops on garments.

8. Clothing that exposes a student's midriff or belly button (naval) shall not be permitted.

9. Students shall not be permitted to wear dangling key rings or chains, including chains attached to wallets, footwear, or

backpacks.

10. Except for ear piercing, body-piercing jewelry shall be prohibited.

11. All tattoos must be covered up or taped over while on school property or off school property as a representative of our school.

12. Gang-related attire shall be prohibited. A list of gang-related attire shall be maintained at each campus.

13. Students shall not be permitted to wear underwear, as outerwear, including underwear t- shirts.

14. Jackets are permitted if the guidelines that have been established for wearing jackets are followed. (See guidelines listed below.)

15. Shoes that have skates are not permitted.

16. Students shall wear articles of clothing that shall not create a health or other hazard to the student's safety or to the safety of others.

17. Grills on teeth are not permitted.

18. Excessively tight shirts are not permitted.

19. Natalia spirit shirts are permitted (all colors).{Must meet standard dress code regulations.}

20. No wide bell bottoms that cover the entire shoe

21. The garment cannot have lacing up the front, sides, or back instead of a zipper.

22. Skirts cannot have slits.

23. Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Uniform

The Board has determined that requiring school uniforms improves the learning environment in the district. The Board requires that students from Pre-K to high school wear the uniforms outlined in this policy. Students who are new to the district and have never previously attended Natalia Secondary Schools are exempt from the uniform requirement on their first day of enrollment. Returning students must be in compliance with the uniform policy.

Definition

For the purpose of this policy, uniforms shall be defined as one or more specific kinds of articles of clothing required to be worn by students at a particular school during normal school. Alterations that change the integrity of the uniform shall not be permitted.

Uniform Requirements

Where uniforms are required, they shall include the following items:

- Long-or short-sleeved Polo style shirts with collars
- Pants with or without pleats
- walking shorts
- skirts
- skorts
- sweatshirts and sweaters

I. Uniform Shirts

- Long or short sleeved polo style shirts with collars and two or three button placket. (Buttons may not be removed)
- The shirts must be solid navy blue, royal blue or solid white.

II. Uniform Pants, Walking Shorts, Skirts/Skorts

- Garment with or without pleats
- No wide bell bottoms that cover the entire shoe
- The garment cannot have lacing up the front, sides, or back instead of a zipper.
- Skirts cannot have slits.
- Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Monday	Tuesday	Wednesday	Thursday	Friday
Uniform Day	Uniform Day	Choice Day	College Day	Spirit Day

Option C (Keeps Standard of Dress and forgoes Uniform requirement)

Specific Dress Code Requirements for All Students

The following specific dress code requirements shall apply to all students who are under district jurisdiction whether or not they are required to wear uniforms:

1. Short, skirts and skorts shall be worn no shorter than (3) inches above the top of the knee.

2. All students must wear appropriate footwear.

a. Footwear with the toes reinforced by steel, hard plastics, or similar materials is prohibited.

b. The student may be required to bring an alternative pair of shoes for Physical Education classes or any activity where sturdier footwear is required.

c. The district prohibits any footwear that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

2. Students' hair shall be neatly trimmed. Hair color must be a shade of a naturally occurring hair color. Students who dye their hair an unnaturally occurring hair color shall be subject to disciplinary action. Unconventional color, hairstyles or designs that cause distraction shall not be permitted. Facial hair must be neatly groomed and trimmed.

3. Students shall not be permitted to wear sunglasses, hats or caps or other headwear on campus except when these items are used for protection in class and when appropriate during extracurricular activities. Prohibited items shall be confiscated. Parents may pick up confiscated items at the school during office hours.

4. Student shall be prohibited from wearing oversized clothing to school. Specifically prohibited are baggy or sagging pants. All pants shall be worn at the waist.

5. Leggings of any kind, spandex, or yoga pants shall be prohibited. Students are not permitted to cut the bottom of the pants leg in a manner that allows the material to be frayed-out.

6. Extra-long belts shall be prohibited. If a belt is worn, it must be through the belt loops on garments.

7. Clothing that exposes a student's midriff or belly button (naval) shall not be permitted.

8. Students shall not be permitted to wear dangling key rings or chains, including chains attached to wallets, footwear, or backpacks.

9. Except for ear piercing, body-piercing jewelry shall be prohibited.

10. All tattoos must be covered up or taped over while on school property or off school property as a representative of our school.

11. Gang-related attire shall be prohibited. A list of gang-related attire shall be maintained at each campus.

12. Students shall not be permitted to wear underwear, as outerwear, including underwear t- shirts.

13. Jackets are permitted if the guidelines that have been established for wearing jackets are followed. (See guidelines listed below.)

14. Shoes that have skates are not permitted.

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18. Natalia spirit shirts are permitted (all colors).{Must meet standard dress code regulations.}

19. No wide bell bottoms that cover the entire shoe

20. The garment cannot have lacing up the front, sides, or back instead of a zipper.

21. Skirts cannot have slits.

22. Outerwear (Such as Sweaters, Sweatshirts, Hoodies, Jackets, Pullovers, Windbreakers, Coats, etc.) – Must meet standard dress code regulations

Update 108 contains (LOCAL) policies that require board action before we can incorporate Update 108 into your district's *Policy On Line* manual.

Please notify Travis Damron of your policy adoption by completing the electronic Notify TASB of Policy Adoption form*. You may also complete, scan, and submit the form below by e-mail to pol-support@tasb.org or by fax to 512-467-3618. Electronic submissions will receive a confirmation e-mail.

Update 108

Policy On Line®

Adoption Notification Form

163903 Natalia ISD

Your Name: _____

Your E-mail: _____

Previous Updates

☐ I confirm that all updates prior to Update 108 have been adopted. (Visit Local Manual Updates† to see updates pending adoption.)

Update 108 Adoption Date: _____

Status (please check one):

☐ Adopted as presented by TASB—place online immediately

☐ Adopted with further changes, described below

_____

_____

_____

_____

Policy Changes

If you wish to make changes to policies issued in Update 108, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 108, please e-mail those changes directly to your policy consultant.

Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.

If you have questions, please contact Travis Damron by phone at 800-580-7529.

* Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/
† Local Manual Updates: https://www.tasb.org/apps/policyUpdates/index.aspx

TASB Policy Service **Fax: 512-467-3618**

Localized Policy Manual Update 108

Natalia ISD

Remember: You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more on my.tasb.org under *Policy Service Resource Library: Local Manual Updates*.

Need help? Please call your policy consultant at 800-580-7529 or e-mail Policy.Service@TASB.org.

Overview

Update 108 contains recommended changes to local policies on topics including:

- Instructional resources and materials;
- Credit by examination with prior instruction;
- Graduation;
- Campus charters; and
- Community relations (advertising and fundraising).

Revisions to legal policies incorporate various administrative rules and include some updating and recoding of provisions in anticipation of changes from the 85th Legislative Session, which will be included in Update 109, scheduled for early fall.

Your Localized Update 108 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- ***Vantage Points—A Board Member's Guide to Update 108***, which provides local officials a highly summarized first glance at the update. Please distribute the enclosed copies of *Vantage Points* to your board members with the review copies of the update.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

- Reflect the ever-changing legal context for governance and management of the district
- Should inform local decision making
- Should NOT be adopted, but only reviewed

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

Board action on Localized Update 108 must occur within a properly posted, open meeting of the board.

- Update 108 may be addressed on the agenda posting as "Policy Update 108, affecting (LOCAL) policies (see attached list of codes)."
- You may use the "Agenda Posting (LOCAL) Policy List" provided online in *Local Manual Updates* and attach that list to the posting, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the material provided below.
- **BoardBook** compilers should use "Policy Update 108, affecting (LOCAL) policies" as the agenda item and, as agenda sub-items, the policy code, title, and subtitle of each of the (LOCAL) policies affected by the update.
- Here is a suggested motion for board action on Localized Update 108:

  "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 108 [with the following changes:]"

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 108 using the Update 108 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 108 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board
- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board.

At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to:

- *The Administrator's Guide to Policy Management* (https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx)
- Tutorial videos on handling an update (https://www.tasb.org/Services/Policy-Service/myTASB/Tutorials.aspx)

These guides are available in the myTASB *Policy Service Resource Library*.

How to Keep Your Administrative Regulations Current

Inspect your administrative procedures and documents—including EXHIBITs, REGULATIONs, handbooks, and guides—that may be affected by Update 108 policy changes.

If you must make changes to the REGULATIONS or EXHIBITS contained in your board policy manual, please notify your policy consultant.

Disclaimer and Copyright

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

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Instruction Sheet
TASB Localized Policy Manual Update 108

District Natalia ISD

Code		Action To Be Taken	Note
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BBB	(EXHIBIT)	DELETE exhibit	See explanatory note
BBG	(LEGAL)	Replace policy	Revised policy
BED	(LEGAL)	Replace policy	Revised policy
BJCF	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
BQA	(LEGAL)	Replace policy	Revised policy
BQB	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CJA	(LEGAL)	Replace policy	Revised policy
COB	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DFF	(LEGAL)	Replace policy	Revised policy
DHB	(LEGAL)	Replace policy	Revised policy
DK	(LEGAL)	Replace policy	Revised policy
DK	(EXHIBIT)	Replace exhibit	Revised exhibit
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EF	(LOCAL)	ADD policy	See explanatory note
EFA	(LEGAL)	Replace policy	Revised policy
EFA	(LOCAL)	DELETE policy	See explanatory note
EFAA	(LEGAL)	DELETE policy	See explanatory note
EFAA	(LOCAL)	DELETE policy	See explanatory note
EGA	(LEGAL)	DELETE policy	See explanatory note
EHAC	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	ADD policy	See explanatory note
EHBL	(LEGAL)	Replace policy	Revised policy
EHDB	(LOCAL)	Replace policy	Revised policy

EIF	(LOCAL)	DELETE policy	See explanatory note
EKBA	(LEGAL)	Replace policy	Revised policy
EL	(LOCAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FED	(LEGAL)	Replace policy	Revised policy
FFEA	(LEGAL)	Replace policy	Revised policy
FNCF	(LEGAL)	Replace policy	Revised policy
FNCF	(EXHIBIT)	DELETE exhibit	See explanatory note
FOC	(LEGAL)	Replace policy	Revised policy
FOC	(EXHIBIT)	DELETE exhibit	See explanatory note
G	(LEGAL)	Replace table of contents	Revised table of contents
GKB	(LOCAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 108

District: Natalia ISD

AIA (LEGAL) ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

This legally referenced policy on accreditation and performance standards has been reorganized and updated to include provisions from House Bill 2804 (84th Legislative Session) that are effective with the 2017–18 school year. These changes include additional material on the A–F PERFORMANCE RATINGS, PERFORMANCE INDICATORS, and the FIVE DOMAINS for student achievement, as well as deletion of provisions on student achievement indicators. Other changes are to delete material on dropout recovery programs, which is addressed at other policy codes, and to better match statutory wording.

AIB (LEGAL) ACCOUNTABILITY
PERFORMANCE REPORTING

This legally referenced policy on performance reporting has been revised to include statutory provisions that are effective with the 2017–18 school year.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

Revisions to this legally referenced policy on accountability investigations and sanctions are based on amended commissioner's rules effective November 17, 2016. The rules add to the duties for a CAMPUS INTERVENTION TEAM and address stakeholder notification and review requirements and district submission and implementation of a CAMPUS TURNAROUND PLAN.

BBB (EXHIBIT) BOARD MEMBERS
ELECTIONS

This exhibit containing the officer's statement and the oath of office from the Texas Constitution is recommended for deletion from the district's policy manual, as this material is now readily available on the Texas Secretary of State website and in the TASB Legal Services eSource document *After the School Board Election: Frequently Asked Questions Regarding Post-Election Procedures*, available at https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/after_bd_election.pdf.

BBG (LEGAL) BOARD MEMBERS
COMPENSATION AND EXPENSES

This legally referenced policy on board member expenses has been updated to reference a new Administrative Code rule effective January 24, 2017, which duplicates the previous rule in allowing board members to participate in the comptroller's contract for travel services, and to better match statutory wording.

BED (LEGAL) BOARD MEETINGS
PUBLIC PARTICIPATION

This legally referenced policy on public participation has been revised to delete a note referencing other related policies as well as a provision about complaints that is duplicated in the complaint policies. Citations have also been updated.

BJCF (LEGAL) SUPERINTENDENT
NONRENEWAL

This legally referenced policy on superintendent nonrenewal has been revised to better match statutory wording.

BQ (LEGAL) PLANNING AND DECISION-MAKING PROCESS

Changes have been made throughout this legally referenced policy on the planning and decision-making process to better match statutory wording.

BQA (LEGAL) PLANNING AND DECISION-MAKING PROCESS
DISTRICT-LEVEL

This legally referenced policy on district-level planning and decision-making has been revised to add an existing provision on STAFF DEVELOPMENT, to better match statutory wording, and to update citations.

BQB (LEGAL) PLANNING AND DECISION-MAKING PROCESS
CAMPUS-LEVEL

This legally referenced policy on campus-level planning and decision-making has been revised to add an existing provision on STAFF DEVELOPMENT, to better match statutory wording, and to update citations.

CH (LEGAL) PURCHASING AND ACQUISITION

New Ethics Commission rules effective January 1, 2017, have been added at CONTRACT CHANGES on page 4 and explain the circumstances under which contract disclosure requirements apply to changes to an existing contract. Other revisions are to add an existing Administrative Code provision about submission of the REQUIRED FORM used for contract disclosures (see page 3) and to reorder provisions for better flow.

CJA (LEGAL) CONTRACTED SERVICES
CRIMINAL HISTORY

This legally referenced policy on criminal history checks for contracted services and decision-making has been reorganized for better flow and revised to better match statutory wording.

COB (LEGAL) FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

Details from the Administrative Code have been added regarding submission of REQUIRED DOCUMENTATION on summer nutrition programs to the Texas Department of Agriculture by April 1 of each year. Other changes are to better match statutory wording.

CQA (LEGAL) TECHNOLOGY RESOURCES
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

The listing of REQUIRED INTERNET POSTINGS has been revised to include:

- Posting of the innovation plan for a district seeking designation as a district of innovation (item 1);
- Posting of the three programs or categories that will be used to evaluate district and campus performance in community and student engagement (items 3 and 4); and
- Posting of an opportunity to review a campus turnaround plan (item 10).

The listing of OPTIONAL INTERNET POSTINGS has been revised to include posting of a public meeting for input on a targeted improvement plan (item 1 on page 4).

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

Provisions on EMERGENCY PERMITS have been moved from policy DK to this policy code. Extensive revisions to the material are based on Administrative Code changes effective December 27, 2016. The rules reflect that emergency permits are intended as a temporary credential to be used for true emergencies. Effective with the 2017–18 school year, emergency permits will be limited to one year of issuance, with limited exceptions for JROTC instructors and for teachers of students with visual impairments.

DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

New rules from the Administrative Code, effective November 6, 2016, have been added to this legally referenced policy on criminal history. Changes in the FBI subscription service required the Texas Department of Public Safety to issue rules that clarify the process for obtaining criminal history record information through the Clearinghouse. See PARTICIPATION IN THE CRIMINAL HISTORY CLEARINGHOUSE, beginning on page 1. Citations have been updated throughout.

DFF (LEGAL) TERMINATION OF EMPLOYMENT
REDUCTION IN FORCE

This legally referenced policy on reduction in force has been revised to add existing statutory provisions on reduction of personnel for CONTINUING CONTRACTS, including district notification to the affected teacher and teacher notification to the board if the teacher wishes to protest the proposed reduction of personnel.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

Amended State Board for Educator Certification (SBEC) rules, effective December 27, 2016, have been incorporated into this policy. The amendments align the rules on superintendent reports to SBEC with changes to the Education Code made in the 84th Legislative Session (2015) and clarify that reporting is required if there is evidence that an educator solicited or engaged in sexual conduct or a romantic relationship with a student or minor. See REPORTABLE MISCONDUCT.

The rules also address PERMISSIVE REPORTS when a superintendent believes in good faith that educator misconduct may be subject to disciplinary proceedings or sanctions.

DK (LEGAL) ASSIGNMENT AND SCHEDULES

Provisions on emergency permits were moved to DBA. Other changes are to provide appropriate references to information on credentials and permits at CREDENTIALS OR PERMIT REQUIRED.

DK (EXHIBIT) ASSIGNMENT AND SCHEDULES

This exhibit has been reformatted and updated to better match wording from the applicable state rules.

E (LEGAL) INSTRUCTION

The E Section table of contents has been updated to:

- Delete EFAA, Instructional Materials Selection and Adoption (provisions relocated to EFA, Instructional Materials);
- Delete EFF, Instructional Television
- Delete EG, Curriculum Development (provisions relocated to EH, Curriculum Design);
- Delete EGA, Innovative and Magnet Programs (provisions relocated to EHBJ, a new code subtitled Innovative and Magnet Programs);
- Add EHBJ, subtitled Innovative and Magnet Programs; and
- Rename EL Campus Charters (previously Charter Campus or Program).

See the notes below for additional information on these changes.

EF (LEGAL) INSTRUCTIONAL RESOURCES

Legal guidance addressing library materials has been relocated from EFA to this policy code.

EF (LOCAL) INSTRUCTIONAL RESOURCES

Local policy provisions addressing challenges to instructional resources have been relocated from EFA to this policy code. The policy is based heavily on materials from the American Library Association (ALA) and has been updated to reflect current ALA recommendations.

Other recommended changes include:

- Replacing the term "instructional materials" throughout the policy with the broader term "instructional resources" to clarify the scope of the policy;
- Deleting detail about APPEAL documents that is addressed in the grievance policies; and
- Clarifying at GUIDING PRINCIPLES that a parent may request that his or her child not be permitted access to challenged resources.

At FORMAL RECONSIDERATION, please confirm that the policy correctly lists the position of the individual who is responsible for accepting formal objections and appointing a reconsideration committee.

See http://www.ala.org/tools/challengesupport/ for more information.

EFA (LEGAL) INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

Provisions addressing selection and adoption of instructional materials have been relocated from EFAA to this policy code.

EFA (LOCAL) INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

Local policy provisions addressing challenges to instructional resources have been relocated to EF.

EFAA (LEGAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

Provisions addressing selection and adoption of instructional materials have been relocated to EFA. EFAA is no longer an active code.

EFAA (LOCAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

This local policy is recommended for deletion. Changes to the Administrative Code effective May 5, 2016, deleted the requirement for a board to adopt a policy for selecting instructional materials. Instead, the rules require a board to select instructional materials in an open meeting with proper notice under the Open Meetings Act.

EGA (LEGAL) CURRICULUM DEVELOPMENT
INNOVATIVE AND MAGNET PROGRAMS

Provisions addressing innovative and magnet programs have been relocated to EHBJ. EGA is no longer an active code.

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

Based on amended State Board of Education rules effective October 23, 2016, the list of courses that a district must offer at the high school level has been updated to include the newly adopted Personal Financial Literacy course (see item 4 on page 4).

EHBJ (LEGAL) SPECIAL PROGRAMS
INNOVATIVE AND MAGNET PROGRAMS

Provisions addressing innovative and magnet programs have been relocated from EGA to this policy code.

EHBL (LEGAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY

This legally referenced policy on high school equivalency programs (HSEP) was revised to incorporate rule changes effective February 14, 2017. The changes simplified language regarding STATE ASSESSMENTS required for HSEP admission, added details on HIGH SCHOOL EQUIVALENCY TESTING, aligned text with statutory language, and removed obsolete language.

EHDB (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

Recommended revisions to this local policy on credit by examination with prior instruction are to clarify that the examinations used must be board approved and to reflect current statutory wording about failing to earn credit "or a final grade" because of excessive absences.

EIF (LOCAL) ACADEMIC ACHIEVEMENT
GRADUATION

Because House Bill 5 (83rd Legislative Session) replaced the minimum, recommended, and advanced/distinguished achievement graduation programs referenced in this policy with the foundation graduation program, this policy is recommended for deletion. Please contact your policy consultant to provide information as to whether your district will require additional credits for graduation under the foundation program and whether students may substitute certain courses and activities for physical education and fine arts credits.

EKBA (LEGAL) STATE ASSESSMENT
ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Outdated provisions on exit-level testing exemptions for English language learners have been removed from this legally referenced policy.

EL (LOCAL) CAMPUS CHARTERS

Recommended revisions to this local policy on campus charters are intended to better align with the statutory provisions and current TEA expectations and include:

- Clarification at the beginning of the policy that the term "campus charter" includes program charters;
- To provide more flexibility at APPLICATION PROCESS, a change stating that application and petition forms will be available in the central administration office or other places accessible to parents and teachers, rather than in the superintendent's office;
- Addition of a reference to the legally required CONTENT OF A CHARTER;
- Addition of a statement explaining the process that the district will use when REVISING THE CHARTER;
- Clarification regarding the PROVISIONS FOR PROBATION OR REVOCATION to explain that the board may take appropriate action against the campus charter if the charter fails to meet academic or financial accountability requirements.

FEA (LEGAL) ATTENDANCE
COMPULSORY ATTENDANCE

This legally referenced policy on compulsory attendance has been revised to better match statutory wording and to update citations.

FED (LEGAL) ATTENDANCE
ATTENDANCE ENFORCEMENT

The Education Code requires TEA to adopt rules to create MINIMUM STANDARDS for truancy prevention measures, establish a set of BEST PRACTICES, and provide for SANCTIONS against a school district found to be out of compliance with the statute. These new rules, effective January 1, 2017, have been added to this legally referenced policy, beginning on page 5.

TASB Policy Service believes that districts' current attendance policies, as recommended in the policy manual, and procedures, as recommended in the *TASB Model Student Handbook*, adequately address the best practice suggestion for an "attendance policy" that outlines truancy requirements and provisions (see item 1 on page 6). Therefore, no local policy changes are being recommended at this time.

FFEA (LEGAL) STUDENT ASSISTANCE PROGRAMS/COUNSELING
COMPREHENSIVE GUIDANCE PROGRAM

This legally referenced policy on guidance programs has been revised to better match statutory wording and to update citations.

FNCF (LEGAL) STUDENT CONDUCT
ALCOHOL AND DRUG USE

The text of the required notice regarding steroids has been moved to this legally referenced policy from FNCF(EXHIBIT). Other changes are to better match statutory wording and to update citations.

FNCF (EXHIBIT) STUDENT CONDUCT
ALCOHOL AND DRUG USE

The text of the required notice regarding steroids has been moved to FNCF(LEGAL). This exhibit is recommended for deletion.

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

The list of Penal Code TITLE 5 FELONIES has been updated and moved from FOC(EXHIBIT) to this legally referenced policy.

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

The list of Penal Code, Title 5, felony offenses in this exhibit has been moved to FOC(LEGAL). This exhibit is recommended for deletion.

G (LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G Section table of contents has been revised to change the subtitle of GKB to Advertising and Fundraising.

GKB (LOCAL) COMMUNITY RELATIONS
ADVERTISING AND FUNDRAISING

Based on numerous district requests, Policy Service recommends a revision to this local policy on advertising and fundraising to add an affirmative statement that the district shall not accept paid political advertising. This common district practice allows the district to avoid the appearance of taking sides in election matters.

Contact the district's policy consultant for a revision to your policy if the district accepts paid political advertising.

For information on political advertising, campaign communications, and electioneering involving nonschool use of school facilities [policy GKD(LOCAL)], see the First Amendment *Starting Points* available in the Policy Service Resource Library on myTASB (https://www.tasb.org/Services/Policy-Service/myTASB/Starting-Points/First-Amendment-Resources/Community/Gkd-Facilities.aspx#pitfall4).

For general information on campaigning and political advocacy, see the TASB School Law eSource (https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/Elections.aspx#Campaigns and Candidates).

ACCREDITATION

Each district must be accredited by TEA. A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

District accreditation is determined in accordance with Education Code Chapter 39, Subchapter C and rules adopted by the commissioner of education at 19 Administrative Code, Chapter 97, Subchapter EE (related to Accreditation Status, Standards, and Sanctions). *Education Code 39.051*

STATUSES

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited;
2. Accredited-warned;
3. Accredited-probation; and
4. Not accredited-revoked.

Education Code 39.051; 19 TAC 97.1055(a)(1)

Each year, the commissioner shall determine the accreditation status of each district. In determining the accreditation status of a district, the commissioner:

1. Shall evaluate and consider performance:
    a. On achievement indicators under Education Code 39.053 [see PERFORMANCE INDICATORS, below]; and
    b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].
2. May evaluate and consider:
    a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or SBOE that relate to:
        (1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;
        (2) High school graduation requirements; or
        (3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of

a disruptive student from the classroom, at-risk programs, and prekindergarten programs;

b. The effectiveness of the district's programs for special populations; and

c. The effectiveness of the district's career and technology program.

Based on a district's performance, the commissioner shall assign each district an accreditation status or revoke the accreditation of the district and order closure of the district.

A district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required by Education Code Chapter 39, Subchapter C.

Education Code 7.056(e)(3)(C)-(I), 39.052; 19 TAC 97.1055

NOTICE OF STATUS

The commissioner shall notify a district if the district has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. The district must notify the parents of students enrolled in the district and property owners in the district of the accreditation status and its implications. *Education Code 39.052(e)*

TO PARENTS AND STUDENTS

A district assigned an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked shall notify the parents of students enrolled in the district and property owners in the district as specified in 19 Administrative Code 97.1055. The district's notice must contain information about the accreditation status, the implications of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and

2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (relating to Definitions), in the district for three consecutive days as follows:

   a. From Sunday through Tuesday of the second week following assignment of the status; or

b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or

4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

TO TEA

A district required to act under this subsection shall send the following to TEA via certified mail, return receipt requested:

1. The universal resource locator (URL) for the link to the notification required above; and

2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or

3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or

4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the board meeting in which the notice was presented and publicly discussed.

19 TAC 97.1055(f)

PERFORMANCE INDICATORS

The commissioner shall adopt a set of indicators of the quality of learning and achievement.

ACHIEVEMENT

The indicators must measure and evaluate districts and campuses with respect to:

1. Improving student preparedness for success;

2. Reducing achievement gaps; and

3. Parental and community engagement.

FIVE DOMAINS

Districts and campuses must be evaluated based on five domains of indicators of achievement. The five domains include:

1. Student achievement on required assessments;

2. Student improvement on required assessments;

3. Reducing achievement gaps among students from different racial and ethnic groups and socioeconomic backgrounds;

4. Postsecondary readiness including dropout rates, graduation rates, and percentage of students completing the distinguished level of achievement; and

5. Community and student engagement.

Performance on the achievement indicators 1–4, above, shall be compared to state-established standards.

Education Code 39.053(a), (a-1), (b), (c)

QUALITY OF LEARNING

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports [see AIB]. The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];

2. The results of the SAT, ACT, articulated postsecondary degree programs, and certified workforce training programs;

3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;

4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;

5. The percentage of students provided accelerated instruction after unsatisfactory performance on a state assessment, the subject of the assessment on which each student failed to perform satisfactorily, the results of second and third administrations of the assessment, the percentage of such students promoted through the grade placement committee process, and the performance of those students in the following school year on the state assessments;

6. The percentage of students of limited English proficiency exempted from the administration of an assessment;

7. The percentage of students in a special education program assessed through alternative assessment instruments;

8. The percentage of students who satisfy the college readiness measure;

9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

A–F PERFORMANCE RATINGS

The commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Education Code 39.053(c)(1)-(4) [see FIVE DOMAINS, above].

An overall or domain performance rating of:

1. A reflects exemplary performance.

2. B reflects recognized performance.

3. C reflects acceptable performance.

4. D or F reflects unacceptable performance.

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, or C or exemplary, recognized, or acceptable performance.

Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner. If a district or campus received an overall or domain performance rating of D or F for

the preceding school year, the commissioner shall notify the district of a subsequent designation on or before June 15.

Education Code 39.054

DISTINCTION DESIGNATIONS FOR OUTSTANDING PERFORMANCE

The commissioner shall award distinction designations for outstanding performance. A distinction designation awarded to a district or campus shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the A–F performance ratings.

A district or campus may not be awarded a distinction designation unless the district or campus has acceptable performance under the A–F performance ratings.

Education Code 39.201

ACADEMIC DISTINCTION

The commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness based on the commissioner's adopted criteria. *Education Code 39.202*

CAMPUS DISTINCTION

The commissioner may award a campus a distinction designation for outstanding performance in:

1. Improvement in student achievement;
2. Closing student achievement differentials;
3. Academic achievement in English language arts, mathematics, science, or social studies; and
4. Advanced middle or junior high school student achievement.

Education Code 39.203

EXCELLENCE EXEMPTIONS

Except as listed below, a district or campus that is rated A (exemplary) is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;

b. Public school accountability;

c. Extracurricular activities;

d. Health and safety;

e. Purchasing;

f. Elementary class size limits;

g. Removal of a disruptive student from the classroom;

h. At-risk programs;

i. Prekindergarten programs;

j. Rights and benefits of school employees;

k. Special education programs; or

l. Bilingual education programs.

The commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

DISTRICT PERFORMANCE REPORT — TAPR

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

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

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

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

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

PUBLIC HEARING

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

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

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

PUBLICATION

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(d), (f)*

REPORT USES

The information in the TAPR shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

CAMPUS PERFORMANCE REPORT — SRC

Each school year, TEA shall distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the "school" report card (SRC). The intent of the SRC is to inform each student's parents or guardians about the school's performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

DISTRIBUTION

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student's residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 61.1021

WEBSITE NOTICES

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an Internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;

2. The information contained in the most recent performance report for the district;

3. The most recent accreditation status and performance rating of the district; and

4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

COMMUNITY AND STUDENT ENGAGEMENT

PERFORMANCE EVALUATION OF DISTRICT AND CAMPUSES

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

1. Community and student engagement; and

2. Compliance with statutory reporting requirements and policy requirements.

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

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

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

PROGRAMS OR CATEGORIES OF PERFORMANCE

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

1. Fine arts;

2. Wellness and physical education;

3. Community and parental involvement, such as opportunities for parents to assist students in preparing for state assessments, tutoring programs that support students taking state

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

4. The 21st Century Workforce Development program;

5. The second language acquisition program;

6. The digital learning environment;

7. Dropout prevention strategies; and

8. Educational programs for gifted and talented students.

NOT APPLICABLE

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

OVERALL PERFORMANCE RATING

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

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

COMPLIANCE CRITERIA

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

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

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

COMPONENT OF OVERALL DISTRICT AND CAMPUS RATING

Before the beginning of each school year, a district and each campus shall:

1. Select and report to TEA three programs or categories above [at PROGRAMS OR CATEGORIES OF PERFORMANCE] under which it will evaluate its performance;

2. Submit to TEA the criteria it will use to evaluate its performance and assign a performance rating; and

3. Make the information available on the district's website.

PERFORMANCE RATINGS

Based on the evaluation, a district shall assign the district and each campus shall assign the campus a performance rating of A, B, C, D, or F, for both overall performance and for each program or category evaluated. An overall or a program or category performance rating of:

1. A reflects exemplary performance.
2. B reflects recognized performance.
3. C reflects acceptable performance.
4. D or F reflects unacceptable performance.

REPORTING

On or before the date determined by the commissioner by rule, a district and each campus shall report each performance rating to TEA for the purpose of including the rating in evaluating school district and campus performance and assigning an overall rating under Education Code 39.054.

Education Code 39.0546

STUDENT PERFORMANCE REPORT

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

NOTICE TO PARENTS

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

NOTICE TO TEACHERS AND STUDENTS

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

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

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

Education Code 39.304

FEDERAL REPORT CARD

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

IMPLEMENTATION

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

MINIMUM REQUIREMENTS

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;

2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

MONITORING REVIEWS AND ON-SITE INVESTIGATIONS

The commissioner of education may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements; and
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39.

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary.

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. The agency shall give written notice to the superintendent and the board of any impending monitoring review.

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based.

Education Code 7.028, 39.056

SPECIAL ACCREDITATION INVESTIGATIONS

The commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the agency of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;

5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;

6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If the agency's findings indicate the board has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;

8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;

9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;

10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

11. When resource allocation practices indicate a potential for significant improvement in resource allocation;

12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers;

15. In response to a complaint with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is

used by the agency to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39; or

16. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.058(a)*

Based on the results of a special accreditation investigation, the commissioner may:

1. Take appropriate action under Education Code, Chapter 39, Subchapter E [see INTERVENTIONS AND SANCTIONS below];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Regardless of whether the commissioner lowers the accreditation status or a district's or campus's performance rating, the commissioner may impose one of the district- or campus-level interventions or sanctions listed at items 1 through 8 at INTERVENTIONS AND SANCTIONS.

Education Code 39.057(d), (e)

INTERVENTIONS AND SANCTIONS

DISTRICT-LEVEL

If a district does not satisfy the accreditation criteria, the academic performance standards, or any financial accountability standard, or if considered appropriate by the commissioner on the basis of a special accreditation investigation under Education Code 39.057, the commissioner shall take any of the following actions to the extent the commissioner determines necessary:

1. Issue public notice of the deficiency to the board;

2. Order the board to conduct a hearing to notify the public of insufficient performance, expected improvements, and potential interventions and sanctions;

3. Order the preparation of a student achievement improvement plan;

4. Order the president of the board and superintendent to appear at a hearing before the commissioner or designee to ex-

plain the district's low performance, lack of improvement, and plans for improvement;

5. Arrange a monitoring review;

6. Appoint a TEA monitor to participate in and report to TEA on the activities of the board and superintendent;

7. Appoint a conservator to oversee district operations. The duties and powers of a conservator are set forth at Education Code 39.111;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance, or require the district to obtain certain services under contract with another person. The duties and powers of a management team are set forth at Education Code 39.111;

9. If the district's status is accredited-warned or accredited-probation, or if the district fails to satisfy any standard under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement), appoint a board of managers to exercise the powers and duties of the board. The duties and powers of a board of managers are set forth at Education Code 39.112;

10. If the district has received a status of accredited-warned or accredited-probation for two consecutive school years, including the current school year, has failed to satisfy any standards under Section 39.054(e) (student achievement indicators in relation to state standards and required improvement), or has failed to satisfy financial accountability standards, revoke the district's accreditation and:

    a. Order closure of the district and annex it to one or more adjoining districts; or

    b. In the case of a home-rule school district, order closure of all programs operated under the district; or

11. If the district has failed to satisfy any student achievement indicator standard due to the district's dropout rates, impose sanctions designed to improve high school completion rates.

Education Code 39.102(a)

If a district has had a conservator or management team assigned for two consecutive school years, the commissioner may appoint a board of managers to exercise the powers and duties of the district's board. The majority of the board of managers must be residents of the district. *Education Code 39.102(b)*

CAMPUS-LEVEL

If a campus's performance is below any standard under Education Code 39.054(e) [see AIA], the campus shall engage in the Texas Accountability Intervention System (TAIS) continuous improvement process. *19 TAC 97.1061(a)*

If a campus's performance satisfies performance standards under Education Code 39.054(e) [see AIA] for the current school year, but would not satisfy the standards for the following school year, the commissioner may request that the campus-level committee revise and submit the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. *Education Code 39.105(a)*

If a campus's performance is below any standard under Education Code 39.054(e) [see AIA], the commissioner shall take actions, to the extent the commissioner determines necessary, under Education Code Chapter 39, Subchapter E. If the commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar interventions under federal accountability requirements, the commissioner may accept those measures. *Education Code 39.103(a), (c)*

In addition, the commissioner may:

1. Order the president of the board, superintendent, and the campus principal to appear at a hearing before the commissioner or designee to explain the campus's low performance, lack of improvement, and plans for improvement; or

2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the commissioner.

Education Code 39.103(b)

CAMPUS INTERVENTION TEAM

The commissioner shall assign a campus intervention team (CIT) to a campus whose performance is below any standard. [See Education Code 39.113 and 19 Administrative Code 97.1063 for composition of the CIT.] *Education Code 39.106*

The CIT shall perform the duties outlined in Education Code 39.106 and 39.107, and oversee the activities outlined in 19 Administrative Code 97.1061(a) (relating to Interventions and Sanctions for Campuses) and 19 Administrative Code 97.1064 (relating to Campus Turnaround Plan) in collaboration with the campus leadership team (CLT) as outlined in 19 Administrative Code 97.1061(a) and 97.1064. CIT members and the campus principal shall attend TEA-sponsored trainings on interventions and sanctions. *19 TAC 97.1063*

The CIT shall:

1. Conduct an on-site needs assessment, as set forth at Education Code 39.106(a)(1) and (b);

2. Recommend appropriate actions relating to any area of insufficient performance, as set forth at Education Code 39.106(c);

3. Assist in the development of a targeted improvement plan, and in the execution of the plan as set forth at Education Code 39.106(d-3);

4. Conduct a public meeting at the campus, as set forth at Education Code 39.106(a)(4) and (a-1);

5. Assist the campus in submitting the targeted improvement plan to the board and the commissioner for approval, and presenting the plan in a public hearing as provided by Education Code 39.106(e-1); and

6. Assist the commissioner in monitoring the campus's progress in implementing the targeted improvement plan.

Education Code 39.106

The CIT shall also:

1. Conduct a data analysis related to areas of low performance;

2. Conduct a needs assessment based on the results of the data analysis;

3. Assist in the creation of a targeted improvement plan, as follows:

    a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251; parents; and community members, prior to the development of the targeted improvement plan, using the following steps.

        (1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.

        (2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that

reach the general public, and the parent liaison, if present on the campus.

(3) All input provided by family and community members should be considered in the development of the final targeted improvement plan submitted to TEA.

b. The completed targeted improvement plan must be presented at a public hearing and approved by the board.

c. The targeted improvement plan must be submitted to the commissioner for approval according to TEA procedures and guidance; and

4. Assist the commissioner in monitoring the implementation of the targeted improvement plan. The campus will submit updates to TEA as requested.

19 TAC 97.1061(d)

After a targeted improvement plan or updated plan is submitted to the board, the board shall:

1. Conduct a hearing for the purpose of notifying the public of insufficient performance, expected improvements, and possible intervention measures and sanctions, and soliciting public comment on the plan. The board may conduct one hearing for one or more campuses.

2. Post the plan on the district's Internet website before the hearing; and

3. Submit the plan to the commissioner for approval.

Education Code 39.106(d), (e-1)

CAMPUS TURNAROUND PLAN—UNACCEPTABLE FOR TWO YEARS

After a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a turnaround plan.

A CIT shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan. An updated targeted improvement plan must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board of trustees;

2. Submitting the plan to the board for approval and presenting the plan in a public hearing;

3. Obtaining approval of the plan from the commissioner; and

4. Executing the plan.

Education Code 39.107(a), (a-1), (b-3); 19 TAC 97.1061(e), .1064(a)

NOTICE AND OPPORTUNITY TO REVIEW

Within 60 days of receiving a campus's preliminary accountability rating, the district, in consultation with the CIT, shall provide notice to parents, community members, and stakeholders that the campus received an academically unacceptable performance rating for two consecutive years and request assistance in developing a campus turnaround plan. The district shall request assistance from parents, the community, and stakeholders in developing the campus turnaround plan.

The district shall notify stakeholders of their ability to review the completed plan on the district website at least 30 days before the final plan is submitted to the board. All input provided by family, community members, and stakeholders must be considered in the development of the final campus turnaround plan submitted to TEA. *Education Code 39.107(a-2); 19 TAC 97.1064(d)*

The district, in consultation with the CIT, shall prepare the campus turnaround plan and provide the following groups an opportunity to review and comment on the completed plan before it is submitted for approval to the board:

1. The campus-level committee established under Education Code 11.251. If the campus is not required to have a campus-level committee, the district shall provide an opportunity for professional staff at the campus to review and comment on the campus turnaround plan;

2. Teachers at the campus;

3. Parents; and

4. Community members.

A district may request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan or partner with an institution of higher education to develop and implement a campus turnaround plan. *Education Code 39.107(b), (b-2); 19 TAC 97.1064(c), (e)*

Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. *19 TAC 97.1064(g)*

CONTENTS OF PLAN

A campus turnaround plan must include:

1. A detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;
2. The term of the charter, if a district charter is to be granted for the campus under Education Code 12.0522 [see EL];
3. Written comments from the campus-level committee [see BQB], if applicable, parents, and teachers at the campus; and
4. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources.

The plan must include details on the method for restructuring, reforming, or reconstituting the campus. If the district determines that granting a district charter under Education Code 12.0522 is appropriate for the campus, the campus turnaround plan must provide information on the implementation of the district charter. The plan must assist the campus in implementing procedures to satisfy all performance standards required under Education Code 39.054(e).

Education Code 39.107(b), (b-1); 19 TAC 97.1064(f)

A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an academically unacceptable performance rating. *Education Code 39.107(b-4)*

IMPLEMENTATION

Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the CIT, may take any actions needed to prepare for the implementation of the plan.

If a campus is assigned an unacceptable rating under Education Code 39.054(e), for a third or fourth consecutive year, the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064 (relating to Campus Turnaround Plan).

If a campus for which a campus turnaround plan has been ordered receives an academically acceptable performance rating for the school year following the order, the board may implement the campus turnaround plan, implement a modified version of the campus turnaround plan, or withdraw the campus turnaround plan.

A district required to implement a campus turnaround plan may modify the plan if the campus receives an academically acceptable performance rating for two consecutive school years following the implementation of the plan.

The campus shall implement the updated targeted improvement plan. The commissioner may appoint a monitor, conservator, management team, or board of managers to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted plan.

Education Code 39.107(b-5)–(b-7), (c); 19 TAC 97.1061(f), .1064(h)

COMMISSIONER APPROVAL

The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Education Code 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. If the commissioner does not make this determination, the commissioner shall order:

1. Appointment of a board of managers to govern the district as provided at Education Code 39.112(b);
2. Alternative management of the campus; or
3. Closure of the campus.

Education Code 39.107(d)

UNACCEPTABLE FOR THREE ADDITIONAL YEARS

If the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, the commissioner shall order appointment of a board of managers for the district or closure of the campus. *Education Code 39.107(e); 19 TAC 97.1061(g)*

CLOSURE

If the commissioner orders the closure of a campus, that campus may be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and serves a majority of grade levels at the repurposed campus not served at the original campus, and approves a new campus identification number for the campus. The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year. Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus. The commissioner may grant an exemption allowing students assigned to a closed

campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll. *Education Code 39.107(e-1); 19 TAC 97.1066*

BOARD OF MANAGERS

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to a turnaround order, including amending the district's budget, reassigning staff, or relocating academic programs.

The commissioner may remove a board of managers only if the campus receives an academically acceptable performance rating for two consecutive school years. If the campus receives an academically unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

Education Code 39.107(e-4), (f)

The board of managers must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies.

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the district in accordance with applicable provisions of law and 19 Administrative Code 97.1073. Except as provided by this subsection, the members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires. An individual elected to the board of trustees at an election ordered under this subsection assumes and may exercise all powers and duties of that office at the first official board meeting where the replacement of the member of the board of managers with the elected board of trustee member occurs and after satisfying all legal and procedural prerequisites to take office.

Any member of the board of trustees elected during the appointment of the board of managers who has not yet assumed the powers and duties of a member of the board of trustees will not be considered for purposes of constitution of a quorum.

Not later than the second anniversary of the date the board of managers of a district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Fol-

lowing each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the school district board of trustees who were elected at an election ordered under this subsection that constitutes, as closely as possible, one-third of the membership of the board of trustees. On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39.112(d-1)–(d-2), (e), (g); 19 TAC 97.1073

If, before the second anniversary of the date the board of managers of a district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years. *Education Code 39.112(f)*

PARENT REQUEST

The commissioner shall order the specific action (appointment of board of managers or closure) requested by the parents of a majority of students enrolled at the campus, if the commissioner is presented, in the time and manner specified by commissioner rule, a written petition signed by the parents. The signature of only one parent per student is required.

If the board of the district in which the campus is located presents a written request that the commissioner order a specific action (appointment of board of managers or closure) other than the action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board. The board's request must be presented to the commissioner in the time and manner specified by commissioner rule.

Education Code 39.107(e-2)–(e-3)

ALTERNATIVE MANAGEMENT

Following the removal of a board of managers under Education Code 39.107(f), or at the request of a managing entity appointed under Education Code 39.107(d) to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan. *Education Code 39.107(g)*

The district shall execute a contract with a managing entity for a term not to exceed five years. The commissioner may require a district to extend the term of the contract if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. If a campus receives an academically unacceptable performance rating for two consecutive school years after the managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. *Education Code 39.107(g-1)*

Subject to Education Code 39.107(e), at the end of the contract term with a managing entity or the cancellation of a contract with a managing entity under Education Code 39.107(g-1), the board of trustees shall resume management of the campus. *Education Code 39.107(g-2)*

TRANSITIONAL INTERVENTIONS AND SANCTIONS

For a campus that received an academically unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Education Code Chapter 39 as that chapter existed on January 1, 2015. If the campus receives an academically unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(e).

For a campus that received an academically acceptable performance rating for the 2013–14 school year and an academically unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(a). If the campus receives an academically unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(e).

Education Code 39.1071

If the commissioner determines that the basis for the unsatisfactory performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39.107(i)*

NO NAME CHANGE

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of a campus be changed. *Education Code 39.115*

PROFESSIONAL SERVICES

In addition to the other authorized interventions and sanctions, the commissioner may order a district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or
2. Provide for or participate in the appropriate training of district staff or board members, in the case of a district, or campus staff in the case of a campus.

Education Code 39.109

COSTS OF INTERVENTIONS AND SANCTIONS

The costs of providing a monitor, conservator, management team, CIT, technical assistance team, managing entity, or service provider shall be paid by the district.

If the district fails or refuses to pay the costs in a timely manner, the commissioner may pay the costs using amounts withheld from any funds to which the district is otherwise entitled, or recover the costs in the manner provided for recovery of an overallocation of state funds under Education Code 42.258.

Education Code 39.110

APPEALS

The commissioner shall provide a process for a district to challenge an academic or financial accountability rating. A district may not challenge an academic or financial accountability rating in another proceeding if the district had an opportunity to challenge the decision under the process provided by the commissioner. *Education Code 39.151*

Note: The following provisions apply to a district with a central administrative office that is located in a county with a population of more than two million and that has a student enrollment that is more than 125,000 and less than 200,000, and that is operating under a turnaround plan.

STUDENT BOARD MEMBER

Notwithstanding Education Code 11.051(b) (regarding number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. *Education Code 11.0511*

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

MEMBERS' EXPENSES

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

NONMEMBERS' EXPENSES

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

TRAVEL SERVICES

An officer of a school district who is engaged in official business may participate in the comptroller's contract for travel services. *Gov't Code 2171.055(f); 34 TAC 20.406(b)(2)(F)*

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

UNITED STATES CONSTITUTION

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. When the board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia, 515 U.S. 819, 828 (1995); City of Madison v. Wis. Emp. Rel. Comm'n, 429 U.S. 167, 176 (1976); Pickering v. Bd. of Educ., 391 U.S. 563, 568 (1968)*

A board may create a limited public forum for the purpose of hearing comments from the public so long as:

1. The board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010)

TEXAS CONSTITUTION

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

PUBLIC COMMENT

As long as the requirements of the Open Meetings Act are satisfied and the right of citizens to apply to a board for redress of their grievances is not abridged, the board need not provide a public forum for every citizen wishing to express an opinion on a matter. Reasonable restraints on the number, length, and frequency of presentations are permissible. A board may limit the number of persons it will hear on a particular subject and the frequency with which they may appear, so long as the regulation does not abridge constitutionally guaranteed rights of freedom of speech and to petition, nor unfairly discriminate among views seeking expression. *Atty. Gen. Op. H-188 (1973)*

DISRUPTION

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance

and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

A board may choose to not renew the employment of a superintendent employed under a term contract, effective at the end of the contract period. *Education Code 21.212(a)*

REASONS

A board shall adopt policies that establish reasons for nonrenewal. *Education Code 21.212(d)*

NOTICE

If a majority of the board determines that the superintendent's contract should be considered for nonrenewal, the board shall give the superintendent written notice, containing reasonable notice of the reason for the proposed nonrenewal, not later than the 30th day before the last day of the contract term. *Education Code 21.212(a)*

If the board fails to give notice of proposed nonrenewal within the time specified above, the board shall employ the superintendent in the same professional capacity for the following school year. *Education Code 21.212(b)*

HEARING

If the superintendent desires a hearing after receiving notice of the proposed nonrenewal, the superintendent shall notify the board in writing not later than the 15th day after receiving the notice. The board shall provide for a hearing to be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date. The hearing must be closed unless the superintendent requests an open hearing. The hearing must be conducted in accordance with rules adopted by the board. The board may use the process described at DFD(LEGAL) pertaining to hearings before a hearing examiner. At the hearing, the superintendent may:

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

Education Code 21.207

BOARD DECISION HEARING

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)*

If the superintendent requests a hearing, following the hearing the board shall take the appropriate action to renew or nonrenew the contract and notify the superintendent in writing of that action not later than the 15th day following the conclusion of the hearing. *Education Code 21.208(b)*

NO HEARING

If the superintendent does not request a hearing, the board shall take the appropriate action and notify the superintendent in writing of that action not later than the 30th day after the date the board sends the notice of proposed nonrenewal. *Education Code 21.212(c)*

PLANNING AND DECISION-MAKING PROCESS

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

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g), .252(e), .253(f)

EVALUATION

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

ADMINISTRATIVE PROCEDURE

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

Education Code 11.251(d)

FEDERAL REQUIREMENTS

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

REQUIRED PLANS

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

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

SHARED SERVICES ARRANGEMENT FOR DAEP SERVICES

A district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b)

DISTRICT IMPROVEMENT PLAN

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all stu-

dent groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.

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

3. Strategies for improvement of student performance that include:

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

    b. Methods for addressing the needs of students for special programs, including:

        (1) Suicide prevention programs, in accordance with Health and Safety Code Chapter 161, Subchapter O-1, which includes a parental or guardian notification procedure [see FFB];

        (2) Conflict resolution programs;

        (3) Violence prevention programs; and

        (4) Dyslexia treatment programs.

    c. Dropout reduction.

    d. Integration of technology in instructional and administrative programs.

    e. Discipline management.

    f. Staff development for professional staff of a district.

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

    h. Accelerated education.

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

a. Higher education admissions and financial aid opportunities.

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

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

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

5. Resources needed to implement identified strategies.

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

7. Timelines for ongoing monitoring of the implementation of each improvement strategy.

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

Education Code 11.252(a)

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

10. A dating violence policy that must:

a. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and

b. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.0831 [See FFH]

11. A policy addressing sexual abuse and other maltreatment of children that must include:

a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by TEA. These methods must include the staff training described at Education Code 38.0041(c) [see DMA];

b. Actions that a child who is a victim of sexual abuse or other maltreatment should take to obtain assistance and intervention; and

c. Available counseling options for students affected by sexual abuse or other maltreatment.

The policy must be included in any informational handbook provided to students and parents.

Education Code 38.0041

A district's plan for the improvement of student performance is not filed with TEA, but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

CAMPUS-LEVEL PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set time lines for reaching the goals.

7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.

8. Provide for a program to encourage parental involvement at the campus.

9. Include goals and methods for violence prevention and intervention on campus.

10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:

    a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;

    b. Student academic performance data;

    c. Student attendance rates;

    d. The percentage of students who are educationally disadvantaged;

    e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and

    f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

COMMITTEE

A district's policy and procedures shall establish a district level planning and decision-making committee as provided by Education Code 11.251(b)–(e).

The committee shall include representative professional staff, parents of students enrolled in the district, business representatives, and community members. *Education Code 11.251(b)*

PROFESSIONAL STAFF

A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the district-level committee. If practicable, the committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members.

Education Code 11.251(e)

PARENTS

Board policy shall provide procedures for the selection of parents to the district-level committee.

For purposes of establishing the composition of the committee:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of a district is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

Education Code 11.251(c), (e)

BUSINESS REPRESENTATIVES AND COMMUNITY MEMBERS

Board policy must provide procedures for the selection of community members and business representatives to serve on the district-level committee in a manner that provides for appropriate representation of the community's diversity.

The committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

MEETINGS

A board shall establish a procedure under which the district-level committee holds regular meetings. The board or designee shall periodically meet with the district-level committee to review the committee's deliberations. *Education Code 11.251(b)*

PUBLIC MEETINGS

The district-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from TEA for the purpose of discussing the performance of a district and the district performance objectives. *Education Code 11.252(e)*

COMMUNICATIONS

District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. *Education Code 11.252(e)*

CONSULTATION

A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program. *Education Code 11.252(f)*

RESPONSIBILITIES

DISTRICT PLAN

The district-level committee shall assist the superintendent with the annual development, evaluation, and revision of the district improvement plan. *Education Code 11.252(a)* [See DISTRICT IMPROVEMENT PLAN at BQ(LEGAL)]

Each school district shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a), conducted biennially, to review and revise, as appropriate, the district-level improvement plan, and for other purposes, as appropriate to enhance the district learning environment. *Education Code 7.065(e)*

DROPOUT PREVENTION REVIEW

A district-level committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
    a. Do not complete the program,
    b. Complete the program but do not take the high school equivalency examination, or

c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and

5. The results of an evaluation of each school-based dropout prevention program in a district.

Each district-level committee shall use the information in developing the district improvement plan.

Education Code 11.255

STAFF DEVELOPMENT

For staff development under Education Code 21.451(a), a district may use district-wide staff development developed and approved through the district-level decision process. *Education Code 21.451(c)* [See DMA]

Note: See BF for information on the committee's role in requesting waivers.

A district shall maintain policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. *Education Code 11.253(a)*

COMMITTEES

A district's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)–(e).

The committees shall include representative professional staff, parents of students enrolled in a district, business representatives, and community members.

Education Code 11.251(b), .253(b)

PROFESSIONAL STAFF

A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the campus-level committees. If practicable, a committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members.

Education Code 11.251(e)

PARENTS

Board policy shall provide procedures for the selection of parents to the campus-level committees.

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of a district is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

Education Code 11.251(c), (e)

BUSINESS REPRESENTATIVES AND COMMUNITY MEMBERS

Board policy must provide procedures for the selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

A committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

MEETINGS

A board shall establish a procedure under which campus-level committees hold regular meetings. *Education Code 11.251(b)*

PUBLIC MEETING

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from TEA to discuss the performance of the campus and the campus performance objectives. *Education Code 11.253(g)*

COMMUNICATIONS

District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g*)

CONSULTATION

A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. *Education Code 11.253(h)*

RESPONSIBILITIES

In accordance with the administrative procedures established under Education Code 11.251(b) [see BQ], the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.251(d)*

CAMPUS IMPROVEMENT PLAN

Each school year, the campus-level committee shall assist the campus principal with the development, review, and revision of the campus improvement plan. *Education Code 11.253(c)* [See CAMPUS-LEVEL PLAN at BQ(LEGAL)]

Each school district shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a), conducted biennially, to review and revise, as appropriate, the campus-level improvement plans, and for other purposes, as appropriate to enhance the campus learning environment. *Education Code 7.065(e)*

STAFF DEVELOPMENT

The campus-level committee must approve the portions of the campus plan addressing campus staff development needs. *Education Code 11.253(e)*

The staff development described by Education Code 21.451(a) must be predominantly campus-based, related to achieving campus performance objectives established under Education Code 11.253, and developed and approved by the campus-level committee. *Education Code 21.451(b)* [See DMA]

DROPOUT PREVENTION REVIEW

A campus-level committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
    a. Do not complete the program;
    b. Complete the program but do not take the high school equivalency examination; or
    c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the district.

A campus-level committee shall use the information in developing the campus improvement plan.

Education Code 11.255

PRINCIPAL PERFORMANCE INCENTIVES

A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.264(a). *Education Code 21.357(c)*

Note: See BF for information on the committee's role in requesting waivers.

BOARD AUTHORITY

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

DELEGATION OF AUTHORITY

A board may delegate its authority regarding an action authorized or required to be taken by a district by Education Code Chapter 44, Subchapter B, to a designated person, representative, or committee.

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

DISASTER EXCEPTION

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement or repair of school equipment under Education Code Chapter 44, Subchapter B if emergency replacement or repair is necessary for the health and safety of district students and staff.

Education Code 44.0312

PURCHASES VALUED AT OR ABOVE $50,000

All district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, 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 a district:

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

Education Code 44.031(a)

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

FACTORS

In awarding a contract, a district shall consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the goods or services.
8. For a contract that is not for goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

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

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vend-*

ing v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).

OUT-OF-STATE BIDDERS

A board shall not award a contract for services 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 greater of 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, or a state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.001–.002*

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

DISCLOSURE OF INTERESTED PARTIES

A district may not enter into a contract that requires an action or vote of the board before the contract may be signed, or has a value of at least $1 million, with a business entity unless the business entity submits a disclosure of interested parties to the district at the time the business entity submits the signed contract to the district. *Gov't Code 2252.908*

A contract does not require an action or vote by the board if the board has legal authority to delegate to its staff the authority to execute the contract, the board has delegated this authority, and the board does not participate in the selection of the business entity with which the contract is entered into. *1 TAC 46.1(c)*

REQUIRED FORM

The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (TEC) that includes a list of each interested party for the contract of which the contracting business entity is aware; and the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury. *Gov't Code 2252.908(e); 1 TAC 46.5(a)*

The certification of filing and the completed disclosure of interested parties form generated by TEC's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the district that is the party to the contract for which the form is being filed. *1 TAC 46.5(b)*

DEADLINE

A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later

than the 30th day after the date the board receives the disclosure. *1 TAC 46.5(c); Gov't Code 2252.908(f)*

CONTRACT CHANGES

The disclosure requirements do not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract except as set out below.

The disclosure requirements apply to a change made to an existing contract, including an amendment, change order, or extension of a contract if:

1. A disclosure of interested parties form was not filed for the existing contract; and either the changed contract requires an action or vote by the board or the value of the changed contract is at least $1 million; or

2. The business entity submitted a disclosure of interested parties form to the district that is a party to the existing contract; and either there is a change to the disclosure; or the changed contract requires an action or vote by the board; or the value of the changed contract is at least $1 million greater than the value of the existing contract.

1 TAC 46.4

DEFINITIONS

"Contract" means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. *1 TAC 46.3(a)*

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the entity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. *Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)*

"Interested party" means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. *Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)*

"Controlling interest" means:

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent;

2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten members; or

3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This subsection does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

"Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature. *1 TAC 46.3(f)*

"Value" of a contract is based on the amount of consideration received or to be received by a business entity from a board under the contract. *1 TAC 46.3(g)*

[See BBFA for additional conflict of interest disclosures.]

CONTRACT WITH PERSON INDEBTED TO DISTRICT

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

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

Education Code 44.044

NOTICE PUBLICATION

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

ELECTRONIC BIDS OR PROPOSALS

A district may receive bids or proposals through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

An electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

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, attorney, certified public accountant, engineer, or fiscal agent.

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

Education Code 44.031(f)

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

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

[See also CV]

EMERGENCY DAMAGE OR DESTRUCTION

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

COMPUTERS

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts with the DIR in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

AUTOMATED INFORMATION SYSTEM

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method listed above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391*

AUTOMATED EXTERNAL DEFIBRILLATORS

A school that purchases or leases an automated external defibrillator, as defined by Health and Safety Code 779.001, shall ensure that the defibrillator meets standards established by the federal Food and Drug Administration. *Education Code 44.047*

SOLE SOURCE

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

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

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

Education Code 44.031(j)–(k)

INSURANCE

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

MULTIYEAR CONTRACTS

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

COMPETITIVE BIDDING

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a school district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see FACTORS, above].

Except as provided below, Local Government Code Chapter 271, Subchapter B does not apply to a competitive bidding process under this policy.

Education Code 44.0351

OPENING BIDS

Bids may be opened only by a board at a public meeting or by an officer or employee of a district at or in an office of the district. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. *Local Gov't Code 271.026*

A board shall have the right to reject any and all bids. *Local Gov't Code 271.027(a)*

SAFETY RECORD

In determining who is a responsible bidder, a board may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution, provided that:

1. The board has adopted a written definition and criteria for accurately determining the safety record of the bidder.
2. The board has given notice in the bid specifications that the safety record of a bidder may be considered in determining the bidder's responsibility.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

IDENTICAL BIDS

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

If only one of the bidders submitting identical bids is a resident of a district, that bidder shall be selected. If two or more such bidders are residents of a district, one shall be selected by the casting of

lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

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

Local Gov't Code 271.901

COMPETITIVE SEALED PROPOSALS

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a school district shall follow the procedures prescribed below.

REQUEST FOR PROPOSALS

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

OPENING PROPOSALS

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

SELECTION

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

BEST VALUE DETERMINATION

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

Education Code 44.0352

INTERLOCAL AGREEMENTS

To increase efficiency and effectiveness, a district may contract or agree with other local governments and with state agencies, including the comptroller, to perform some of its purchasing functions. *Gov't Code 791.001, .011, .025*

An interlocal contract must be authorized by a board and the governing body of each contracting party; must state the purpose,

terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. The contract may be renewed and may have a specified term of years.

Gov't Code 791.011(d)–(f), (i)

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

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

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

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than $50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Chapter 1001 or 1051, Occupations Code; or

2. The plans and specifications required under Chapters 1001 and 1051, Occupations Code, have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

STATE PURCHASING PROGRAM

Purchasing services performed for a district by the comptroller shall include:

1. The extension of state contract prices to a district when the comptroller considers it feasible.

2. Solicitation of bids on items desired by a district if the solicitation is considered feasible by the comptroller and is desired by the district.

3. Provision of information and technical assistance to a district about the purchasing program.

The comptroller may charge a district its actual costs in providing purchasing services.

Local Gov't Code 271.082

DISTRICT REQUIREMENTS

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

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract.

2. Direct the decisions of its representative.

3. Be responsible for:

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

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

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

A purchase made through participation in this program meets any state requirement to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

MULTIPLE AWARD CONTRACT SCHEDULE

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state.

A district may purchase goods or services directly from a vendor under a contract listed on a schedule. An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals and satisfies any applicable requirements of Government Code 2157.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155, Subch. I

COOPERATIVE PURCHASING PROGRAM

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. If a district does so, it may sign an agreement with another participating local government or a local cooperative stating that the district will:

1. Designate a person to act on behalf of the district in all matters relating to the program.
2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.
3. Be responsible for the vendor's compliance.

If a district participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

CONTRACT-RELATED FEE

A school district that enters into a purchasing contract valued at $25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

Education Code 44.0331

STATE COUNCIL ON COMPETITIVE GOVERNMENT

As approved by the State Council on Competitive Government, a district may voluntarily participate in a contract awarded by the council or a state agency under Government Code 2162. A district that purchases goods or services under this type of contract is considered to have satisfied any state law requiring competitive purchasing. *Gov't Code 2162.102(d)*

REVERSE AUCTION

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

Reverse auction procedure means:

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

Gov't Code 2155.062(d)

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

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 general 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

ENERGY OR WATER CONSERVATION MEASURES

A district may contract for energy or water conservation measures. Such a contract shall be let according to the procedures established for professional services by Government Code 2254.004.

A board shall establish a long-range energy plan to reduce a district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan.

Education Code 44.901–.902 [See policy CL for legal requirements pertaining to such contracts and plans.]

RECYCLED PRODUCTS

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. A district shall regularly review and revise its purchasing procedures and specifications for purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials.
2. Encourage the use of products made of recycled materials.
3. Ensure to the maximum extent economically feasible that the district purchase products that may be recycled when they have served their intended use.

A district may seek an exemption from compliance if it has a population of less than 5,000 within its geographic boundaries and demonstrates to the Water Commission that compliance would work a hardship on the district.

Health and Safety Code 361.426

AGRICULTURAL PRODUCTS

If the cost and quality are equal, a district shall give preference in purchasing to agricultural products, including textiles and other similar products, that are produced, processed, or grown in Texas. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If Texas agricultural products are not equal

in cost and quality to other agricultural products, a district shall give preference in purchasing to agricultural products produced, processed, or grown in the United States, if the cost and quality of the U.S. and foreign products are equal.

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

VEGETATION FOR LANDSCAPING

If cost is equal and the quality is not inferior, a district shall give preference to Texas vegetation when it purchases vegetation for landscaping purposes.

Education Code 44.042

BUS PURCHASE OR LEASE

Each contract proposed for the purchase or lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)* [See CNB]

RIGHT TO WORK

While engaged in procuring goods and services or awarding a contract, a district:

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

Education Code 44.043

LOBBYING RESTRICTION: TOBACCO EDUCATION GRANT FUNDS

A district may not spend grant funds it receives from the Permanent Fund for Tobacco Education and Enforcement to pay:

1. Lobbying expenses incurred by the district;
2. A person or entity that is required under Government Code Chapter 305 to register as a lobbyist with the Texas Ethics Commission;
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity of a registered lobbyist (as described in item 2); or
4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067

CRIMINAL HISTORY

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

IMPERMISSIBLE PRACTICES

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

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

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

Education Code 44.032

INJUNCTION

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

NOTIFICATION OF CRIMINAL HISTORY

A person or business entity that enters into a contract with a district must give notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give such notice or misrepresented the conduct resulting in the conviction. A district must compensate the person or business entity for services performed before the termination of the contract. *Education Code 44.034*

CRIMINAL HISTORY RECORD INFORMATION REVIEW

CONTRACTOR RESPONSIBILITIES

EMPLOYED BEFORE JANUARY 1, 2008

An entity that contracts with a district to provide services and any subcontractor of the entity shall obtain from any law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to an employee of the entity who is employed before January 1, 2008, and who is not subject to a national criminal history record information review under Education Code 22.0834(b) if:

1. The employee has continuing duties related to the contracted services; and
2. The employee has direct contact with students.

Education Code 22.0834(g)

EMPLOYMENT OFFERED ON OR AFTER JANUARY 1, 2008

A person who, on or after January 1, 2008, is offered employment by an entity that contracts with a school district or any subcontractor of the entity must submit to a national criminal history record information review if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and
2. The employee or applicant has or will have direct contact with students.

The person must submit to the review before being employed or serving in a capacity described above.

An entity contracting with a school district and any subcontractor of the entity shall obtain all criminal history record information that relates to a person described above through the criminal history clearinghouse as provided by Government Code 411.0845.

A contracting entity shall require that a subcontracting entity obtain all criminal history record information that relates to a person described above.

Education Code 22.0834(a), (b), (d), (l)

CERTIFICATION TO DISTRICT

The entity and any subcontractor of the entity shall certify to the school district that it received all of the criminal history record information required above. The entity and any subcontractor of the entity shall also certify that it will take reasonable steps to ensure that the conditions or precautions that have resulted in a determination that any person is not a covered contract employee continue to exist throughout the time that the contracted services are provided. *Education Code 22.0834(d), (l); 22 TAC 153.1117(c)(5)*

A subcontracting entity must certify to the district and the contracting entity that the subcontracting entity has obtained all criminal history record information that relates to an employee described above at EMPLOYMENT OFFERED ON OR AFTER JANUARY 1, 2008, and has obtained similar written certifications from the subcontracting entity's subcontractors. *Education Code 22.0834(n)*

A contracting entity and any subcontractor of the entity shall provide a school district, at its request, the information necessary for the school district to obtain criminal history record information for all covered contract employees. *22 TAC 153.1117(c)(4)*

A contracting entity complies with the requirements of this section if the contracting entity obtains a written statement from each subcontracting entity certifying that the subcontracting entity has obtained the required criminal history record information for employees of the subcontracting entity and the subcontracting entity has obtained certification from each of the subcontracting entity's subcontractors. *Education Code 22.0834(m)*

DISQUALIFYING CONVICTION

A contracting or subcontracting entity may not permit a person described above at EMPLOYMENT OFFERED ON OR AFTER JANUARY 1, 2008, to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Education Code 22.085(a). *Education Code 22.0834(o)*

A service contractor shall not permit a covered contract employee to provide services at a district if the employee has a disqualifying conviction under Education Code 22.085. *22 TAC 153.1117(c)(6)*

DISTRICT RESPONSIBILITIES

A district may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person described above at EMPLOYED BEFORE JANUARY 1, 2008. *Education Code 22.0834(h)*

A district may obtain the criminal history record information of a person described above at EMPLOYMENT OFFERED ON OR AFTER JANUARY 1, 2008, through the criminal history clearinghouse

as provided by Government Code 411.0845. *Education Code 22.0834(e)*

CERTIFICATION FROM CONTRACTOR — A district shall ensure that each of its service contractors certify that the service contractor has obtained all required criminal history record information for covered contract employees. *22 TAC 153.1117(b)(1)*

DISQUALIFYING CONVICTION — A district may not allow a covered contract employee to serve at the district if the district obtains information through a criminal history record information review that the covered contract employee has a disqualifying conviction under Education Code 22.085. The district may adopt a stricter standard. *22 TAC 153.1117(b)(3)*

SBEC NOTIFICATION — Pursuant to 19 Administrative Code 249.14(d)(1), if a district obtains information that a covered contract employee who holds a certificate issued by the State Board for Educator Certification (SBEC) has a reported criminal history, the superintendent or the superintendent's designee shall notify SBEC of that criminal history within seven calendar days of the date that information is obtained. *19 TAC 153.1117(b)(4)* [See DHB(LEGAL)]

EMERGENCY EXCEPTION TO CRIMINAL HISTORY CHECK — In the event of an emergency, a district may allow a covered contract employee to enter district property, without the required criminal history record information review, if the person is accompanied by a district employee. A district may adopt rules regarding an emergency situation. *Education Code 22.0834(f); 19 TAC 153.1117(b)(2)*

DEFINITIONS

"CONTRACTING ENTITY" — A "contracting entity" is an entity that contracts directly with a district to provide services to the district. *Education Code 22.0834(p)(1)*

"SUBCONTRACTING ENTITY" — A "subcontracting entity" is an entity that contracts with another entity that is not a district to provide services to a school district, open-enrollment charter school, or shared services arrangement. *Education Code 22.0834(p)(2)*

"SERVICE CONTRACTOR" — A "service contractor" is an entity, including a government entity and an individual independent contractor, that contracts or agrees with a district by written agreement or verbal understanding to provide services through individuals who receive compensation. However, when conducting an investigation or intervention regarding an alleged crime or act of child abuse on a school campus, a law enforcement agency or the Department of Family and Protective Services is not a contracting entity, and the investigator or intervener is not a covered contract employee. *19 TAC 153.1101(10)*

"CONTINUING DUTIES RELATED TO CONTRACTED SERVICES"

"Continuing duties related to contracted services" are work duties that are performed pursuant to a contract to provide services to a district on a regular, repeated basis rather than infrequently or one-time only. *19 TAC 153.1101(2)*

"COVERED CONTRACT EMPLOYEE"

A "covered contract employee" is an individual who:

1. Is employed or offered employment by a service contractor or a subcontractor of a service contractor, is an individual independent contractor of the district, or is an individual subcontractor of a service contractor;
2. Has or will have continuing duties related to the contracted services;
3. Has or will have direct contact with students; and
4. Is not a student of (or enrolled in) the district for which the services are performed.

19 TAC 153.1101(3)

"DIRECT CONTACT WITH STUDENTS"

"Direct contact with students" is the contact that results from activities that provide substantial opportunity for verbal or physical interaction with students that is not supervised by a certified educator or other professional district employee. Contact with students that results from services that do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students. However, direct contact with students does result from any activity that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students. *19 TAC 153.1101(7)*

Note: See DBAA for definitions and provisions regarding confidentiality, consumer credit reports, records retention, and criminal history record checks of employees.

CONTRACTORS PROVIDING TRANSPORTATION SERVICES

Except as provided below at COMMERCIAL TRANSPORTATION COMPANY, a district that contracts with a person for transportation services shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person employed by the person as a bus driver or a person the person intends to employ as a bus driver. A person who contracts with a district to provide transportation services shall submit to the district the name and other identification data required to obtain the criminal history record information of such persons. If a district obtains

information that such a person has been convicted of a felony or a misdemeanor involving moral turpitude, the district shall inform the chief personnel officer of the person with whom the district has contracted, and the person may not employ that person to drive a bus on which students are transported without the permission of the board. *Education Code 22.084(a)–(b)*

COMMERCIAL TRANSPORTATION COMPANY

A commercial transportation company that contracts with a district to provide transportation services may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person employed by the company as a bus driver, bus monitor, or bus aide, or a person the company intends to employ in one of these positions. If the company obtains criminal history record information indicating that a person it employs or intends to employ has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported without the permission of the board of the district. If the commercial transportation company obtains the criminal history record information, a district is not required to do the same. *Education Code 22.084(c)–(d)*

SCHOOL MEALS PROGRAM

If at least ten percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in the school or schools; or

2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

The district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

WAIVER

The commissioner of education shall grant a waiver of the free breakfast requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

SUMMER NUTRITION PROGRAM

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Chapter 13 shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

NOTICE FROM TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

NOTICE TO TDA

Each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer; or request in writing that TDA grant the district a waiver of the requirement. *Agriculture Code 12.0029(e)*

REQUIRED DOCUMENTATION

A district that arranges for the provision of a summer nutrition program must enter into an agreement to partner or collaborate with a local governmental entity, educational institution, or private nonprofit organization to ensure meal service for children in the district's attendance area and must provide TDA with written documentation of the arrangement no later than April 1 of each year. *4 TAC 25.601(b).*

WAIVER

Not later than November 30 of each year, the board of a district that intends to request a waiver must send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

The district shall, not later than January 31 of the year following the year in which the notice was received, request in writing that TDA grant the district a waiver of the requirement to provide or arrange for the provision of a summer nutrition program. *Agriculture Code 12.0029(e)*

TDA may grant a district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district, and the district provides documentation, verified by TDA, showing that:

    a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;

    b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the

program despite consultation by the district with public transit providers;

c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or

d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or

2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by TDA using the criteria and methodology established by TDA rule.

Agriculture Code 12.0029(f); 4 TAC 25.601(d), (e).

ALTERNATE PROVIDER

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

REQUIRED INTERNET POSTINGS

The following posting requirements apply to a district that maintains an Internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, and an adopted plan must be clearly posted for the term of the designation as an innovation district, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1305(3) and 102.1307(a)(1). [See AF]

2. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]

3. A district shall make available on its website three programs or categories selected under Education Code 39.0545(b)(1) under which the district will evaluate district performance and the criteria the district will use to evaluate performance and assign the district a performance rating in community and student engagement, under Education Code 39.0546(a)(1)(C). [See AIB]

4. A campus shall make available on its website three programs or categories selected under Education Code 39.0545(b)(1) under which the campus will evaluate campus performance and the criteria the campus will use to evaluate performance and assign the campus a performance rating in community and student engagement, under Education Code 39.0546(a)(2)(C). [See AIB]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]

6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's ac-

creditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. Not later than August 8 of each year, a district shall post the locally determined performance ratings and compliance status for the district and each campus under 19 Administrative Code 61.1023(h). [See AIB]

8. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

9. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39.106(e-1). [See AIC]

10. A district shall notify stakeholders of their ability to review the completed campus turnaround plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(d)(1). [See AIC]

11. A district shall post an election notice required under Election Code 85.007. [See BBB]

12. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBA]

13. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

14. A district shall post the statements regarding activities to support student health under Education Code 28.004. [See BDF]

15. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

16. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

17. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

18. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

19. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

20. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

21. A district shall continuously post its annual financial report under Local Government Code 140.008 on its website until the district posts the next annual report, or, as an alternative, the district may post a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

22. A district shall continuously post on its website the contact information for the district's main office, including the physical address, the mailing address, the main telephone number, and an e-mail address, under Local Government Code 140.008(f)(2). [See CFA]

23. A district shall report its energy usage information on a publicly accessible Internet website with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CL]

24. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

25. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

26. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services

and programs that assist in the transition to life outside the public school system, under Education Code 29.0112.

27. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

28. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

29. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

30. A district shall post information regarding local programs and services, including charitable programs and services, available to assist homeless students, under Education Code 33.906. [See FDC]

31. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

32. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

OPTIONAL INTERNET POSTINGS

A district that maintains an Internet website may post the following:

1. A campus intervention team may give the required notice of the public meeting for input prior to the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii). [See AIB]

2. A board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]

3. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(o). [See CFA]

4. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the dis-

trict's Internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

5. A district may place on its Internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

"GEOSPATIAL DATA PRODUCTS"

"Geospatial data product" means a document, computer file, or Internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

NOTICE

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;

2. Appears to represent property boundaries; and

3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an Internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

EXEMPTION

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

NOTICE TO PARENTS

TEACHER QUALIFICATIONS

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the district shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the student's teacher:
    a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
    b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
    c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

20 U.S.C. 6312(e)(1)(A)

FEDERALLY REQUIRED NOTICE WHEN TEACHER LACKS CREDENTIALS

A school that receives such federal funds shall also provide to each individual parent of a child who is a student in such school, with respect to such student, timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. *20 U.S.C. 6312(e)(1)(B)(ii)*

STATE-REQUIRED NOTICE WHEN TEACHER LACKS CREDENTIALS

If a district assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

An "inappropriately certified or uncertified teacher" includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by State Board for Educator Certification (SBEC) rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the commissioner of education.

Education Code 21.057; 19 TAC 231.1

PROFESSIONAL PERSONNEL

CERTIFICATE

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person's certificate for filing with a district before the person's contract with a board is binding.

A person employed by a district as an educational diagnostician before September 1, 2008, may continue employment with the district without obtaining a certificate or permit as an educational diagnostician so long as the person is employed by that district.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .0487(d), .053(a)–(b)

LICENSE

A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state

agency that licenses that profession. A person may perform specific services within those professions for a district only if the person holds the appropriate credentials from the appropriate state agency.

A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district.

Education Code 21.003(b)

SCHOOL DISTRICT TEACHING PERMIT

A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. *Education Code 21.055(a)–(b)*

STATEMENT TO COMMISSIONER

Promptly after employing a person under a school district permit, a district shall send a written statement to the commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the commissioner.

Not later than the 30th day after the commissioner receives a district's statement, the commissioner may inform the district that the person is not qualified to teach. The person may not teach if the commissioner finds that the person is not qualified. If the commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the commissioner.

Education Code 21.055(c)–(d)

NONCORE CAREER AND TECHNICAL COURSES

The following requirements do not apply to a person who will teach only noncore academic career and technical education courses:

1. The requirement to hold a baccalaureate degree;
2. The requirement that the district send a written statement to the commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and
3. The requirement that the commissioner inform the district in writing if the commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

DURATION OF PERMIT

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

EMERGENCY PERMIT

Emergency permits are issued under the authority of SBEC. *19 TAC 230.71(a)*

ACTIVATION

A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment, as specified in 19 Administrative Code Chapter 231, Requirements for Public School Personnel Assignments.

In order to activate an emergency permit, the superintendent or designee must:

1. Document locally the efforts the district has taken to employ an appropriately certified individual in the position for which an emergency permit is activated;

2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to TEA within 45 instructional days of the date of assignment;

3. Verify that the district maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, a district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the district, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and

4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(d)

TEMPORARY VACANCIES

A district is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. A district must, however, comply with the parent notification requirements above. *19 TAC 230.71(i)*

GENERAL ELIGIBILITY REQUIREMENTS

An individual for whom an emergency permit is activated must meet the following criteria:

1. The individual must hold a bachelor's degree or higher from an accredited institution of higher education. [See 19 Administrative Code 230.75(1) for career and technical and trade and industrial education assignments.]

2. The individual must be at least 18 years of age.

3. The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in 19 Administrative Code 230.11, General Requirements.

4. The individual must be of good moral character. SBEC may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under 19 Administrative Code 249.12, Administrative Denial; Appeal.

5. The individual must submit fingerprints in accordance with 19 Administrative Code 232.35(c), Submission of Required Information, and Education Code 22.0831. [See DBAA]

19 TAC 230.75

SPECIFIC REQUIREMENTS FOR INITIAL PERMITS

An individual for whom an emergency permit is activated must:

1. Have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in 19 Administrative Code 230.77, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and

2. Have satisfied the appropriate experience requirement specified in 19 Administrative Code 230.77 for the emergency permit sought.

19 TAC 230.77(a)

SBEC rules provide requirements for the following assignments:

1. Elementary grades (early childhood–grade 6) (general education).

2. Secondary grades (grades 7–12) (general education).

3. All grade levels (early childhood–grade 12) (general education).

4. Career and technical education programs.

5. Special populations, such as English language learners (ELLs) and students with special learning needs.

6. Other instructional and support personnel, such as school counselor, educational diagnostician, school librarian, and JROTC instructor.

19 TAC 230.77 (b)–(g)

HARDSHIP EXCEPTION

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and e-mail notification received from TEA staff. The district must:

1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;

2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and

3. Verify:

    a. That the individual will be enrolled in the first available course listed on the certification plan; or

    b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(h)

HOLDERS OF INTERN OR PROBATIONARY CERTIFICATES

Candidates who hold an intern certificate under the provisions of 19 Administrative Code 230.36, Intern Certificates, or a probationary certificate under 19 Administrative Code 230.37, Probationary Certificates, may not be employed on an emergency permit during the validity of the intern certificate or probationary certificate. *19 TAC 230.71(j)*

PROCEDURES FOR INITIAL PERMIT

The superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit [see GENERAL ELIGIBILITY REQUIREMENTS and SPECIFIC REQUIREMENTS FOR INITIAL PERMITS above] and submit online to TEA the following information within 45 instructional days of assignment.

For all assignments (except career and technical education assignments based on skill and experience):

1. A completed online emergency permit application;
2. One of the following:

    a. A certification plan from an approved Texas educator preparation program (EPP); or

    b. Verification of registration for an appropriate certification examination for a teacher that is already certified; and

3. The appropriate fee (payable by the school district).

For career and technical education assignments based on skill and experience:

1. A completed online emergency permit application;
2. A copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP;

3. Acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;

4. A certification plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and

5. The appropriate fee (payable by the school district).

19 TAC 230.79

VALIDITY OF EMERGENCY PERMIT

The validity date of an activated and authorized emergency permit is specified in 19 Administrative Code 230.97, Effective Dates of Certificates and Permit Issuance.

An emergency permit is valid for the remainder of the school year for which it is activated and authorized by SBEC. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. A permit authorized by SBEC is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

Effective with the 2017–18 school year, the employment of an individual on an emergency permit, with the exception of the assignment as a JROTC instructor or a teacher of students with visual impairments may not exceed one school year in the same assignment. [See ONE-YEAR LIMITATION below]

Prior to the 2017–18 school year, the individual may serve in a specific assignment no more than one additional school year beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81. [See RENEWAL REQUIREMENTS AND PROCEDURES below]

Effective with the 2017–18 school year, to continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate, in accordance with 19 Administrative Code, Chapter 231, Requirements for Public School Personnel Assignments. An individual may not serve as a classroom teacher of record in the district for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

ONE-YEAR LIMITATION

Effective with the 2017–18 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.

EXCEPTIONS

The one-year limitation does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments.

As indicated in 19 Administrative Code 230.77(g)(4)(B), emergency permits for JROTC instructors must be reissued every year.

Emergency permits for teachers of students with visual impairments referenced in 19 Administrative Code 230.77(f)(2)(B) may be renewed a maximum of two years.

19 TAC 230.71(b), (c)

RENEWAL REQUIREMENTS AND PROCEDURES

Effective with the 2017–18 school year, these renewal provisions no longer apply for emergency permits, with the exception of teachers of students with visual impairments. *19TAC 230.73(f)*

A superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated.

No individual may continue in the same assignment for more than one school year of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.

The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible.

For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.

For seven semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.

The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met:

1. The emergency permit must be renewed for the same assignment in the same school district.
2. Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.
3. If the individual has not completed permit renewal requirements as indicated above, the superintendent or his or her

designee must obtain hardship approval from the Texas Education Agency prior to continuation of the assignment.

4. The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.

5. The school district shall pay the appropriate fee.

19 TAC 230.81

NONRENEWABLE PERMITS

A superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21, Educator Assessment.

A nonrenewable permit may be activated for an individual who:

1. Has completed all course and degree requirements of a Texas EPP except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or

2. Holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination. The individual must not have been employed in a Texas school district since the start of the 1985–86 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less.

A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

The superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 45 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and

2. The appropriate fee (payable by the district).

19 TAC 230.83

EDUCATOR CONSENT

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a district's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(e)

NO PROPERTY RIGHT

An emergency permit is authorized for the district for a specific assignment and is not the property of the individual for whom the emergency permit was activated. *19 TAC 230.71(f)*

UNUSED PERMITS

If an emergency permit authorized by SBEC is not used, the district shall notify TEA staff by e-mail. *19 TAC 230.71(g)*

CERTIFICATION OF PARAPROFESSIONAL EMPLOYEES

Educational aides shall be certified according to standards established by SBEC. *19 TAC 230.51*

FEDERAL REQUIREMENTS FOR TEACHERS AND PARAPROFESSIONALS

Teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) shall meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *20 U.S.C. 6311(g)(2)(J), 6312(c)(6)*

The state's professional standards for paraprofessionals working in a program supported with Title I funds must include qualifications that were in place under former 20 U.S.C. 6319, as that section existed before December 10, 2015. *20 U.S.C. 6311(g)(2)(M)*

QUALIFICATIONS BEFORE DECEMBER 10, 2015

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

DUTIES

1. Be assigned only duties consistent with the following:

    a. A paraprofessional may be assigned to:

        (1) Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

        (2) Assist with classroom management, such as organizing instructional and other materials;

        (3) Provide assistance in a computer laboratory;

        (4) Conduct parental involvement activities;

(5) Provide support in a library or media center;

(6) Act as a translator; or

(7) Provide instructional services to students in accordance with items (b) and (c).

b. A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and

c. A paraprofessional may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

HIGH SCHOOL DIPLOMA

2. Regardless of a paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent.

HIGHER EDUCATION OR COMPETENCY TEST

3. If hired after January 8, 2002, have one of the following credentials:

a. Completed at least two years of study at an institution of higher education;

b. Obtained an associate's (or higher) degree; or

c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:

(1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

EXCEPTIONS

The HIGHER EDUCATION OR COMPETENCY TEST requirements above shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or

2. Whose duties consist solely of conducting parental involvement activities.

Former 20 U.S.C. 6319 in effect before Dec. 10, 2015

FEDERAL REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS

Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school must:

1. Have obtained full state certification as a special education teacher [including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. 2005.56(a)(2)(ii) as in effect November 28, 2008], or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;

2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

3. Hold at least a bachelor's degree.

20 U.S.C. 1412(a)(14)(C)

CPR AND FIRST AID CERTIFICATION

A district employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. A district shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

AED CERTIFICATION

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 must receive and maintain certification in the use of an automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

SCHOOL BUS DRIVERS

CREDENTIALS

For purposes of the following provisions, a "school bus driver" is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess a valid driver's license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer's designed passenger capacity of the vehicle to be operated.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

PRE-EMPLOYMENT INQUIRIES

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;
2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and
3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district

must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

ANNUAL EVALUATION

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Transp. Code 521.022(d); 37 TAC 14.14(c)*

DISQUALIFICATION

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

EMPLOYEE RECORDS

PROFESSIONAL EMPLOYEES

The following records on professional personnel must be readily available for review by the commissioner:

1. Credentials (certificate or license);
2. Service record(s) and any attachments;
3. Contract;
4. Teaching schedule or other assignment record; and
5. Absence from duty reports.

SERVICE RECORD

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.

FORMER EMPLOYEES

On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:

1. The date the request is made; or
2. The date of the last day of the individual's service to the district.

The original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

ACCESS TO EMPLOYEE RECORDS

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Law. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Law if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

EMPLOYEE RIGHT OF ACCESS

All information in the personnel file of a district employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Law. An employee or an employee's authorized

representative has a special right of access, beyond the right of the general public, to information held by a district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

A district may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Law. A district may assert as grounds for denial of access other provisions of the Public Information Law or other laws that are not intended to protect the employee's privacy interests.

If a district determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, a district shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, .102(a), .307

DEFINITIONS

"Criminal history clearinghouse" (Clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov't Code 411.0845(a), (h)*

"Criminal history record information" (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov't Code 411.082(2)*

"National criminal history record information" (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

"Request for CHRI" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database. *37 TAC 27.172*

PARTICIPATION IN THE CRIMINAL HISTORY CLEARINGHOUSE

The purpose of the Clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the Clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and the FBI to conduct audits of their Clearinghouse accounts to pre-

vent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(8), .174

CERTIFIED PERSONS

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

NONCERTIFIED EMPLOYEES

APPLICABILITY

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see ALL OTHER EMPLOYEES, below.]

INFORMATION TO DPS AND TEA

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

EMPLOYMENT PENDING REVIEW

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

CRIMINAL HISTORY

A district shall obtain all CHRI that relates to a person subject to this section through the Clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0833; 19 TAC 153.1109(d)

SUBSTITUTE TEACHERS

This section applies to a person who is a substitute teacher for a district or shared services arrangement.

APPLICABILITY

For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substi-

tutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

INFORMATION TO DPS AND TEA

A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:

1. May not be hired or must be discharged as provided by Education Code 22.085; or
2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

EMPLOYMENT PENDING REVIEW

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

CRIMINAL HISTORY

A district shall obtain all CHRI that relates to a person to whom this section applies through the Clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)

STUDENT TEACHERS

APPLICABILITY

This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

CRIMINAL HISTORY

A student teacher may not perform any student teaching until:

1. The student teacher has provided to a 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 DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

COORDINATION OF EFFORTS

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchap-

ter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

ALL OTHER EMPLOYEES

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or
2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;
2. A law enforcement or criminal justice agency; or
3. A private consumer reporting agency [see CONSUMER CREDIT REPORTS, below].

Education Code 22.083(a), (a-1); Gov't Code 411.097

CONFIDENTIALITY OF RECORD

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and
2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

Gov't Code 411.084

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

Gov't Code 411.097(d), (f)

DESTRUCTION OF CHRI

A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

Gov't Code 411.097(d)(3)

CONFIDENTIALITY OF INFORMATION OBTAINED FROM APPLICANT OR EMPLOYEE

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

In addition, the information is not subject to disclosure under Government Code Chapter 522 (Public Information Act).

The district shall destroy the information not later than the first anniversary of the date the information is received.

Education Code 22.08391

UNAUTHORIZED DISCLOSURE OF CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or

2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

Gov't Code 411.085

SBEC NOTIFICATION

A superintendent shall promptly notify SBEC in writing by filing a report with the TEA staff within seven calendar days of the date the superintendent obtains or has knowledge of information indicating that an educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety. [See also DHB for details on reporting requirements.]

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

Education Code 22.087; 19 TAC 249.3(43)

Note: For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

DISCHARGE OF CONVICTED EMPLOYEES

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that:

1. The employee or applicant has been convicted of:
   a. A felony under Penal Code Title 5;
   b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
   c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

EXCEPTION

However, a district is not required to discharge or refuse to hire an employee or applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before:

a. June 15, 2007, in the case of a person employed by a district as of that date; or

b. The date the person's employment will begin, in the case of a person applying for employment with a district after June 15, 2007; and

2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

CERTIFICATION TO SBEC

Each school year, the superintendent shall certify to the commissioner of education that the district has complied with the above provisions at DISCHARGE OF CONVICTED EMPLOYEES as required by Education Code 22.085.

SANCTIONS

SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been convicted of an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See DISCHARGE OF CONVICTED EMPLOYEES, above]

OPTIONAL TERMINATION

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the district. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085; 19 TAC 249.15(b)(12), (13) [See DF]

CONSUMER CREDIT REPORTS

DEFINITIONS

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person

for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

OBTAINING REPORTS

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

ADVERSE ACTION

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

15 U.S.C. 1681b(b)(2)

Note: The following provisions apply to a district that uses consumer reports.

ADDRESS DISCREPANCIES

"Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

A district must develop and implement reasonable policies and procedures designed to enable the district, when it receives a notice of address discrepancy, to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report.

If a district regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which it received the notice of address discrepancy, the district must also develop and implement reasonable policies and procedures for furnishing an address for the consumer, which the district has reasonably confirmed is accurate, to the consumer reporting agency.

16 C.F.R. 641.1

DISPOSAL OF RECORDS

A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

"Dispose" includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;

2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or

3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 C.F.R. 682.3

BOARD AUTHORITY

A board is charged with the responsibility of governance of a district; governance includes the making of responsible choices in managing the finances and personnel of the district. *Stidham v. Anahuac Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 205-R2-687 (1990) (upholding reduction in force due to financial exigency)*

A district is always free to change its organizational structure as it seeks to increase its efficiency. *Wasserman v. Nederland Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 171-R1-784 (1988)*

CONSIDERATION FOR OPEN POSITIONS

The commissioner of education has held that, when a position is eliminated due to a necessary reduction in force, a district must transfer the employee to a different position if the teacher meets a district's objective criteria for that position. Objective criteria may include credentials, education, experience, applying for the position, and interviewing for the position. A district need not offer a position to a teacher who refuses to apply and interview for an open position. *Amerson v. Houston Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 022-R2-1202 (2003)*

PROBATIONARY CONTRACT

A probationary contract employee may be discharged at any time for good cause as determined by the board. If the employee is protesting proposed action to terminate a probationary contract before the end of the contract period on the basis of a financial exigency declared under Education Code 44.011 [see CEA], the employee is entitled to a hearing in the manner provided under Education Code 21.207 for nonrenewal of a term contract [see DFBB] or a hearing under Education Code Chapter 21, Subchapter F (hearings before independent hearing examiner) [see DFD], as determined by the board. *Education Code 21.104(a), .1041(2)*

A board may terminate a probationary contract at the end of the contract period if in the board's judgment such termination will serve the best interests of the district. *Education Code 21.103(a)*

TERM CONTRACT

A board may terminate a term contract and discharge a term contract employee at any time due to a financial exigency that requires a reduction in personnel. *Education Code 21.211(a)*

An employee who is protesting proposed action to terminate a term contract at any time on the basis of a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel must notify the board in writing not later than the tenth day after the date the employee receives notice of the proposed action. The employee is entitled to a hearing in the manner provided under Education Code 21.207 for nonrenewal of a term contract [see DFBB] or a hearing under Education Code Chapter 21, Subchapter F (hearings before independent hearing examiner)

[see DFD], as determined by the board. *Education Code 21.159(a), (b)(2)*

CONTINUING CONTRACT

A teacher employed under a continuing contract may be released and the teacher's employment terminated at the end of a school year because of a necessary reduction of personnel by the district. A necessary reduction of personnel shall be made primarily based upon teacher appraisals administered under Education Code 21.352 in the specific teaching fields and other criteria as determined by the board. *Education Code 21.157*

Before a teacher employed under a continuing contract may be released because of a necessary reduction of personnel, the board must notify the teacher in writing of the proposed action and the grounds for the action. *Education Code 21.158(a)*

If the teacher desires to protest the proposed necessary reduction of personnel, the teacher must notify the board in writing not later than the tenth day after the date the teacher receives notice. *Education Code 21.159(a)*

A teacher who timely notifies the board is entitled to a hearing in a manner provided under Education Code 21.207 for nonrenewal of a term contract [see DFBB] or in the manner provided under Education Code Chapter 21, Subchapter F (hearings before independent hearing examiner) [see DFD], as determined by the board. *Education Code 21.159(b)*

If the teacher does not timely request a hearing the board shall take the appropriate action and notify the teacher in writing not later than the 30th day after the date the board sent the notice of the proposed necessary reduction in personnel. *Education Code 21.159(c)*

FINANCIAL EXIGENCY

A board may adopt a resolution declaring a financial exigency for the district. *Education Code 44.011* [See CEA]

HEARING EXAMINER

The independent hearing examiner process does not apply to a decision to terminate a probationary or term contract before the end of the contract period or terminate a continuing contract at any time, based on a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel, unless the board has decided to use this hearing process. *Education Code 21.251*

WARN ACT

Local governments are not covered by the federal Worker Adjustment and Retraining Notification Act (WARN Act) (plant closings and mass layoffs). *20 C.F.R. 639.3(a)(ii)*

PERMISSIVE REPORTS

The superintendent may notify the State Board for Educator Certification (SBEC) of any educator misconduct that he or she believes in good faith may be subject to sanctions under 19 Administrative Code, Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and/or Chapter 247, Educators' Code of Ethics. *19 TAC 249.14(d)*

REQUIRED REPORTS

In addition to the reporting requirement under Family Code 261.101 [see FFG], a superintendent shall notify SBEC if:

CRIMINAL HISTORY

1. An educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;

2. An applicant for or a holder of a certificate has a reported criminal history;

TERMINATION

3. A certificate holder's or educator's employment at the district was terminated based on evidence that the educator engaged in an act of misconduct listed below;

RESIGNATION

4. A certificate holder or educator has submitted a notice of resignation and evidence exists that the educator engaged in an act of misconduct listed below; or

ASSESSMENT INSTRUMENT

5. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 21.006, 22.087; 19 TAC 249.14(d)

REPORTABLE MISCONDUCT

A superintendent shall make a report to SBEC under Education Code 21.006 if there is evidence that the educator:

1. Sexually or physically abused or engaged in any other illegal conduct with a student or minor;

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;

4. Illegally transferred, appropriated, or expended school property or funds;

5. Attempted by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or per-

mit or to receive additional compensation associated with a position;

6. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event; or

7. Solicited or engaged in sexual conduct or a romantic relationship with a student or minor.

Education Code 21.006(b); 19 TAC 249.14(d)

COMPLETION OF INVESTIGATION

A superintendent shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described above despite the educator's resignation from district employment before completion of the investigation. *19 TAC 249.14(d)(3)(C)*

DEFINITIONS

"ABUSE"

"Abuse" includes the following acts or omissions:

1. Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;

2. Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;

3. Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or

4. Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

19 TAC 249.3(1)

"REPORTED CRIMINAL HISTORY"

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal jurisdiction. *19 TAC 249.3(43)*

"SOLICITATION OF A ROMANTIC RELATIONSHIP"

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not

include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:
    a. The nature of the communications;
    b. The timing of the communications;
    c. The extent of the communications;
    d. Whether the communications were made openly or secretly;
    e. The extent that the educator attempts to conceal the communications;
    f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and
    g. Any other evidence tending to show the context of the communications between educator and student.
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.
3. Making sexually demeaning comments to a student.
4. Making comments about a student's potential sexual performance.
5. Requesting details of a student's sexual history.
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
8. Inappropriate hugging, kissing, or excessive touching.
9. Providing the student with drugs or alcohol.
10. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
11. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(50)

A superintendent may notify SBEC of any educator misconduct that the superintendent believes in good faith may be subject to sanctions by SBEC. *19 TAC 249.14(d)*

DEADLINE TO REPORT

The superintendent must notify SBEC by filing a report in writing in a form prescribed by SBEC not later than the seventh day after the date the superintendent knew about an employee's criminal record under Education Code 21.006(b)(1) or a termination of employment or resignation following an alleged incident of misconduct described by Education Code 21.006(b)(2). [See REQUIRED REPORT, above] *Education Code 21.006(c)*

CONTENTS OF REPORT

The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims; and
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report.

Education Code 21.006(c); 19 TAC 249.14(e)

A superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Gov-

ernment Code Chapter 552. [See GBAA] *Education Code 21.006(h)*

NOTICE TO EDUCATOR AND BOARD

A superintendent shall notify the board and the educator of the filing of a written report with SBEC. *Education Code 21.006(d)*

ACCEPTING RESIGNATION

Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. The superintendent shall notify the board before filing the report. *19 TAC 249.14(d)(3)(A), (B)*

SANCTIONS FOR FAILURE TO REPORT

A superintendent who fails to timely make a required report is subject to sanctions by SBEC under 19 Administrative Code 249.15(b)(4), Disciplinary Action by State Board for Educator Certification. *Education Code 21.006(f); 19 TAC 249.14(d), (e)*

IMMUNITY

A superintendent who, in good faith and while acting in an official capacity, files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 21.006(e)*

CREDENTIALS OR PERMIT REQUIRED	A public school employee must have the appropriate credentials for his or her current assignment specified in 19 Administrative Code Chapter 231, Requirements for Public School Personnel Assignments, unless the appropriate permit has been issued under Chapter 230, Subchapter F, Permits. *19 TAC 231.1(a)* [See DBA]
PRINCIPAL'S APPROVAL	The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by a district or of applicants who meet the hiring requirements established by a district, based on criteria developed by the principal after informal consultation with the faculty. A superintendent or designee has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*
TRANSFERS	A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)*
PARENT NOTIFICATION	If a district assigns an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom. *Education Code 21.057* [See DBA]

State Board for Educator Certification
Criteria for Assignment of Public School Personnel

A public school employee must have the appropriate credentials for his or her current assignment unless the appropriate permit has been issued. The credentials appropriate to each assignment are set forth in the State Board for Educator Certification (SBEC) rules at 19 Administrative Code Chapter 231.

The following sections indicate where the credentialing requirements for various positions are located in the SBEC rules.

Teachers in general

Grade Level	SBEC Rule
Prekindergarten–Grade 6	19 TAC 231, Subchapter B
Grades 6–8	19 TAC 231, Subchapter C
Grades 9–12	19 TAC 231, Subchapter E

Teachers of elective, disciplinary, local credit, and innovative courses for grades 6–12

The following positions and assignments are addressed at 19 Administrative Code 231, Subchapter D.

- ROTC
- Athletics, cheerleading, drill team, and marching band
- Disciplinary alternative education programs
- Innovative course
- Local credit course
- Advanced Placement and International Baccalaureate courses
- Driver education

Teachers of special education and related services personnel

The following positions and assignments are addressed at 19 Administrative Code 231, Subchapter F.

- Special education teacher
- Teacher of adaptive physical education
- Full-time teacher of orthopedically impaired or other health impaired in a hospital class or home-based instruction
- Teacher of students with visual impairments

- Teacher of students with auditory impairments
- Teacher of gifted and talented students
- Special education counseling services
- Educational diagnostician
- Speech therapy services
- Vocational adjustment coordinator

Paraprofessional personnel

Educational aides are addressed at 19 Administrative Code 231.641.

Administrators and other instructional and professional support personnel

The following positions are addressed at 19 Administrative Code 231.643.

- Superintendent
- Principal
- Assistant principal
- School counselor
- Librarian
- Athletic director

Licensed professional support personnel

The following positions are addressed at 19 Administrative Code 231.645.

- Associate school psychologist
- Audiologist
- Licensed professional counselor
- Marriage and family therapist
- Nurse
- Occupational therapist
- Physical therapist
- Physician
- School psychologist
- Social worker
- Speech language pathologist

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
EFB	Library Media Programs
EFC	Community Instructional Resources
EFD	Field Trips
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
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory/Accelerated Services
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education

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SECTION E: INSTRUCTION

EHBG	Prekindergarten
EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBJ	Innovative and Magnet Programs
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	English Language Learners/LEP Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CAMPUS CHARTERS
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

SCHOOL LIBRARY

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

REMOVAL OF LIBRARY MATERIALS

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

INSTRUCTIONAL MATERIALS

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials allotment [see CMD]. *Education Code 31.001*

PARENTAL ACCESS

A parent is entitled to review all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's child and to review each test administered to the child after the test is administered. A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Education Code 26.006

INFORMATION COLLECTION AND ACCESS

U.S. DOE FUNDED SURVEYS

CONSENT REQUIRED

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at PROTECTED INFORMATION, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

PARENTAL INSPECTION

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. DOE shall be available for

inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

INFORMATION COLLECTION FUNDED BY OTHER SOURCES

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. DOE FUNDED SURVEYS, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. DOE, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

POLICIES

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under PROTECTED INFORMATION, below, is administered or distributed to a student.

3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

4. The administration of physical examinations or screenings that a district may administer to the student.

5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the re-

quirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

PARENTAL NOTIFICATION

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at PROTECTED INFORMATION, below.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)–(4) [See FFAA]

PROTECTED INFORMATION

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.

7. Religious practices, affiliations, or beliefs of the student or student's parent.

8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b), (c)(1)(B)

'PERSONAL INFORMATION' DEFINED

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;

2. Home or physical address, including street name and city or town;

3. Telephone number; or

4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

Note: For information related to the selection process and accounting of instructional materials, as this term is defined by state law and rule, see CMD and EFA.

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although professional staff members may select instructional resources for their use in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, "instructional resources" may include textbooks, library acquisitions, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to implement, enrich, and support the District's educational program.

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

SELECTION CRITERIA

In the selection of instructional resources, professional staff shall ensure that the resources:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.

2. Meet high standards for artistic quality and/or literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.

3. Are appropriate for the subject area and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.

4. Are designed to help students gain an awareness of our pluralistic society.

5. Are designed to provide information that will motivate students and staff to examine their own attitudes and behavior; to understand their duties, responsibilities, rights, and privileges as citizens participating in our society; and to make informed choices in their daily lives.

6. For library selections, are integral to the instructional program, are appropriate for the reading levels and understanding of students, reflect the interests and needs of the students and faculty, are included because of their literary or artistic value and merit, and present information with the greatest degree of accuracy and clarity.

Administrators, teachers, library media specialists, other District personnel, parents, and community members, as appropriate, may recommend instructional resources for selection. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of resources is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of resources that still have educational value.

CONTROVERSIAL ISSUES

District professional staff shall endeavor to maintain a balanced collection representing various views when selecting instructional resources on controversial issues. Resources shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED RESOURCES

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or designee shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned resource.
2. The principal or designee shall explain the intended educational purpose of the resource and any additional information regarding its use.
3. If appropriate, the principal or designee may offer a concerned parent an alternative instructional resource to be used by that parent's child in place of the challenged resource.
4. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the resource.

FORMAL RECONSIDERATION

A complainant shall make any formal objection to an instructional resource on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged resource with students or is familiar with the challenged resource's content. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged resource in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged resource conforms to the principles of selection set out in this policy. The committee shall prepare a written report of its findings and provide copies to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting with the appropriate administrator. [See DGBA, FNG, and GF]

GUIDING PRINCIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. A complainant may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.

2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own child.

3. Access to a challenged resource shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged resources is the appropriateness of the resource for its intended educational use. No challenged instructional resource shall be removed solely because of the ideas expressed therein.

Note: For provisions regarding inventory and requisition of instructional materials, see CMD.

DEFINITIONS

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student. The term includes a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open-source instructional material. *Education Code 31.002(1)*

"Open-source instructional material" is electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material. *Education Code 31.002(1-a)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

SBOE INSTRUCTIONAL MATERIALS LIST

For each subject and grade level, the State Board of Education (SBOE) shall adopt a list of instructional materials.

The list includes each instructional material that meets applicable physical specifications and contains material covering at least half of the elements of the essential knowledge and skills of the subject and grade level.

Education Code 31.023(a)

A district may requisition instructional materials on the SBOE's list for grades above the grade level in which the student is enrolled. *19 TAC 66.104(b)*

OPEN-SOURCE INSTRUCTIONAL MATERIAL

The SBOE shall place open-source instructional material for a secondary-level course submitted for adoption by an eligible institution on the list if it satisfies the requirements described in Education Code 31.0241. *Education Code 31.0241(b)*

COMMISSIONER INSTRUCTIONAL MATERIALS LIST

The commissioner of education, with input from the SBOE, shall adopt a list of:

1. Electronic instructional material; and
2. Material that conveys information to the student or otherwise contributes to the learning process, including tools, models, and investigative materials designed for use as part of the foundation curriculum for science in kindergarten through grade 5 and personal financial literacy in kindergarten through grade 8.

Education Code 31.0231(a)

SUPPLEMENTAL INSTRUCTIONAL MATERIALS LIST

The SBOE may adopt supplemental instructional materials that are not on the SBOE instructional materials list. Supplemental instructional material contains material covering one or more primary focal points or primary topics of a subject in the required curriculum but is not designed to serve as the sole textbook for a full course. *Education Code 31.035(a)*

LOCAL SELECTION

A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*

NOTICE TO SBOE

Each year, during a period established by the SBOE, a board shall notify the SBOE of instructional materials selected in accordance with Education Code 31.101. *Education Code 31.101(a)*

FOUNDATION CURRICULUM

For subjects in the foundation curriculum, a board shall notify the SBOE of the instructional materials it selects from the instructional materials list, including the commissioner's instructional materials list. *Education Code 31.101(a)(1)*

ENRICHMENT CURRICULUM

For a subject in the enrichment curriculum, a board shall notify the SBOE of instructional material it selects from the instructional materials list, including the commissioner's instructional materials list, or that it selected instructional materials that do not appear on the list. *Education Code 31.101(a)(2)*

SUPPLEMENTAL MATERIALS

A board may select supplemental instructional materials adopted by the SBOE, as set forth at Education Code 31.035 [see CMD]. If a board selects supplemental instructional materials, the district shall certify to TEA that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by the district, cover the essential knowledge and skills for the course. *Education Code 31.035(d), (f)*

OPEN-SOURCE MATERIAL

A district may adopt state-developed open-source instructional material at any time, regardless of the instructional material review and adoption cycle. *Education Code 31.073(c)*

SPECIAL EDUCATION

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*

DURATION OF SELECTION

LISTED MATERIALS

A district that selects subscription-based instructional material on the SBOE instructional materials list or electronic instructional material on the commissioner's instructional materials list may cancel the subscription and subscribe to new instructional material on the SBOE list or electronic instructional material on the commissioner's list before the end of the state contract period if:

1. The district has used the instructional material for at least one school year; and
2. TEA approves the change based on a written request to TEA by the district that specifies the reasons for changing the instructional material used by the district.

Education Code 31.101(e)

OTHER MATERIALS

For instructional material that is not on the instructional materials list, a district must use the instructional material for the period of the review and adoption cycle the SBOE has established for the subject and grade level for which the instruction material is used. *Education Code 31.101(d)*

CRIMINAL OFFENSE

A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or

2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

HUMAN SEXUALITY MATERIALS

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council. *Education Code 28.004(e)* [See EHAA]

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. A 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. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school 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

A 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.

A 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

A 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.

A 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 school 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)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

INSTRUCTION IN HIGH SCHOOL, COLLEGE, AND CAREER PREPARATION

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;
2. The distinguished level of achievement described by Education Code 28.025(b-15);
3. Each endorsement described by Education Code 28.025(c-1);
4. College readiness standards; and
5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

HIGH SCHOOL COURSES AT EARLIER GRADES

A 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. A 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)*

A 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, and at least one additional advanced English course.
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;
    n. Scientific Research and Design; and
    o. Principles of Engineering.

    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, Personal Financial Literacy, and Economics with Emphasis on the Free Enterprise System and Its Benefits.

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 — Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two of the following:

a. Computer Science III;

b. Digital Art and Animation;

c. Digital Communications in the 21st Century;

d. Digital Design and Media Production;

e. Digital Forensics;

f. Digital Video and Audio Design;

g. Discrete Mathematics for Computer Science;

h. Fundamentals of Computer Science;

i. Game Programming and Design;

j. Independent Study in Evolving/Emerging Technologies;

k. Independent Study In Technology Applications;

l. Mobile Application Development;

m. Robotics Programming and Design;

n. 3-D Modeling and Animation;

o. Web Communications;

p. Web Design; and

q. Web Game Development.

10. Speech — Communications Applications.

11. Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the 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, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction.

19 TAC 74.3(b)(2); Education Code 28.0021(b)

A 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 a 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.

A 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, a district shall either teach the course every year or 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)

A 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

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner 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

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

HIGH SCHOOL

MIDDLE AND JUNIOR HIGH SCHOOL

A 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.

A 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.

LOCAL PROGRAMS AND MATERIALS

A 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

A 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.

A 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)

CPR INSTRUCTION

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

WAIVERS FOR STUDENTS WITH DISABILITIES

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code, Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

DONATIONS

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

INNOVATIVE COURSES AND PROGRAMS

A 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 State Board of Education or the commissioner of education, a 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, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27

MAGNET SCHOOLS OR PROGRAMS

A 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)*

The purpose of a High School Equivalency Program (HSEP) approved by the commissioner of education is to prepare eligible students to take the high school equivalency examination. *19 TAC 89.1401*

AUTHORIZATION FOR PROGRAM

A district may apply for authorization to operate an HSEP. A board must hold a public hearing concerning the proposed application before applying to operate an HSEP. *Education Code 29.087(b), (k)(1); 19 TAC 89.1405(a), .1407*

A cooperative of districts may apply for permission to operate a cooperative HSEP if it operates pursuant to a written agreement. The fiscal agent of a cooperative HSEP is responsible for complying with the requirements of 19 Administrative Code Chapter 89, Subchapter DD. *19 TAC 89.1405(b)*

A district authorized by the commissioner on or before August 31, 2003, to operate an HSEP may continue to operate the program in accordance with Education Code 29.087. *Education Code 29.087(b-1)*

OPERATION OF PROGRAM

A student enrolled in an HSEP must be offered, at a minimum, 420 minutes of instruction per school day and 75,600 instructional minutes per calendar year. However, a student may attend the HSEP a maximum of 600 minutes, or ten hours of instruction per day. A student may be enrolled in only an HSEP or may be enrolled in an HSEP in combination with regular attendance and/or special program attendance during the school day. *Education Code 29.087(c); 19 TAC 89.1411(a), (d), .1417(b)*

ANNUAL REVIEW

A board must hold a public hearing annually to review the performance of the HSEP. *Education Code 29.087(k)(2); 19 TAC 89.1407(b)*

STUDENT ELIGIBILITY

A student is eligible to participate in the HSEP if:

COURT-ORDERED

1. The student has been ordered by a court under Family Code 65.103, or by the Texas Juvenile Justice Department, to:

   a. Participate in a preparatory class for the high school equivalency examination; or

   b. Take the high school equivalency examination administered under Education Code 7.111; or

STUDENT AT RISK

2. The following conditions are satisfied:

   a. The student is at least 16 years of age at the beginning of the school year or semester;

b. The student is a student at risk of dropping out of school [see EHBC];

c. The student and the student's parent or guardian agree in writing to the student's participation; and

d. At least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one-third of the credits required to graduate under the minimum graduation requirements of a district.

Education Code 29.087(d); 19 TAC 89.1403

STATE ASSESSMENT

A student entering an HSEP must take:

1. Each state assessment instrument required for the student's applicable grade or cohort prior to entering the program; and

2. Each state assessment instrument required for the student's applicable grade or cohort during the period in which the student is enrolled in the program.

A student entering an HSEP by order of the court under Family Code 65.103, or by order of the Texas Juvenile Justice Department, is exempt from these assessment requirements.

Education Code 29.087(f); 19 TAC 89.1409(a)–(b) [See EKB]

HIGH SCHOOL EQUIVALENCY TESTING

A district operating an approved HSEP must present to TEA proof that a student has been administered the assessment instruments required above. TEA will not allow an HSEP student to take the high school equivalency examination without proof from the approved HSEP that the student has been administered the required assessment instruments. A student who is enrolled in an HSEP and withdraws before taking the required assessment instruments cannot take the high school equivalency examination until after the individual's 18th birthday.

A district operating an approved HSEP must inform each student who has completed the program of the time and place at which the student may take the high school equivalency examination.

19 TAC 89.1409(c), (d)

EXTRACURRICULAR PARTICIPATION

A student enrolled in an HSEP may not participate in a competition or activity sanctioned by the University Interscholastic League.
Education Code 29.087(g); 19 TAC 89.1415

The principal or designee or the attendance committee, as applicable, shall have authority to offer a student the opportunity to demonstrate mastery in a subject or to earn course credit by examination when the student has had prior instruction in a subject and when:

1. The student is enrolling in the District from a nonaccredited school [see FD];
2. The student has failed a subject or course; or
3. The student has earned a passing grade in a subject or course but has failed to earn credit or a final grade because of excessive absences [see FEC].

The Board-approved examinations shall assess the student's mastery of the essential knowledge and skills and shall be administered according to established District procedures.

Prior to offering a student an opportunity to demonstrate mastery or earn credit by this method, an appropriate District employee shall review the student's educational records to determine whether the student has had prior instruction in the subject or course.

Note: The terms English language learner and limited English proficient student are used interchangeably. *19 TAC 89.1203*

LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA.

DOCUMENTATION

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005;
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005; and
4. The reason for a postponement under 19 Administrative Code 101.1023.

19 TAC 101.1003(b), (c), .1005(a), (c), .1023

DEFINITIONS

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
   a. An asylee as defined by 45 C.F.R. 400.41; or
   b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

ENGLISH LANGUAGE PROFICIENCY TESTS

In kindergarten through grade 12, an English language learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

LIMITATIONS ON EXEMPTIONS

FIRST YEAR AFTER ENROLLMENT

A LEP student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of a LEP student. *Education Code 39.027(a)(1)*

SUBSEQUENT YEARS

A LEP student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or

2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

MINIMUM DAYS FOR ENROLLMENT

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days

during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)

TESTING IN GRADES 3–8

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

SPANISH-VERSION ASSESSMENT

A Spanish-speaking English language learner in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.

LINGUISTICALLY ACCOMMODATED ASSESSMENTS

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS]; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see DEFINITIONS].

EXEMPTION FOR ASYLEE OR REFUGEE

An unschooled asylee or refugee who meets the criteria at SPANISH-VERSION ASSESSMENT and LINGUISTICALLY ACCOMMODATED ASSESSMENTS above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c)

REFUSAL OF SERVICES

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

END-OF-COURSE ASSESSMENTS

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

EXCEPTION

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see ENGLISH LANGUAGE PROFICIENCY TESTS] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see DEFINITIONS] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

EXIT-LEVEL ASSESSMENTS

Provisions related to exit-level assessments shall apply only to students first enrolled in grade 9 or higher prior to the 2011–12 school year, or first enrolled in grade 10 or higher in the 2011–12 school year. *19 TAC 101.1021*

POSTPONEMENT

English language learners are not eligible for an exemption from exit-level testing requirements for graduation on the basis of limited English proficiency. However, English language learners who are recent immigrants may be granted a postponement of the administration of the exit-level assessment during their first 12 months of enrollment in U.S. schools. A postponement is not permitted if a student would otherwise not be afforded the opportunity to take the exit-level assessments at least one time before the student's scheduled graduation date. The LPAC shall document the reason for the postponement in the student's permanent record file.
19 TAC 101.1023

NON-LEP STUDENTS

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

SPECIAL EDUCATION

SELECTING ASSESSMENTS

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

ENGLISH LANGUAGE PROFICIENCY TESTS

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English language learner who receives special education services to participate in an English language proficiency assessment required above [see ENGLISH LANGUAGE PROFICIENCY TESTS] for reasons associated with the student's particular disability. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an English language learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

ALTERNATIVE ASSESSMENT INSTRUMENTS

In certain cases, an English language learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

TESTING ACCOMMODATIONS

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

GRADE ADVANCEMENT REQUIREMENTS

The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)* [See EIE]

Note: For purposes of this policy, the term campus charter includes a program charter.

CAMPUS CHARTERS

The Board shall consider an application for a campus charter if the applicant:

1. Complies with the statutory requirements for a campus charter;
2. Follows the application process established by the District; and
3. Supplies evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter.

COMPLIANCE WITH LAW

Campus charters shall comply with all federal law and with state law governing such charters and shall be nonsectarian.

APPLICATION PROCESS

The Superintendent or designee shall schedule an informational meeting for anyone expressing interest in establishing a campus charter. Applications and petition forms for a campus charter shall be available in the central administration office or in a designated place that is accessible to parents and teachers in the District.

Applicants shall present a draft of the application to the Superintendent or designee in accordance with a timeline established in administrative regulations. The Superintendent or designee shall work with the applicants in completing the application process.

A public forum shall be held to allow the applicants an opportunity to present their proposal to the Board and to the community prior to formal consideration by the Board.

Final applications and any applicable petitions for campus charters shall be submitted to the District prior to January 1 for Board consideration of a charter to begin the following school year.

CONTENT OF FINAL APPLICATION

A final application for a campus charter shall include the following:

1. The purpose and need for such a campus or program;
2. The unique distinction between the proposed campus or program and the District's current campuses and programs;
3. A mission and goals statement;
4. The curriculum to be offered;
5. A plan for measuring student achievement;

6. A governance and decision-making plan, including a list of local Board policies that shall apply, as well as a list of any local policies the applicant is requesting the Board to waive;
7. An enrollment and withdrawal process;
8. A plan for maintaining and reporting PEIMS data in accordance with state requirements;
9. Discipline procedures;
10. A safety and security plan;
11. A plan for providing facilities and student transportation;
12. A facility and maintenance plan that includes routine maintenance as well as emergency procedures for managing potential danger to the health and safety of students and employees;
13. An employment plan consistent with federal and applicable state guidelines, due process requirements, and contract nonrenewal and termination procedures; and
14. The role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and other areas of management.

Applicants shall submit with the application any required petitions indicating evidence of support for the approval of a campus charter.

CONTENT OF CHARTER

A charter shall be a written contract signed by the Board President, the Superintendent, and the chief operating officer of the campus charter.

Each charter shall satisfy the requirements of the law governing campus charters and include the items listed in the application, with any modifications required by the Board.

In addition to the legally required contents of a charter, each charter contract shall:

1. Stipulate a term length for the charter; and
2. Establish a date for review or renewal of the charter.

REVISING THE CHARTER

Revisions or amendments to a charter shall follow the same process outlined at APPLICATION PROCESS, as applicable.

PROVISIONS FOR PROBATION OR REVOCATION

The Board may place on probation or revoke a campus charter in accordance with the charter contract if it finds that the campus charter:

1. Violates a provision of applicable state or federal law;
2. Violates a provision of the charter, which may include failure to meet academic or financial accountability requirements; or
3. Fails to meet generally accepted accounting standards for fiscal management.

PROCEDURE

The Superintendent shall investigate any allegation that a campus charter has violated federal or applicable state law or provisions of the charter or fails to meet generally accepted accounting standards for fiscal management. The Superintendent shall hold a conference with the chief operating officer and governing body of the charter campus or program to discuss any such allegation.

If the Superintendent determines that a violation or mismanagement has occurred, the chief operating officer of the campus charter shall respond to the allegation at the next regularly scheduled Board meeting. The Superintendent shall ensure that the issue is on the agenda.

The Board shall hear the presentation and take action, if necessary, to place the campus charter on probation.

If the Board decides to consider revocation of the campus charter, it shall schedule a public hearing to be held on the respective campus.

COMPULSORY ATTENDANCE

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

VOLUNTARY ENROLLMENT OF STUDENTS 19 AND OVER

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)–(h)

ACCELERATED / COMPENSATORY PROGRAMS

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]

   b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

EXEMPTIONS

A student is exempt from compulsory attendance requirements if:

EQUIVALENCY DIPLOMA

1. The student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

PRIVATE OR HOME SCHOOL

2. The student attends a private or parochial school that includes in its course a study of good citizenship.

   A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

SPECIAL EDUCATION—NONDISTRICT PLACEMENT

3. The student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

MEDICAL CONDITION

4. The student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.

EXPULSION—NO JJAEP

5. The student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]

17-YEAR-OLD IN GED COURSE

6. The student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:

   a. Has the permission of the student's parent or guardian to attend the course;

   b. Is required by court order to attend the course;

   c. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or

   d. Is homeless as defined by 42 U.S.C. 11302.

HIGH SCHOOL REPLACEMENT PROGRAMS

7. The student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.

16-YEAR-OLD IN GED PROGRAM OR JOB CORPS

8. The student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if:

   a. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or

   b. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.

OTHER EXEMPTION

9. The student is specifically exempted under another law.

Education Code 25.086

EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS

A district shall excuse a student from attending school for the following purposes:

RELIGIOUS HOLY DAYS

1. Observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.

COURT APPEARANCES

2. Attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student

will attend the required court appearance and up to one day of excused travel for traveling from that site.

CITIZENSHIP PROCEEDINGS

3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.

4. Taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

ELECTION CLERKS

5. Serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See EARLY VOTING CLERKS, below]

CHILDREN IN CONSERVATORSHIP OF DFPS

6. If the student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:

   a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or

   b. Required under a service plan under Family Code Chapter 263, Subchapter B.

Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)

HEALTH-CARE APPOINTMENTS

7. Temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment must be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

Education Code 25.087(b), (b-3); 19 TAC 129.21(j)(3) [See FEB]

HIGHER EDUCATION VISITS

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and

2. The district adopts:

   a. A policy to determine when an absence will be excused for this purpose; and

   b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2); 19 TAC 129.21(j)(3)

EARLY VOTING CLERKS

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see ELECTION CLERKS, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

MILITARY DEPENDENTS

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

TAPS AT MILITARY FUNERAL

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

NO PENALTY

A student whose absence is excused for a reason described beginning at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

MAKE-UP WORK

The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

OTHER EXCUSED ABSENCES

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

NOTICES TO PARENTS

WARNING NOTICE

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

NOTICE OF ABSENCES

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

NON-ATTENDANCE

PARENT LIABILITY

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE DEFENSE—PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

STUDENT LIABILITY

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

TRUANCY COURTS

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a), (b)

AFFIRMATIVE DEFENSE—STUDENT

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose. *Family Code 65.003(c)*

TRUANCY PREVENTION MEASURES

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

DISTRICT COMPLAINT OR REFERRAL

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951*

DISTRICT COMPLAINT OR REFERRAL AGAINST STUDENT

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FEA]

AGAINST PARENT

The district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Education Code 25.093 if the district provides evidence of the parent's criminal negligence.

A court shall dismiss a complaint made by a district against a parent that does not comply with Education Code 25.0951; does not allege the elements required for the offense; is not timely filed, unless the district delayed the referral as provided below; or is otherwise substantively defective.

DELAYING A REFERRAL

A district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the district:

1. Is applying truancy prevention measures to the student under Education Code 25.0915; and

2. Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

Education Code 25.0951

REFERRAL PROHIBITED

A district may not refer a student to truancy court if the school determines that the student's truancy is the result of pregnancy, being in the state foster program, homelessness, or being the principal income earner for the student's family. [See TRUANCY PREVENTION MEASURES, below] *Education Code 25.0915(a-3)*

FILING REQUIREMENTS

Each referral to truancy court for conduct described by Family Code 65.003(a) must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures to the student, and the measures failed to meaningfully address the student's school attendance; and

2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Family Code 65.054, if the court determines that the district's referral:

1. Does not comply with the requirement above;
2. Does not satisfy the elements required for truant conduct;
3. Is not timely filed, unless the school district delayed the referral as provided above [see DELAYING A REFERRAL, above]; or
4. Is otherwise substantively defective.

Education Code 25.0915(b), (c)

EXPUNCTION OF RECORDS

An individual who was convicted of a truancy offense under former Education Code 25.094 or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

Code of Crim. Proc. 45.0541

ATTENDANCE OFFICER

A board may select a school attendance officer. A school attendance officer also may be selected by two or more boards to serve their districts jointly. *Education Code 25.088*

In districts where no attendance officer has been selected, the superintendent and the peace officers in a district shall perform the duties of attendance officer, but no additional compensation shall be paid for the services. *Education Code 25.090* [See PEACE OFFICERS, below]

POWERS AND DUTIES

An attendance officer employed by a district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Educa-

tion Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To monitor school attendance compliance by each student investigated by the officer;

4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record;

5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Education Code 25.091(b)

PEACE OFFICERS

A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Education Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); or

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To serve court-ordered legal process;

4. To review school attendance records for compliance by each student investigated by the officer;

5. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record; and

6. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.

A peace officer who has probable cause to believe that a child is in violation of the compulsory attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory attendance requirements.

Education Code 25.091(a), (b-1)

TRUANCY PREVENTION MEASURES

A district shall adopt truancy prevention measures designed to address student conduct related to truancy in the school setting before the student engages in conduct described by Family Code 65.003, and minimize the need for referrals to truancy court for conduct described by Family Code 65.003(a). *Education Code 25.0915(a)*

A district shall take one or more of the following actions as a truancy prevention measure:

1. Impose:

   a. A behavior improvement plan on the student that must be signed by an employee of the school, that the district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

      (1) A specific description of the behavior that is required or prohibited for the student;

      (2) The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(3) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

b. School-based community service; or

2. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy. A referral may include participation by the child's parent or guardian if necessary.

A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;

2. Being in the state foster program;

3. Homelessness; or

4. Being the principal income earner for the student's family.

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Education Code 25.0951(a), the district shall initiate truancy prevention measures on the student.

Education Code 25.0915

MINIMUM STANDARDS

The minimum standards for the truancy prevention measures implemented by a district under Education Code 25.0915 include:

1. Identifying the root cause of the student's unexcused absences and actions to address each cause;

2. Maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;

3. Establishing reasonable timelines for completion of the truancy prevention measure; and

4. Establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

19 TAC 129.1043

BEST PRACTICES

A district shall consider the following best practices for truancy prevention measures:

1. Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Education Code, Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the year.
2. Create a culture of attendance that includes training staff to talk with students and parents about the attendance policy and the root causes of unexcused absences.
3. Create incentives for perfect attendance and improved attendance.
4. Educate students and their families on the positive impact of school attendance on performance.
5. Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.
6. Develop collaborative partnerships, including planning, referral and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners, such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.
7. Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.
8. Use existing school programs such as Communities in Schools, 21st Century Community Learning Centers, restorative discipline, and positive behavior interventions and supports (PBIS) to provide students and their parents with services.
9. At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the district and the community that a school, a student, or a student's parent or guardian may access to address the student's barriers to attendance and make the information available to staff, students, and parents. The information must include, but is not limited to:
    a. Services for pregnant and parenting students;
    b. Services for students experiencing homelessness;

c. Services for students in foster care;

d. Federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;

e. State programs including, but not limited to, state compensatory education programs;

f. Dropout prevention programs and programs for “at risk” youth;

g. Programs that occur outside of school time;

h. Counseling services;

i. Tutoring programs and services available at no or low cost;

j. Mental health services;

k. Alcohol and substance abuse prevention and treatment programs;

l. Mentoring programs and services;

m. Juvenile justice services and programs;

n. Child welfare services and programs;

o. Other state or locally funded programs for truancy prevention and intervention; and

p. Other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.

10. After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.

11. School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento (homeless) liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students’ attendance barriers.

In determining services offered to students identified in Education Code 25.091(a-3), a district shall consider:

1. Offering an optional flexible school day program and evening and online alternatives;
2. Working with businesses that employ students to help students coordinate job and school responsibilities; and
3. Offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

19 TAC 129.1045

SANCTIONS

An aggrieved party may file a written complaint with TEA regarding an allegation that a district has failed to comply with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB related to truancy prevention measures. TEA may request that a district provide documentation regarding its compliance in response to a complaint. If, after a review of this documentation or a district's failure to provide this documentation, TEA determines that the district is not in compliance with required truancy prevention measure provisions, TEA may issue a preliminary report of its findings to the district in accordance with 19 TAC 157.1122 (relating to Notice). A district may request in writing an informal review of TEA's preliminary report in accordance with 19 TAC 157.1123 (relating to Informal Review). Following the informal review, or if no informal review is requested by the deadline, a final report will be issued. The commissioner of education may implement any sanction listed in Education Code 39.102(a) against a district found to be out of compliance with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB. *19 TAC 129.1047*

TRUANCY PREVENTION FACILITATOR OR JUVENILE CASE MANAGER

A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by Education Code 25.0915 and any other effective truancy prevention measures as determined by the district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district in truancy cases.

Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures and any other effective truancy prevention measures as determined by the district or campus.

Education Code 25.0915(d), (e)

On approval of the board, a district may employ or agree in accordance with Government Code Chapter 791, with any appropriate governmental entity to jointly employ or to jointly contribute to the costs of another entity employing:

1. A case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; or

2. One or more juvenile case managers who shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases, and may provide prevention services to a child considered at risk of entering the juvenile justice system, and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.

FUNDING

A district may apply to the criminal justice division of the governor's office for reimbursements of the costs of employing a juvenile case manager. Pursuant to Code of Criminal Procedure 102.0174, the district may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the juvenile case manager fund.

RULES

The board of a district that employs a juvenile case manager shall adopt and implement reasonable rules for juvenile case managers that provide a code of ethics, and for the enforcement of the code of ethics; appropriate educational preservice and in-service training standards for juvenile case managers; and training in:

1. The role of the juvenile case manager;

2. Case planning and management;

3. Applicable procedural and substantive law;

4. Courtroom proceedings and presentation;

5. Services to at-risk youth under Family Code Chapter 264, Subchapter D;

6. Local programs and services for juveniles and methods by which juveniles may access those programs and services; and

7. Detecting and preventing abuse, exploitation, and neglect of juveniles.

Code of Criminal Procedure 45.056

CERTIFIED SCHOOL COUNSELOR

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: The provision above regarding CERTIFIED SCHOOL COUNSELOR applies *only* to school districts that apply for, receive, and allocate funds under Education Code 33.002(a). The provisions below apply to all school districts.

SCHOOL COUNSELOR DUTIES

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
    a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
    b. In need of modified instructional strategies; or
    c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged.
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians.
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success.

4. Coordinate people and resources in the school, home, and community.

5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans.

6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum.

Education Code 33.006

PROGRAM DESIGN

The school counselor shall design the developmental guidance and counseling program to include:

1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.

2. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk.

3. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.

4. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

Education Code 33.005

PARENTAL CONSENT AND REVIEW

A board shall adopt guidelines to ensure that written consent is obtained from the parent, legal guardian, or other person entitled to enroll the student under Education Code 25.001(j) for the student to participate in those activities for which parental consent is required. *Education Code 33.003*

Each school shall obtain, and keep as part of the student's permanent record, this written consent by the parent or legal guardian. The consent form shall include specific information on the content of the program and the types of activities in which the student will be involved.

Each school, before implementing a comprehensive and developmental guidance and counseling program, shall annually conduct a preview of the program for parents and guardians. All materials,

including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

Education Code 33.004

ALCOHOL

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

ALCOHOL-FREE ZONES

A board shall attempt to provide a safe alcohol-free environment to students coming to or going from school.

COOPERATIVE EFFORTS

A board may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide this environment and in enforcing the alcohol-free zone provisions in the Alcoholic Beverage Code.

Education Code 38.007(b)

DISTRICTS IN LARGE MUNICIPALITIES

If the majority of the area of a district is located in a municipality with a population of 900,000 or more, the board may petition the commissioners court of the county in which the district is located or the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot alcohol-free zone. *Education Code 38.007(b); Alcoholic Beverage Code 101.75, 109.33, .59*

CRIMINAL OFFENSE

A person commits an offense (a Class C misdemeanor) if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school is being held.

Education Code 37.122

DRUG-FREE ZONES

The punishment is enhanced for offenses under the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, if the offense was committed:

1. In, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school district or a playground; or
2. On a school bus.

Health and Safety Code 481.134

ABUSABLE VOLATILE CHEMICALS

A person commits an offense (Class B misdemeanor) if the person inhales, ingests, applies, uses, or possesses an abusable volatile chemical with intent to inhale, ingest, apply, or use the chemical in a manner:

1. Contrary to directions for use, cautions, or warnings appearing on a label of a container of the chemical; and

2. Designed to affect the person's central nervous system; create or induce a condition of intoxication, hallucination, or elation; or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

DELIVERY TO A MINOR

A person commits an offense if the person knowingly delivers an abusable volatile chemical to a person who is younger than 18 years of age. *Health and Safety Code 485.032*

PARAPHERNALIA

A person commits an offense (Class B misdemeanor) if the person knowingly uses or possesses with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable volatile chemical.

A person commits an offense (Class A misdemeanor) if the person delivers or sells, possesses with intent to deliver or sell, or manufactures with intent to deliver or sell, inhalant paraphernalia, and at that time knows that the person who receives or is intended to receive the paraphernalia intends that it be used to inhale, ingest, apply, use, or otherwise introduce into the body an abusable volatile chemical.

Health and Safety Code 485.033

Note: For disciplinary consequences associated with the offenses above, see FOC and FOD.

STEROID LAW NOTICE

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 the following notice:

Anabolic steroids are for medical use only. State law prohibits possession, dispensing, delivery, or administering an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Criminal Justice.

Education Code 38.008

REMOVAL UNDER STUDENT CODE OF CONDUCT

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

MANDATORY PLACEMENT IN DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

SCHOOL-RELATED MISCONDUCT

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

Education Code 37.006(a)

EXCEPTION

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

RETALIATION

Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

CONDUCT UNRELATED TO SCHOOL

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or

3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

Education Code 37.006(c)

REASONABLE BELIEF

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27. *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

TITLE 5 FELONIES

The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

1. Murder. *Penal Code 19.02*

2. Capital Murder. *Penal Code 19.03*

3. Manslaughter. *Penal Code 19.04*

4. Criminally Negligent Homicide. *Penal Code 19.05*

5. Unlawful Restraint, if:

   a. The person restrained was younger than 17 years of age; or

   b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury, restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty, or while in custody restrains any other person.

   Penal Code 20.02

6. Kidnapping. *Penal Code 20.03*

7. Aggravated Kidnapping. *Penal Code 20.04*

8. Smuggling of Persons. *Penal Code 20.05*

9. Continuous Smuggling of Persons. *Penal Code 20.06*

10. Trafficking of Persons. *Penal Code 20A.02*

11. Continuous Trafficking of Persons. *Penal Code 20A.03*

12. Continuous Sexual Abuse of Young Child or Children. *Penal Code 21.02*

13. Indecency with a Child. *Penal Code 21.11*

14. Improper Relationship between Educator and Student. *Penal Code 21.12*

15. Invasive Visual Recording. *Penal Code 21.15*

16. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.16*

17. Assault, if the offense is punishable as a felony as specified in Penal Code 22.01(b) and (b-1). *Penal Code 22.01*

18. Sexual Assault. *Penal Code 22.011*

19. Aggravated Assault. *Penal Code 22.02*

20. Aggravated Sexual Assault. *Penal Code 22.021*

21. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*

22. Abandoning or Endangering a Child. *Penal Code 22.041*

23. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*

24. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:

    a. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place if the prevention or interruption causes pecuniary loss of $1,500 or more to the owner;

    b. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

    c. Place the public or a substantial group of the public in fear of serious bodily injury; or

    d. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision.

    Penal Code 22.07

25. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*

26. Tampering with Consumer Product. *Penal Code 22.09*

27. Harassment by Persons in Certain Correctional Facilities or of Public Servant. *Penal Code 22.11*

SEXUAL ASSAULT OF ANOTHER STUDENT

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;

2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

3. There is only one campus in a district serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at SEXUAL ASSAULT TRANSFER, TRANSFER OF ASSAILANT]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

PERMISSIVE REMOVAL

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

NON-TITLE 5 FELONY

1. The superintendent or designee has a reasonable belief [see REASONABLE BELIEF, above] that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at TITLE 5 FELONIES]; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d)–(e)

ONE YEAR AFTER CONDUCT

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

CERTAIN ORGANIZATION AND GANG MEMBERSHIP AND SOLICITATION

A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. *Education Code 37.121(b)*

OLDER STUDENTS

A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the district shall revoke the student's admission. *Education Code 25.001(b-1)*

PLACEMENT OF YOUNGER STUDENTS

A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which ex-

pulsion would be required by Section 37.007. *Education Code 37.006(f), .007(e)* [See FOD]

STUDENTS YOUNGER THAN SIX

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. *Education Code 37.006(l), .007(e)(2)*

PROCESS FOR REMOVAL

CONFERENCE

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

MITIGATING FACTORS

Before ordering removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

ORDER

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

APPEAL

If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

Education Code 37.009(a) [See Student Code of Conduct]

TERM OF REMOVAL

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of the placement may not exceed one

year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. *Education Code 37.009(a), (d)*

BEYOND GRADING PERIOD OR 60 DAYS

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

NO APPEAL

Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

BEYOND END OF SCHOOL YEAR

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

ORDER OF REMOVAL

A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

ACTIVITIES

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

COMPLETION OF PROCEEDINGS UPON WITHDRAWAL

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ENROLLMENT IN ANOTHER DISTRICT

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
    a. The out-of-state district provides a copy of the placement order; and
    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

OUT-OF-STATE PLACEMENT

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

COURT-ORDERED PLACEMENT

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

EXPELLED STUDENT

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;

MULTIPLE REFERRALS

2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c)–(d)

SCHOOL ACTIVITIES

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(d)*

PLACEMENT AFTER COURT DISPOSITION

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

NOT GUILTY / INSUFFICIENT EVIDENCE / CHARGES DROPPED

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h); Code of Criminal Procedure 15.27(g)

APPEAL AFTER PLACEMENT UPHELD

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

Education Code 37.006(i)–(j)

120-DAY REVIEW OF STATUS

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the

case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

ADDITIONAL PROCEEDINGS

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

REPORTING

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

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 Fundraising
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

PROMOTIONAL ACTIVITIES

District facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the Superintendent or designee.

[For information relating to nonschool use of facilities, see GKD.]

ADVERTISING

For purposes of this policy, “advertising” shall mean a communication designed to attract attention or patronage by the public or school community and communicated through means under the control of the District in exchange for consideration to the District. “Advertising” does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the District or school support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication. The District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The District shall retain the authority to determine the size and location of any advertising. The District shall also reserve the right to reject advertising that is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum, as well as any content the District determines has a reasonable likelihood of exposing the District to controversy, litigation, or disruption.

The District shall not accept paid political advertising.

Acceptance of advertising shall not constitute District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the District will purchase goods or services from the vendor through the District’s formal procurement process.

[For information relating to school-sponsored publications, see FMA.]

Natalia Independent School District

Fiscal Year 2016-2017

GENERAL FUND BUDGET AMENDMENT

Through Reporting Period June 29, 2017

REVENUES		Budget As Adopted 09/01/2016	Budget As Amended	Administrative Adjustments	Budget Amendment Changes	Budget as Amended Through 6/29/17
5700	Local	2,198,500	2,198,500	-	-	2,198,500
5800	State	8,203,144	8,203,144	-	-	8,203,144
5900	Federal	70,000	70,000	-	-	70,000
	Total Revenue	10,471,644	10,471,644	-	-	10,471,644
OTHER SOURCES						
	Operating Transfer In	-	-	-	-	-
	Total Other Sources	-	-	-	-	-
Total Revenue & Other Sources		**$ 10,471,644**	**$ 10,471,644**	**$ -**	**$ -**	**$ 10,471,644**

EXPENDITURES		Budget As Adopted 09/01/2016	Budget As Amended	Administrative Adjustments	Budget Amendment Changes	Budget as Amended Through 6/29/2017
11	Instruction	5,859,486	5,784,486	(70,000)	-	5,714,486
12	Inst Resources & Media	44,530	44,530	-	-	44,530
13	Curriculum & Prof. Dev.	165,729	165,729	-	-	165,729
21	Instructional Administration	113,960	188,960	90,000	-	278,960
23	School Leadership	568,537	568,537	15,000	-	583,537
31	Guidance & Counseling	291,003	291,003	75,000	-	366,003
32	Social Work Services	-	-	-	-	-
33	Health Services	106,051	106,051	10,000	-	116,051
34	Student Transportation	427,050	427,050	-	-	427,050
35	Food Services	-	-	-	-	-
36	Cocurricular/Extracurricular	625,271	625,271	10,000	-	635,271
41	General Administration	779,917	779,917	(100,000)	-	679,917
51	Plant Maintenance	1,535,869	1,535,869	10,000	-	1,545,869
52	Security & Monitoring	81,888	81,888	15,000	-	96,888
53	Data Processing	221,777	221,777	(60,000)	-	161,777
61	Community Services	2,200	2,200	5,000	-	7,200
71	Debt Services	58,585	58,585	-	-	58,585
81	Facilities Acq. & Construction	-	-	-	-	-
93	Payments to Fiscal Agents/SSA	10,459	10,459	-	-	10,459
95	Payments to JJAEP	-	-	-	-	-
99	Other Intergovernmental Chgs	-	-	-	-	-
	TOTAL EXPENDITURES	10,892,312	10,892,312	-	-	10,892,312
OTHER USES						
	Transfers Out	20,000	20,000	-	-	20,000
	Total Other Uses	20,000	20,000	-	-	20,000
Total Expenditures & Other Uses		**$ 10,912,312**	**$ 10,912,312**			**$ 10,912,312**
Beginning Fund Balance 9/1/2016		$ 5,621,065	$ 5,621,065			**$ 5,621,065** *
Excess/(Deficit) Revenues and Expenditu		$ (440,668)	$ (440,668)			$ (440,668)
Ending Fund Balance 8/31/2017		$ 5,180,397	$ 5,180,397			$ 5,180,397

***** Per Annual Audit Fiscal Year Ended 8/31/16

Natalia Independent School District

Fiscal Year 2016-2017

Food Service Fund

June 2016

REVENUES	Budget As Adopted 09/01/2016	Budget As Amended	Administrative Adjustments	Budget Amendment Changes	Budget as Amended Through 6/29/17
5700 Local	$ 115,000	$ 115,000	$ -	$ -	$ 115,000
5800 State	5,000	5,000	-	-	5,000
5900 Federal	640,000	640,000	-	-	640,000
Total Revenue	$ 760,000	$ 760,000	$ -	$ -	$ 760,000
OTHER SOURCES					
Operating Transfer In	-	-	-	-	-
Total Other Sources	-	-	-	-	-
Total Revenue & Other Sources	**$ 760,000**	**$ 760,000**	**$ -**	**$ -**	**$ 760,000**

EXPENDITURES	Budget As Adopted 09/01/2016	Budget As Amended	Administrative Adjustments	Budget Amendment Changes	Budget as Amended Through 6/29/2017
35 Food Services	$ 689,576	$ 689,576	$ 100,000	$ -	$ 789,576
51 Plant Maintenance	110,400	110,400	(100,000)	-	10,400
TOTAL EXPENDITURES	$ 799,976	$ 799,976	$ -	$ -	$ 799,976
OTHER USES					
Transfers Out	-	-	-	-	-
Total Other Uses	-	-	-	-	-
Total Expenditures & Other Uses	**$ 799,976**	**$ 799,976**			**$ 799,976**
Beginning Fund Balance 9/1/2016 *	-	-			-
Excess/(Deficit) Revenues and Expenditures	(39,976)	(39,976)			(39,976)
Projected Ending Fund Balance 8/31/2017	**$ (39,976)**	**$ (39,976)**			**$ (39,976)**

* Per Annual Audit Fiscal Year Ended 8/31/16

WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

September 1, 2017

VIA FIRST CLASS MAIL

Dr. Hensley Cone
Superintendent
Natalia ISD
P.O. Box 548
Natalia, Texas 78059

RE: Renewal of Membership in Walsh Gallegos' Retainer Program

Dear Dr. Cone:

It is our privilege to serve Natalia Independent School District through the Walsh Gallegos Retainer Program. It is time to renew your membership and so enclosed with your monthly statement you will find our Legal Services Retainer Agreement and our invoice for membership in our Retainer Program. This program includes the following valuable benefits for just $1,000.00 per year:

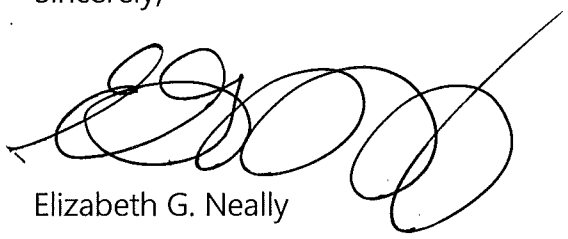
- No-charge telephone consultation on day-to-day general and special education matters with attorneys in any of our offices,
- Reduced rates for legal work,
- Reduced fees for inservices,
- Reduced rates for practical Walsh Gallegos products such as the web-based Student Code of Conduct, The Legal Guide to DAEP & Expulsion and the Extracurricular Code of Conduct,
- A free subscription to our bi-monthly general education newsletter "*Time Out with Walsh Gallegos,*"
- A free subscription to our monthly special education newsletter "*This Just In,*" and
- Email updates about the latest developments in education law.

More information about these services and other advantages of the retainer program are included in the attached description. Also enclosed is information about our EFT/ACH payment program that provides a convenient, efficient, secure, and less costly method of payment than paper checks.

It is an honor to be of service to Natalia Independent School District. Many districts have adopted the Texas Association of School Boards' policy BDD (local) which requires approval of the agreement by the Board of Trustees; check your policy to see who is authorized to approve and sign the Agreement. Additionally, please note that in accordance with the requirements of HB 1295 we have filed Form 1295 with the Texas Ethics Commission and are enclosing a certification of filing of Form 1295 for your records.

We look forward to receiving your signed contract. In the meantime, please remember that you can call any of our offices and speak with the attorney of your choice to get the guidance you need, when you need it. I am pleased to be your shareholder contact regarding the retainer program. Should you have any questions about the Retainer Agreement or wish to reach me directly, please contact me at (800) 232-9169.

Sincerely,



Elizabeth G. Neally

EGN/MK
Enclosures

cc: Mr. Eric Smith, Board President
Ms. Melissa Cortez, Director of Special Education
(not including billing statement or email update form)

WG | WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

LEGAL SERVICES RETAINER AGREEMENT
FOR NATALIA
INDEPENDENT SCHOOL DISTRICT

The Natalia Independent School District (hereinafter "District"), acting by and through the authorized Trustee or Employee whose signature appears below, hereby retains the law firm of Walsh Gallegos Treviño Russo & Kyle P.C. (hereinafter "Law Firm"), to provide the services to the District set forth below.

1. Telephone Consultation: The Law Firm shall provide telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director, or designee pertaining to questions arising out of the general operation of the District. The District shall have access to a statewide toll-free telephone number for calls to the Law Firm.

2. Additional Legal Work: The District shall be entitled to reduced hourly rates for additional legal work over and above general telephone consultation. Examples of such additional legal work are research, opinion letters, and legal advice or representation in adversarial matters. Expenses incurred by the Law Firm in providing such additional legal work shall be charged.

3. Publications: The Law Firm shall provide at no charge the monthly publication *This Just In*, dealing with special education law issues, and the bi-monthly general school law publication *Time Out with Walsh Gallegos*, both published by the Law Firm.

4. E-mail Updates: The Law Firm shall send periodic e-mail updates to designated District personnel and trustees relating to developments in school law. The content and publication schedule of such updates shall be determined solely by the Law Firm.

5. Retainer Term and Cost: There shall be a fee of $1,000.00 for this Retainer Agreement due upon execution and annually thereafter on the anniversary of the execution date below. This Retainer Agreement shall remain in effect until notice of cancellation is received.

6. Scope of Attorney-Client Relationship: This Retainer Agreement establishes a limited attorney-client relationship only between the Law Firm and the District. The relationship exists only as to the consultations and additional legal work that are initiated by the District and accepted by the Law Firm pursuant to this Agreement. The Retainer Agreement does not impose any duty upon the Law Firm to provide advice or work to the District regarding legal matters absent a request by the District's Board

President, Superintendent, Special Education Director, or designee for such advice or work on a matter. The Law Firm and the District acknowledge and represent that this Agreement does not establish an attorney-client relationship between the Law Firm and any individual Trustees or Employees of the District. If a lawsuit or other adversarial matter is brought against the District and/or any Trustee or Employee of the District, the Law Firm may require the execution of one or more separate Letters of Engagement prior to undertaking an attorney-client relationship in the matter.

NATALIA INDEPENDENT SCHOOL DISTRICT

By: _____
(Signature)

_____
(Print Name)

_____
(Title)

_____
(Date)

WALSH GALLEGOS TREVIÑO RUSSO & KYLE P.C.

By: _____
Joe A. De Los Santos
Managing Shareholder

5/23/17
(Date)

WG | WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

Program for EFT/ACH Payments

Walsh Gallegos Trevino Russo & Kyle P.C. is working to improve our services to you and assist you in saving time and money. To that end, we now offer our clients the option to pay their invoices electronically by either Electronic Funds Transfer (EFT) or Automated Clearing House (ACH) payment--instead of the traditional paper, check-by-mail method.

An EFT/ACH payment authorizes the client's bank to move funds from its bank account to the bank account of the authorized merchant (Walsh, Gallegos). This movement of funds is done between banks electronically—thus the term Electronic Funds Transfer (EFT) or Automated Clearing House (ACH). This electronic movement of funds between banks is more convenient, efficient, secure, and far less costly than the handling of paper checks.

If your district is interested in participating in our EFT/ACH payment program, please e-mail a request to WA-EFT@wabsa.com or call Debra Krutsinger at (800) 252-3405 to receive our bank account information for EFT/ACH payments.

We are excited to be able to extend this opportunity to our clients. Please feel free to contact us if you have any questions.

WG | WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

FEE SCHEDULE AS OF JULY 16, 2016
LEGAL SERVICES RETAINER AGREEMENT

For Retainer Program Clients

Annual retainer fee is $1,000 billed each year on the anniversary of the client joining the program.

Telephone consultation with school officials in this program regarding general routine legal matters is free of charge. The firm has toll-free telephone numbers that are made available to these clients.

An hourly rate of $220/hour for associates licensed less than one year, $230/hour for associates licensed one to two years, $275/hour for associates licensed over two years, or $295/hour for shareholders is charged for time spent on research, opinion letters, office visits, board meetings, and other work of a general nature.

For matters requiring more in-depth work, such as document review, negotiation of a contract, grievance, nonrenewal, review of constructions documents, litigation, administrative appeals, and the like, all time, including telephone calls, is charged at the current hourly retainer rates shown above, plus expenses. A new file is set up so that the billings show legal fees attributable to that particular matter.

For Non-retainer Program Clients

An hourly rate of $220/hour for associates licensed less than one year, $230/hour for associates licensed one to two years, $295/hour for associates licensed over two years, or $315/hour for shareholders is charged for time spent on any work, including all telephone calls, office visits, litigation, research, opinion letters, hearings, and the like.

The above rates are subject to change at any time.

WG | WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

BENEFITS OF THE RETAINER PROGRAM

1. FREE TELEPHONE CONSULTATION: The law firm provides telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director or any designee pertaining to questions arising out of the general operation of the District. Last year, our member clients received an average of 12 free hours of telephone consultation. That is a $3,060 value in telephone calls alone!

   As a retainer client, the District has exclusive access to the statewide toll-free telephone numbers for calls to the law firm. Before making decisions with legal consequences, use our exclusive toll-free number to reach any Walsh Gallegos attorney:

   - Austin (800) 252-3405
   - San Antonio (800) 232-9169
   - Irving (800) 231-4207
   - Houston (888) 565-6864
   - Rio Grande Valley (866) 770-6864
   - Albuquerque (800) 771-6864

2. REDUCED RATES FOR ADDITIONAL LEGAL WORK: The District receives reduced hourly rates for additional works that goes beyond the initial general telephone consultations, such as analyzing documents, writing opinion letters, attending school board meetings, or follow up phone consultations. Though the hourly rates are reduced for retainer clients, any actual expenses (copy costs or mileage, for example) incurred by the law firm in providing such additional work are charged.

3. FREE SUBSCRIPTIONS TO FIRM PUBLICATIONS: Membership in the Walsh Gallegos Retainer Program also entitles the District to receive free subscriptions to both of the firm's newsletters:

   (1) the informative bi-monthly newsletter *"Time Out with Walsh Gallegos"* that provides timely reminders and practical suggestions about general education law issues arising throughout the school year, and

   (2) the monthly publication *"This Just In"* which addresses legal issues specific to the special needs of students with disabilities

4. E-MAIL UPDATES: As another benefit of the Retainer Program, Walsh Gallegos sends periodic e-mail updates to you (and to any other District personnel or trustees you designate) to help keep the District abreast of the latest developments in school law. These updates, averaging more than one per month, address a broad range of timely topics and are designed to keep you informed and better prepared in your work for the District. Examples of the topics of our updates include:

   - Information on How to Become a District of Innovation
   - Impact of new Federal Overtime Regulations on School Districts

- Action required regarding Eminent Domain Authority for School Districts
- Information regarding Cybersquatting
- New FCC Rules regarding Mass Communications
- Managing Public Comment at Board Meetings

Don't let your District personnel miss our next update!

5. REDUCED RATES ON ALL WALSH GALLEGOS INSERVICES: Our Retainer Program members also receive reduced rates on all inservices presented at the District. Our up-to-date training programs are presented by attorneys with firsthand experience and knowledge about the current legal issues confronting Texas school districts. Our retainer clients also receive priority scheduling for inservice training.

6. REDUCED RATES ON ALL WALSH GALLEGOS PRODUCTS: To assist clients in their day-to-day operations, we have developed several practical products to save you time and head off potential problems during the school year. These products are easy to navigate, written in plain language, and are full of useful suggestions. As a member of the Retainer Program, clients receive reduced rates on these helpful tools, including:

   - Interactive Student Code of Conduct
   - Discipline Guide for DAEP & Expulsion
   - Student Dress Code
   - Extracurricular Code of Conduct
   - Student Activities Guide
   - Administrator's Anti-Bullying Toolkit

7. ONE FREE AUDIO CONFERENCE: Our retainer clients are also eligible for one free audio conference of the District's choice, to be selected from our published audio conference schedule. Our audio conferences provide excellent training for school administrators without having to leave the district.

Preliminary TAX Report

As of June 26, 2017

2016 Taxes M&O	% of Roll Collected	91.8%	2,193,508
2016 Taxes I&S	% of Roll Collected	91.8%	211,852
Current Taxes Collected M&O			36,868
YTD Taxes Collected M&O			2,014,242
Current Taxes collected I&S			3,561
YTD Taxes Collected I&S			194,446
Delinquent Taxes Collected M&O			5,171
Delinquent Taxes Collected I&S			658
Penalty & Interest M&O			7,195
Penalty & Interest Collected I&S			760
Uncollected Balance for M&O Current			167,789
Uncollected Balance for I&S Current			16,205
Uncollected Balance for M&O Delinquent			204,898
Uncollected Balance for I&S Delinquent			27,225
Total Uncollected Taxes Current & Delinquent M&O			372,687
Total Uncollected Taxes Current & Delinquent I&S			43,430

NATALIA INDEPENDENT SCHOOL DISTRICT

Asset & Account Report

As of June 27, 2017

Account Type	ACC#	Financial Institution	Opening Amt	Opening Date	Maturity	Rate %	Value/Current Balance
Savings	9905375	Security State Bank	-	-	-	0.10%	$ 2,277,634.82
GOF	14605	Security State Bank	-	-	-	0.10%	2,878,708.33
Payroll	14699	Security State Bank	-	-	-	0.10%	452,235.55
Student Activity	3215792	Security State Bank	-	-	-	0.10%	197,853.83
Band Booster	3208346	Security State Bank	-	-	-	0.10%	5,420.00
InS Saving	7336233	Security State Bank	-	-	-	0.10%	668,882.17
InS Checking	14648	Security State Bank	-	-	-	0.10%	-
CD--12M	28448	Security State Bank	1,000,000.00	4/1/2013	4/11/2018	1.04%	1,015,941.43
CD--12M	28217	Security State Bank	250,000.00	1/1/2012	1/17/2018	0.77%	250,000.00
CD--12M	18775	Community National Bank	250,000.00	5/24/2010	5/24/2017	0.50%	250,000.00
CD--6M	9600000297	Prosperity Bank	250,000.00	5/15/2009	11/15/2017	0.45%	250,000.00
CD-6M	400051	Security National Bank	250,000.00	12/13/2016	12/13/2017	1.12%	250,786.10
							$ 8,497,462.23

Natalia Independent School District

Fiscal Year 2016-2017

GENERAL FUND

Through Reporting Period June 29, 2017

REVENUES	Year-to-Date ** Amended Budget	Year-to-Date Realized	Difference Realized to Budget	% of Budget
LOCAL				
Taxes Current & Delinquent	$ 2,115,000	$ 1,944,649	$ (170,352)	91.95%
Interest Earnings	7,000	6,644	(356)	94.92%
Facility Rentals	2,500	800	(1,700)	32.00%
Athletic Gate Receipts	28,000	32,680	4,680	116.71%
Other Local Sources	46,000	64,009	18,009	139.15%
TOTAL LOCAL	2,198,500	2,048,782	(149,718)	93.19%
STATE				
Foundation School Program	7,415,922	5,638,290	(1,777,632)	76.03%
TRS On-Behalf Contribution	408,856	281,764	(127,092)	68.92%
Other State Sources	378,366	303,983	(74,383)	80.34%
TOTAL STATE	8,203,144	6,224,037	(1,979,107)	75.87%
FEDERAL				
SHARS	70,000	120,667	50,667	172.38%
Other Federal Sources	-	-	-	0.00%
TOTAL FEDERAL	70,000	120,667	50,667	172.38%
Total Revenue	$ 10,471,644	$ 8,393,485	$ (2,078,159)	80.15%
OTHER SOURCES				
Operating Transfer In	-	390,676	390,676	0.00%
Total Other Sources	-	390,676	390,676	0.00%
Total Revenue & Other Sources	**$ 10,471,644**	**$ 8,784,161**	**$ (1,687,483)**	**83.89%**

	EXPENDITURES	Year-to-Date Amended Budget	Year-to-Date Actual	Difference Actual to Budget	% of Budget
11	Instruction	$ 5,714,486	$ 4,618,348.2	$ 1,096,138	80.82%
12	Inst Resources & Media	44,530	31,283	13,247	70.25%
13	Curriculum & Prof. Dev.	165,729	128,010	37,719	77.24%
21	Instructional Administration	278,960	239,397	39,563	85.82%
23	School Leadership	583,537	484,750	98,787	83.07%
31	Guidance & Counseling	366,003	305,571	60,432	83.49%
32	Social Work Services	-	-	-	0.00%
33	Health Services	116,051	86,218	29,833	74.29%
34	Student Transportation	427,050	366,537	60,514	85.83%
35	Food Services	-	-	-	0.00%
36	Cocurricular/Extracurricular	635,271	531,369	103,902	83.64%
41	General Administration	679,917	583,136	96,781	85.77%
51	Plant Maintenance	1,545,869	1,368,695	177,174	88.54%
52	Security & Monitoring	96,888	79,099	17,789	81.64%
53	Data Processing	161,777	109,532	52,245	67.71%
61	Community Services	7,200	-	7,200	0.00%
71	Debt Services	58,585	58,585	-	100.00%
81	Facilities Acq. & Construction	-	-	-	0.00%
93	Payments to Fiscal Agents/SSA	10,459	5,825	4,634	55.69%
95	Payments to JJAEP	-	-	-	0.00%
99	Other Intergovernmental Chgs	-	-	-	0.00%
	TOTAL EXPENDITURES	$ 10,892,312	$ 8,996,354	$ 1,895,958	82.59%
	OTHER USES				
	Transfers Out	20,000	-	20,000	0.00%
	Total Other Uses	$ 20,000	$ -	$ 20,000	0.00%
	Total Expenditures & Other Uses	**$ 10,912,312**	**$ 8,996,354**	**$ 1,915,958**	**82.44%**
	Excess/(Deficit) Revenues and Expenditures in General Fund.	$ (440,668)	$ (212,192)	$ 228,475	

***** Encumbrances are not included and totals may vary due to rounding.

****** YTD Amended Budget is as of June 29, 2017.

Natalia Independent School District

Fiscal Year 2016-2017

GENERAL FUND

Comparison of Actual Results for Current and Prior Year

A C T U A L - T O - A C T U A L

REVENUES	EOM June 2015-2016	EOM June 2016-2017	Difference 2017 vs 2016	Percent Variance
Local	$ 2,051,364	$ 2,048,782	$ (2,582)	(0.13%)
State	7,487,322	6,224,037	(1,263,286)	(16.87%)
Federal	152,519	120,667	(31,852)	(20.88%)
Total Revenues	9,691,205	8,393,485	(1,297,720)	(13.39%)
OTHER SOURCES				
Operating Transfer In	273,955	390,676	116,721	42.61%
Total Other Sources	273,955	390,676	116,721	42.61%
Total Revenues & Other Sources	**$ 9,965,160**	**$ 8,784,161**	**$ (1,180,999)**	**(11.85%)**

Expenditures by Function	EOM June 2015-2016	EOM June 2016-2017	Difference 2017 vs 2016	Percent Variance
11 Instruction	4,450,866	$ 4,618,348	$ 167,483	3.76%
12 Inst Resources & Media	35,363	31,283	(4,080)	(11.54%)
13 Curriculum & Prof. Dev.	51,907	128,010	76,103	146.61%
21 Instructional Administration	10,155	239,397	229,241	2257.34%
23 School Leadership	460,001	484,750	24,749	5.38%
31 Guidance & Counseling	215,148	305,571	90,423	42.03%
32 Social Work Services	(265)	-	265	(100.00%)
33 Health Services	83,323	86,218	2,895	3.47%
34 Student Transportation	634,828	366,537	(268,291)	(42.26%)
35 Food Services	2,688	-	(2,688)	(100.00%)
36 Cocurricular/Extracurricular	470,683	531,369	60,686	12.89%
41 General Administration	486,768	583,136	96,368	19.80%
51 Plant Maintenance	1,052,666	1,368,695	316,029	30.02%
52 Security & Monitoring	80,654	79,099	(1,555)	(1.93%)
53 Data Processing	173,259	109,532	(63,728)	(36.78%)
61 Community Services	276	-	(276)	(100.00%)
71 Debt Services	58,585	58,585	-	0.00%
81 Facilities Acq. & Construction	-	-	-	0.00%
93 Payments to Fiscal Agents/SSA	5,922	5,825	(97)	(1.64%)
95 Payments to JJAEP	-	-	-	0.00%
99 Intergovernmental Charges	-	-	-	0.00%
Total Expenditures	8,272,827	$ 8,996,354	$ 723,527	8.75%
Transfer Out/Other Uses	-	-	-	0.00%
Total Expenditures & Other Uses	**$ 8,272,827**	**$ 8,996,354**	**$ 723,527**	**8.75%**
Excess/(Deficit) Revenues and Expenditures	$ 1,692,333	$ (212,192)	$ (457,472)	

Expenditures by Major Object Code				
6100 - Payroll Costs	$ 5,994,141	$ 6,445,146	$ 451,006	7.52%
6200 - Professional and Contracted Services	992,889	1,386,192	393,303	39.61%
6300 - Supplies and Materials	663,136	586,760	(76,376)	(11.52%)
6400 - Other Operating Costs	193,585	258,302	64,717	33.43%
6500 - Debt Service	58,585	58,585	-	0.00%
6600 - Capital Outlay-Land, Bldgs & Equip.	370,492	261,368	(109,124)	(29.45%)
Total Expenditures	**$ 8,272,827**	**$ 8,996,354**	**$ 723,527**	**8.75%**

* Encumbrances are not included and totals may vary due to rounding.

Natalia Independent School District

Fiscal Year 2016-2017

Food Service Fund

Through Reporting Period June 29, 2017

REVENUES	Year-to-Date ** Amended	Year-to-Date Realized	Difference Realized to Budget	% of Budget
LOCAL				
Interest Earnings	$ -	$ -	$ -	0.00%
Lunch/Breakfast Sales & Catering	115,000	135,467	20,467	117.80%
TOTAL LOCAL	115,000	135,467	20,467	117.80%
STATE				
State Match & Other	5,000	3,772	(1,228)	75.44%
TOTAL STATE	5,000	3,772	(1,228)	75.44%
FEDERAL			-	
School Breakfast Program	240,000	278,115	38,115	115.88%
National School Lunch Prgm & Snacks	400,000	382,233	(17,767)	95.56%
USDA Commodities	-	-	-	0.00%
TOTAL FEDERAL	640,000	660,348	20,348	103.18%
Total Revenue	$ 760,000	$ 799,587	$ 39,587	105.21%
OTHER SOURCES				
Operating Transfer In	-	-	-	0.00%
Total Other Sources	-	-	-	0.00%
Total Revenue & Other Sources	**$ 760,000**	**$ 799,587**	**$ 39,587**	**105.21%**

EXPENDITURES	Year-to-Date Amended	Year-to-Date Actual	Difference Actual to Budget	% of Budget
35 Food Services	$ 789,576	$ 731,857	$ 57,719	92.69%
41 General Administration	-	-	-	0.00%
51 Plant Maintenance	10,400	-	10,400	0.00%
TOTAL EXPENDITURES	$ 799,976	$ 731,857	$ 68,119	91.48%
OTHER USES				
Transfers Out	-	-	-	0.00%
Total Other Uses	-	-	-	0.00%
Total Expenditures & Other Uses	**$ 799,976**	**$ 731,857**	**$ 68,119**	**91.48%**
Excess/(Deficit) Revenues and Expenditures	$ (39,976)	$ 67,729	$ 107,705	

Expenditures by Major Object Code				-
6100 - Payroll Costs	$ 338,692	$ 281,063	$ 57,629	82.98%
6200 - Professional and Contracted Services	36,493	26,003	10,490	71.25%
6300 - Supplies and Materials	408,236	408,236	-	100.00%
6400 - Other Operating Costs	4,839	4,839	-	100.00%
6500 - Debt Service	-	-	-	0.00%
6600 - Capital Outlay-Land, Bldgs & Equip.	11,715	11,715	-	100.00%
Total Expenditures	**$ 799,976**	**$ 731,857**	**$ 68,119**	**91.48%**

***** Encumbrances are not included and totals may vary due to rounding.

****** YTD Amended Budget is as of month-end close for June.

Natalia Independent School District
Fiscal Year 2016-2017
DEBT SERVICE FUND *
Through Reporting Period Ending June 26, 2017

REVENUES	Year-to-Date ** Amended	Year-to-Date Realized	Difference Realized to Budget	% of Budget
LOCAL				
Taxes Current & Delinquent	$ 195,000	$ 186,575	$ (8,425)	95.68%
Interest Earnings	-	380	380	0.00%
TOTAL LOCAL	195,000	186,956	(8,044)	95.87%
STATE				
IFA and EDA	168,250	174,296	6,046	103.59%
TOTAL STATE	168,250	174,296	6,046	103.59%
FEDERAL				
Other Federal Sources	-	-	-	0.00%
TOTAL FEDERAL	-	-	-	0.00%
Total Revenue	$ 363,250	$ 361,252	$ (1,998)	99.45%
OTHER SOURCES				
Operating Transfer In	-	-	-	0.00%
Total Other Sources	-	-	-	0.00%
Total Revenue & Other Sources	**$ 363,250**	**$ 361,252**	**$ (1,998)**	**99.45%**

EXPENDITURES	Year-to-Date Amended	Year-to-Date Actual	Difference Actual to Budget	% of Budget
71 Debt Services				
Principal on Bonds	$ 343,125	$ -	$ 343,125	0.00%
Interest on Bonds	20,125	20,575	(450)	102.24%
Other Debt Services Fees	-	1,500	(1,500)	0.00%
TOTAL EXPENDITURES	$ 363,250	$ 22,075	$ 341,175	6.08%
OTHER USES				
Transfers Out	-	-	-	0.00%
Total Other Uses	-	-	-	
Total Expenditures & Other Uses	**$ 363,250**	**$ 22,075**	**$ 341,175**	**6.08%**
Excess/(Deficit) Revenues and Expenditures	$ -	$ 339,177	$ 339,177	

***** Encumbrances are not included and totals may vary due to rounding.
****** YTD Amended Budget is as of month-end close for June.

NATALIA INDEPENDENT SCHOOL DISTRICT

2017-2018 Budget Work Session Calendar

DATE	Day		Description
May 8, 2017	Monday	✓	• 2017-18 Student Enrollment • 2017-18 Staffing projections • Compensation Objectives • Health Insurance • Revenue Projections
June 12, 2017	Monday	✓	• Update Revenue Projection • Campus/District Initiatives • Base Budget
July 10, 2017	Monday		• Update Revenue Projection • Approval of Campus/District Initiatives • Child Nutrition Budget • Debt Service Budget
August 11, 2017	Friday		• Publish Notice of Public Hearing in: ✓ Local Newspaper ✓ NISD website
August 14, 2017	Monday		• Update Revenue Projection • General Fund Budget • Child Nutrition Budget • Debt Service Budget
August 28, 2017	Monday		**Special Board Meeting** • Public Hearing to Discuss Budget and Proposed Tax Rate • Approval of Final Amended Budget for 2016-2017 • Approval of Tax Rate 2017-2018 • Adoption of Budget for 2017-2018
September 1, 2017	Friday		Fiscal Year 2017-2018 Officially Begins • Post adopted budget on NISD website

NATALIA ISD
2017-2018 BUDGET WORKSHOP

FY 2017-2018 Budget Development

Barbara Flores, Business Manager
July 10, 2017

NATALIA ISD
2017-2018 BUDGET WORKSHOP

To collaborate, discuss and receive feedback from Natalia ISD Governing Body and to ensure appropriation goals are set forth for students, staff and stakeholders of Natalia ISD.

NATALIA ISD
2017-2018 BUDGET WORKSHOP

- Preliminary Revenue Estimates
- Campus/District Initiatives
- Employee Benefits
- Child Nutrition
- Debt Service

NATALIA ISD
2017-2018 BUDGET WORKSHOP

Assumptions

- Student Population remains constant
  - ADA 979.60
  - 95% Attendance Rate
- Preliminary net taxable value: $212,280,493
- Collection rate: 96%
- Tax rate: $1.17
- Legislative
  - Austin Yield Increase - .77 to .99/WADA
- Pre Legislative
  - HB 21 – Sm School Adjustment, phased in over 5 years

NATALIA ISD
2017-2018 BUDGET WORKSHOP

Questions?

Staff Resignations

July 10, 2017

1. John Reep, HS Teacher — Effective: June 02, 2017
2. Philip McCraw, HS Teacher — Effective: June 02, 2017