Regular

Monday, June 13, 2005 6:00 PM
Granbury ISD Board Room, 600 West Pearl St., Granbury, TX 76048, W Pearl St, Granbury, TX 76048

1. **Call to order**
2. **Administer Oath of Office - Place 1 Board of Trustee**
3. **Convene in closed session under the Texas Open Meetings Act, Texas Government Codes, Chapter 551.074 - personnel matters and 551.072 purchase, exchange, lease or value of real property**

a. Staff appointments
b. Consider appointment of Oak Woods Intermediate Principal
c. Consider appointment of Granbury High School Principal
d. Review/Revise Superintendent's 2005-06 evaluation instrument

4. **Reconvene in open session**
5. **Invocation**
6. **Pledges - U.S. Flag & Texas Flag**
7. **Consider election of Board officers for 2005-2006**
8. **Superintendent's Report - Goals 1, 2, 3, 6, 7**

a. Recognitions
1. Employee Recognition - Judy Willingham, Mambrino School
2. Community Recognition - Martha Hartman & Maria Bautista - McDonalds

b. April 30, 2005 financial statements
c. Update on Year End Projects
d. Update on District Finance/Student Software project
e. Update 75
f. Preliminary TAKS results

9. **Board members special reports**
10. **Consider Consent Agenda Items - Goals 2, 3, 5**

a. Minutes of the May 16, 2005 regular board meeting
b. Budget Amendments
c. Vehicle Fuel bid no. 2003-18 (renewal
d. Grounds supplies and equipment GISD bid no. 2003-28 (renewal)
e. Plumbing supplies and equipment GISD bid no. 2004-12
f. General maintenance and glass supplies GISD bid no. 2004-18 (renewal)
g. Fencing services GISD CSP 2004-21 (renewal)
h. Athletic jackets and athletic letter awards GISD CSP 2005-02 (renewal)
i. Athletic supplies bid 2005-17
1. Basketball portion
2. Cross-Country portion
3. Girls Track portion

j. 3/4 Ton Pick Up Truck vehicle bid no. 2005-21
k. Music, band & choir supplies bid no. 2005-22
l. Disposal of Surplus Furniture and Equipment
m. Buy Board purchase - Brawner Roof replacement
n. Riverside Publishing purchase
o. Purchase of security cameras and related services, material and supplies
p. Purchase of Tracer Summit building Automation systems and relates services - Crossland Intermediate & Acton Elementary
q. Technology Purchase – Dell SAN – DIR Pricing

11. **Consider athletic supplies bid no. 2005-17 - Soccer portion**

12. **Consider policy DEA (LOCAL) and DEC (LOCAL)**
a. DEA (LOCAL)
b. DEC (LOCAL)
13. **Consider adoption of an order authorizing the issuance of unlimited tax refunding bonds, authorizing the execution of a bond purchase agreement and an escrow agreement; approving an official statement; and enacting other provisions relating to the subject**
14. **Consider External Auditor**
15. **Consider Boys/Girls Club partnership**
16. **Consider nomination for TASB Region 11, Position D Board of Directors**
17. **Public comments/audience participation**
18. **Personnel - Goal 6**
a. Consider staff appointments
b. Consider appointment of Oak Woods Intermediate Principal
c. Consider appointment of Granbury High School Principal
d. Review/Revise Superintendent's 2005-06 evaluation instrument
19. **Adjourn**

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Information

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: 04/30/05 Financial Statements

SUMMARY:

Attached are the financial statements for the period ended April 30, 2005 for the general operating fund.

The statements for the period ended April 30, 2005 include only those transactions that occurred between the period of September 1, 2004 and April 30, 2005. Revenue collected to date equal 89.50% of the budgeted amount compared to 88.74% last year. Expenditures to date represent 62.06% of the budget compared to 64.68% last year.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Emmett Whitefield

Date Submitted: June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Report

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Year-End Projects

SUMMARY:

Every year at this time the financial status of the current year budget is reviewed to determine if additional funds are available for year-end projects. Year-end projects are projects that have been identified throughout the year either through normal operations or the budget development process for the next school year. Attached is a list of the projects that have been identified for the 2004-05 year-end status and recommended for processing. The total projected to be expended on these projects is $346,890. The majority of these projects can be funded within the function budget already approved by the Board. However, there are 2 projects (ITBS Test and the Dell Storage Area Network) that will need funds transferred from other functions to cover the cost of the projects. The necessary budget amendment will be presented with the other budget amendments.

The year-end projections are attached for your review. According to the current adopted budget, GISD would realize approximately $1,000,000 loss for the current year. However, projections are that the revenue will be collected at 97.84% of the budget and expenditures will be made of 94.77% of the budget, thus resulting in a $370,515 surplus.

The projected year-end projects will require approximately $478,390 to be expended. Even with these expenditures, it is anticipated that the District will realize a break even status or at the most a $100,000 loss compared to the budgeted $1,000,000 loss. These expenditures will meet needs within the District while not adversely affecting the financial status of the District.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
William Harris

Date Submitted: June 3, 2005

Texas Association
of School Boards

Localized Policy Manual

Update 75

Granbury ISD

Your Localized Update 75 centers on redeveloped policies regarding harassment and sexual harassment, on new state rules regarding the enrichment curriculum, accountability testing, and the Student Success Initiative, as well as on the recently enacted Individuals with Disabilities Education Improvement Act of 2004.

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

To better focus Board attention and expedite its review, your Localized Update 75 packet contains:

- ***Vantage Points—A Board Member's Guide to Update 75***, copies of which may be found in the separately wrapped package accompanying this packet. ***Vantage Points*** offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute *Vantage Points* to your Board members** at the earliest possible opportunity, preferably with their review copies of this update.

- Your Localized Update, which includes:

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

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

Update 75 materials can be identified by the DATE ISSUED—4/1/2005—located in the lower left corner of each page. If you have any questions concerning this Update, please call your Policy Consultant/Analyst, Kaye Teaff, at 800-580-7529 or 512-467-0222.

Regarding Board action on Update 75 . . .

- Board action on Localized Update 75 must occur within a properly posted, open meeting of the Board and may be addressed on the agenda posting as "Policy Update 75, affecting (LOCAL) policies (see attached list)." Using the Instruction Sheet as a guide, create and attach to the posting a list of the (LOCAL) policy codes **and the titles/subtitles of those policies**. BoardBook compilers should use "Policy Update 75, affecting (LOCAL) policies" as the agenda item and, as agenda subitems, the code and name of each of the (LOCAL) policies affected by the update.

- An appropriate motion for Board action on Localized Update 75 is as follows:

  "I move that the Board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 75 [with the following changes:]"

- The Board's action on Localized Update 75 must be reflected in Board minutes. The Instruction Sheet—annotated to reflect any changes made by the Board—and the Explanatory Notes for the update should be filed with the Board minutes where they comprise the authoritative historical record of your District's manual. Also include in the historical record a copy of the replaced or rescinded (LOCAL) policies.

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

Regarding manual maintenance and administrative regulations . . .

- The update should be incorporated into each of the District's Localized Policy Manuals as soon as practicable. If the District uses *Policy On Line*, please notify us of the Board's action on Update 75 so this action may be reflected in your District's Localized Policy Manual as it appears on TASB's Web server. *Policy On Line* staff may be reached by phone (800–580–7529 or 512–467–0222), fax (512–467–3618; see the pink form enclosed), e-mail (pol-support@tasb.org), or Internet feedback form (http://www.tasb.org/policy/pol/private/polfdbk.html).

- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 75 policy changes should be inspected and revised as needed. If the District routinely submits (REGULATIONS) to Policy Service for processing or desires that the updated (REGULATION) be included in the District's *Policy On Line* manual, please submit these changes to your Policy Consultant/Analyst at your earliest convenience.

PLEASE NOTE: This Localized Update 75 packet and the Update 75 ***Vantage Points*** may not be considered as legal advice and are not intended as a substitute for the advice of the Board's own legal counsel.

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Instruction Sheet

TASB Localized Policy Manual Update 75

District Granbury ISD

Code		Action To Be Taken	Note
BBB	(LEGAL)	Replace policy	Revised policy
BBFA	(LEGAL)	Replace policy	Revised policy
BDAE	(LEGAL)	Replace policy	Revised policy
BDAE	(LOCAL)	ADD policy	See explanatory note
BDB	(LOCAL)	Replace policy	Revised policy
BDD	(LOCAL)	ADD policy	See explanatory note
CLA	(LEGAL)	Replace policy	Revised policy
CLB	(LOCAL)	Replace policy	Revised policy
CNA	(LOCAL)	No policy enclosed	See explanatory note
CS	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DAA	(LOCAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DHB	(LOCAL)	DELETE policy	See explanatory note
DHC	(LEGAL)	DELETE policy	See explanatory note
DHC	(LOCAL)	DELETE policy	See explanatory note
DHC	(EXHIBIT)	DELETE exhibit	See explanatory note
DIA	(LEGAL)	ADD policy	See explanatory note
DIA	(LOCAL)	ADD policy	See explanatory note
EC	(LOCAL)	DELETE policy	See explanatory note
EHAA	(LEGAL)	Replace policy	Revised policy
EHAB	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBA	(LEGAL)	No policy enclosed	See explanatory note
EIE	(LEGAL)	Replace policy	Revised policy
EIE	(LOCAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy

Instruction Sheet

TASB Localized Policy Manual Update 75

Code		Action To Be Taken	Note
F	(LEGAL)	Replace table of contents	Revised table of contents
FB	(LEGAL)	Replace policy	Revised policy
FB	(LOCAL)	Replace policy	Revised policy
FFD	(LOCAL)	DELETE policy	See explanatory note
FFE	(LEGAL)	Replace policy	Revised policy
FFF	(LOCAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	ADD policy	See explanatory note
FFH	(LOCAL)	ADD policy	See explanatory note
FNC	(LOCAL)	Replace policy	Revised policy
FNCE	(LOCAL)	DELETE policy	See explanatory note
FNCJ	(LEGAL)	DELETE policy	See explanatory note
FNCJ	(LOCAL)	DELETE policy	See explanatory note
FNCJ	(EXHIBIT)	DELETE exhibit	See explanatory note
FNCL	(LOCAL)	DELETE policy	See explanatory note
FND	(LEGAL)	Replace policy	Revised policy
FNE	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	No policy enclosed	See explanatory note
G	(LEGAL)	Replace table of contents	Revised table of contents
GBA	(LEGAL)	Replace policy	Revised policy
GBA	(LOCAL)	DELETE policy	See explanatory note
GBA	(EXHIBIT)	DELETE exhibit	See explanatory note
GBAA	(LEGAL)	ADD policy	See explanatory note
GBAA	(LOCAL)	ADD policy	See explanatory note
GBAA	(EXHIBIT)	ADD exhibit	See explanatory note

Explanatory Notes

TASB Localized Policy Manual Update 75

District: Granbury ISD

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

The 78th Legislature's response to the federal Help America Vote Act of 2002 prompts two changes to this policy, both attributable to HB 1549:

- At VOTING MACHINES AND PUNCH-CARD BALLOTS, on page 3, appears the prohibition against the use—after January 1, 2006—of any voting system dependent on "mechanical voting machines or a punch-card ballot or similar form of tabulation card."
- At VOTERS WITH DISABILITIES, also on page 3, appears the requirement that—by January 1, 2006—at least one voting station at each polling place allow voters with physical disabilities to cast a secret ballot. This station must comport with Section 504 and the Americans with Disabilities Act.

While the Help America Vote Act applied to state and federal elections, the legislature's actions also extend to elections of many local governments, including school districts. Further information about new election requirements and their applicability to school districts may be found in Election Advisory 2005–02 from the office of the Texas Secretary of State at http://www.sos.state.tx.us/elections/laws/advisory2005–02.shtml.

BBFA (LEGAL) ETHICS
CONFLICT OF INTEREST

At item 9 on page 6 we have corrected a typographical error: the attorney general's opinion held that the nepotism law applies "whether the *individual* is hired as an *employee* or an independent contractor." (The words in italics were transposed in error in this policy, last issued at Update 73.)

BDAE (LEGAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

At COLLATERAL appears a long-standing provision from Chapter 2257 of the Government Code that requires the district to adopt policy addressing collateralization of district funds by a depository.

BDAE (LOCAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF DEPOSITORY

The enclosed policy, drafted with the assistance of TASB's Financial Services staff and outside advisors, is intended to fulfill the local policy requirement of the Government Code, described above.

BDB (LOCAL) BOARD INTERNAL ORGANIZATION
INTERNAL COMMITTEES

We have deleted from this policy language that may have been construed to require all committees of the board to comply with the Texas Open Meetings Act (TOMA).

Provisions found in BDB(LEGAL) control whether Board committees are subject to TOMA. In general:

- A committee that includes one or more board members and supervises or controls public business must comply with TOMA when it meets to discuss public business or policy.
- A committee that includes less than a quorum of board members is not subject to TOMA if it is purely advisory and does not supervise or control public business or policy.

Explanatory Notes

TASB Localized Policy Manual Update 75

BDD (LOCAL) BOARD INTERNAL ORGANIZATION
ATTORNEY

We recommend for your consideration the enclosed policy describing the relationship between the board and legal counsel. The policy explains how individual trustees and staff members would proceed in requesting legal advice on district issues and how legal advice is shared with the board.

If your district employs in-house counsel, please alter these provisions as appropriate and advise your Policy Consultant/Analyst.

CLA (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
SECURITY

Added to this policy is the SAFETY RULES section expressing the authority of the board to adopt rules to protect the safety and welfare of students and employees, to safeguard property, and to otherwise provide for the security of the district. This language—specific to vehicles on campus—is echoed at CLC(LEGAL).

CLB (LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
MAINTENANCE

We have deleted from this policy items that were redundant of provisions found in CLB(LEGAL) and have added, at NO UNAUTHORIZED APPLICATION, a blanket prohibition against application of a pesticide or herbicide at a school facility without prior approval of the IPM coordinator.

Our thanks to the Southwest Technical Resource Center for IPM in Schools and Child Care Facilities for guidance. The center is a component of Texas A&M's Texas Cooperative Extension Service Centers; further information is available at http://schoolipm.tamu.edu.

CNA (LOCAL) TRANSPORTATION MANAGEMENT
STUDENT TRANSPORTATION

In accordance with Education Code 42.155, school districts have long been able to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school.

TEA's May 2004 Handbook on School Transportation Allotments (available at http://www.tea.state.tx.us/school.finance/transportation/hndbk04.pdf) states that "each district initially requesting a transportation allotment for eligible hazardous-area students shall have its board of trustees officially adopt local policy that provides the definition of hazardous traffic conditions applicable to the district and identifies the specific hazardous areas for which such funding is requested."

Randy Boatman, program administrator of TEA's School Transportation Unit, explains that the district must be as specific as possible in defining the hazardous traffic conditions that students living less than two miles away would be exposed to if walking. While noting that there are a number of ways to address this need, he suggests that the description:

- Be explicit enough that it will be readily understood by parents and others;
- Include the grade levels affected;
- Specify the nature of the traffic condition (as defined by Education Code 42.155); and
- Identify the freeway, overpass, etc., that constitutes the hazardous condition. If more appropriate, this criteria might be fulfilled by "bracketing" the area: defining the roads, streets, and highways that bound the area.

The board may fulfill this requirement through a resolution for which adoption is substantiated by board meeting minutes. TEA does not currently require this documentation to be provided annually, but rather when the initial board action is taken and any time thereafter when changes occur. Eligibility for funding is effective from the date of board action.

Please note: With its next update this summer, the ***Regulations Resource Manual***, available to policy administrators through MyTASB, will include a sample template for such a resolution. If your district prefers to enact (LOCAL) policy regarding hazardous areas, please advise your Policy Consultant/Analyst.

CS (LEGAL) FACILITY STANDARDS

Citations have been updated to reflect the Railroad Commission's adoption of rules implementing Natural Resources Code provisions regarding natural gas pipelines.

Also, added at DEFINITIONS is the definition of "educational specifications" from Commissioner's rules regarding state facility standards applicable to new facilities and major renovations after January 1, 2004.

D (LEGAL) PERSONNEL

We have restructured the D Section to better define and prohibit harassment—including sexual harassment—perpetrated by and against employees. Harassment and sexual harassment policies, currently at DHB and DHC, respectively, have been blended into general policies on harassment and the result recoded to DH and DIA. Consequently, the coding structure has been revised as follows:

- DHB (HARASSMENT) and DHC (SEXUAL HARASSMENT/SEXUAL ABUSE) are no longer active codes.
- The new policy code DIA (FREEDOM FROM HARASSMENT) has been created.

DAA (LEGAL) EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

The (LEGAL) policy on equal employment opportunity has been reconstructed for clarity and for harmony, combining like provisions—such as requirements for compliance coordinators and grievance procedures—where appropriate, adding new material where needed, and refining language to more closely track the cited authorities.

New material includes:

- The AGE DISCRIMINATION prohibition, on page 2, regarding a bona fide seniority system or employee benefit plan.
- The SEX DISCRIMINATION/PREGNANCY prohibition.
- The EQUAL PAY provision from the Fair Labor Standards Act.
- A long-standing ADA regulation permitting DRUG TESTING for cause if not otherwise prohibited.
- The COMMUNICABLE DISEASES exception, on page 4, from Section 504, ADA, and the Labor Code.

DAA (LOCAL) EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

The new first paragraph affirms the superintendent's broad responsibility as the district's chief executive officer to ensure compliance with antidiscrimination laws and sets the context for the two exceptions—for Title

IX (prohibiting discrimination on the basis of sex) and ADA/Section 504 (prohibiting discrimination on the basis of disability)—for which the district has specifically delegated responsibility to another district employee.

The name, position, address, and telephone number of the designated coordinator are consistent with Policy Service records. If any of this information is out of date, please contact your Policy Consultant/Analyst.

The section regarding COMPLAINTS has been revised to include a pointer to DIA(LOCAL) where policies governing reports and investigations of allegations of prohibited harassment, including sexual harassment, may be found. Such harassment may constitute unlawful discrimination.

At RECORDS RETENTION, we have added a provision requiring retention for at least three years of reports alleging discrimination or prohibited harassment (including sexual harassment), investigative reports, and related records. Such records are essential in responding to complaints filed with the Office for Civil Rights and in responding to litigation brought by the complainant.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

On page 4 appears the definition of HIGHLY QUALIFIED SPECIAL EDUCATION TEACHERS enacted by the IDEA reauthorization that takes effect on July 1, 2005. In short, a special education teacher who teaches any of the core academic subjects—English, reading, language arts, mathematics, science, foreign language, civics and government, economics, arts, history, or geography—at the elementary level is "highly qualified" if he or she has special education certification in addition to meeting the general requirements for being "highly qualified."

Additional requirements apply to special education teachers who teach "alternative achievement standards" or who teach two or more core academic subjects exclusively to special education students. These requirements are recited at TEACHING ALTERNATIVE ACHIEVEMENT STANDARDS and at TEACHING TWO OR MORE CORE ACADEMIC SUBJECTS. Regarding the latter, note that new special education teachers must be "highly qualified" in at least one of the following core academic subjects when hired: math, language arts, or science. Such teachers will be granted two years to become "highly qualified" in any other core academic subjects taught.

DC (LEGAL) EMPLOYMENT PRACTICES

The EMPLOYEE INFORMATION section on page 2 has been added from the Immigration Reform and Control Act. The Act requires the employee to file Form I–9 at the time of hire. As indicated in the following section, the district then has a maximum of three business days to verify employment eligibility.

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Revisions to this policy are as follows:

- We have added the HARASSMENT OR ABUSE section to point to the relevant policy codes.
- We have added the RELATIONSHIPS WITH STUDENTS section to echo language previously found in many districts' FNCJ(LOCAL). This provision is also found at FFH(LOCAL), enclosed.
- We have moved the VIOLATIONS OF STANDARDS OF CONDUCT section, unaltered, from the end of the policy to a more prominent position on page 1.

The district's locally developed text has been retained unaltered in the first and second paragraphs and the list that follows.

Explanatory Notes

TASB Localized Policy Manual Update 75

DHB (LOCAL) EMPLOYEE STANDARDS OF CONDUCT
HARASSMENT

Your current policy text on harassment has been redeveloped and recoded as appropriate to DH(LOCAL) and DIA(LOCAL). DHB is no longer an active code.

DHC (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

With the restructuring of the D Section, DHC (SEXUAL HARASSMENT/SEXUAL ABUSE) is no longer an active code. Please delete this policy in favor of materials now found at DIA(LEGAL) in this update.

DHC (LOCAL) EMPLOYEE STANDARDS OF CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Please delete this now-inactive code in favor of materials found at DH(LOCAL) and DIA(LOCAL) in this update.

DHC (EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Subject matter previously in this now-inactive code has been incorporated in DIA(LOCAL) in this update. Please delete this exhibit.

DIA (LEGAL) EMPLOYEE WELFARE
FREEDOM FROM HARASSMENT

With the restructuring of the D Section to better address harassment by and of employees, this (LEGAL) policy has been redeveloped from DHC(LEGAL) to address prohibited harassment, including sexual harassment, of district employees.

DIA (LOCAL) EMPLOYEE WELFARE
FREEDOM FROM HARASSMENT

This (LOCAL) policy reflects the melding and updating of subject matter previously at DHB(LOCAL), DHC(LOCAL), and DHC(EXHIBIT) to address the recourse of an employee who perceives he or she has experienced any form of prohibited harassment. The policy is designed to provide in one place key information that any employee needs to have at hand when contemplating or filing a complaint alleging sexual or other prohibited harassment.

Of note:

- On page 1, EXAMPLES are provided of sexual harassment and other prohibited harassment. These examples, unusual for policy, are included to suggest the range of behaviors that courts in various jurisdictions have identified as prohibited harassment.
- The forms of harassment prohibited by this policy are essentially prohibited by federal antidiscrimination laws. For that reason, at DISTRICT OFFICIALS, on page 2, we reference the Title IX coordinator (for sexual and gender-based harassment) and the superintendent (for all other forms of prohibited harassment).
- At INVESTIGATION OF THE REPORT, provisions regarding investigations are more detailed than they were previously.

- APPEAL, on page 3, references DGBA(LOCAL) rather than recreating that process in the context of this policy. The policy states that a complainant may seek appeal via DGBA; of course, DGBA remains the available avenue for any district employee to bring a complaint that is not resolved under this policy.
- At RECORDS RETENTION, on page 4, we have created a cross-reference to DAA(LOCAL), where a records retention statement has been added.

EC (LOCAL) SCHOOL DAY

We recommend deletion of this policy in favor of administrative procedures that would define the process and the considerations that would come into play when operational hours are established for individual schools. The concepts expressed in the policy as well as others (such as coordination of transportation services) should factor into those management considerations.

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

This policy has been lightly edited throughout to more closely track the language of the Education Code and State Board of Education rules. A key substantive change is reflected in the second paragraph under PURPOSE: State Board rule 19 TAC 74.1(b), effective on October 3, 2004, newly requires districts to provide TEKS-based instruction in the enrichment curriculum. Previously the requirement applied only to the foundation curriculum.

Also of note are two added provisions applicable to all grade levels but previously found at EHAB(LEGAL), REQUIRED INSTRUCTION (ELEMENTARY):

- On page 1, language permitting the district to provide instruction in flexible, mixed-age settings to foster student attainment of course and grade level standards.
- On page 2, a provision permitting the district to offer local credit courses but not to omit any course in the mandated foundation or enrichment curricula.

EHAB (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ELEMENTARY)

As noted above, two provisions have been recoded to EHAA(LEGAL). The remaining language has been lightly edited to more closely track the Education Code and State Board of Education rules.

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

The introductory paragraph has been added from State Board of Education rules that became effective on October 3, 2004, and that implement SB 815 from the 78th Regular Session. That bill requires a district—as a condition of accreditation—to provide instruction in the Texas Essential Knowledge and Skills (TEKS) at appropriate grade levels in all subjects not only in the foundation curriculum, as before, but also in the enrichment curriculum.

As at EHAB(LEGAL), the previous text regarding flexible instructional arrangements has been moved to EHAA(LEGAL) since it applies to all grade levels. And, as at EHAA and EHAB, language throughout the policy has been lightly edited to more closely track the cited authorities.

EHBA (LEGAL) SPECIAL PROGRAMS
SPECIAL EDUCATION STUDENTS

On December 3, 2004, President Bush signed into law the Individuals with Disabilities Education Improvement Act of 2004. These changes become effective July 1, 2005, with compliance staged or dependent on state action. Provisions on teacher qualification are addressed at DBA(LEGAL) in this update packet.

The Act will prompt major revisions of EHBA-series (LEGAL) policies now in localized policy manuals and in the State Plan. TASB attorneys are currently reevaluating the scope and detail of these policies and are attempting to isolate provisions of the federal law and the State Plan that district officials may need readily at hand in forming the context for governance decision making. That effort and the possibility of legislative attention to special education prompts us to defer updating the EHBA series at present.

Key provisions of the new federal legislation bear noting in the interim:

- Due process
  - Complainants must now give notice of all issues prior to a hearing or the complainant risks not having the issues addressed during the hearing.
  - Parents must bring complaints to the district's attention and attempt resolution before a due process hearing is conducted. A meeting to attempt resolving the complaint must occur with the complainant within 15 days before a due process hearing.
  - State-funded mediation by a qualified and impartial mediator is permitted.
  - Due process decisions are now to be based on provisions of FAPE (Free and Appropriate Public Education), not procedure.
  - A two-year statute of limitations is imposed for complaints.
- Individualized education programs (IEPs) and paperwork reduction
  - Fifteen (as yet unnamed) states will pilot a demonstration program identifying ways to reduce paperwork and other administrative duties (including the option to develop multi-year IEPs up to three years).
  - Any IEP team member may be excused from attending a team meeting if agreed upon by both the parent and a district official.
  - Changes to an IEP after the annual IEP meeting may be made without reconvening the team provided the parent and district official agree and develop a written document to amend or modify the IEP.
- Student discipline
  - A district may now, on a case-by-case basis, determine if the student should be removed from class for misconduct and placed in an alternative setting, pending the manifestation determination.
  - During an appeal, a student may remain in the alternative placement pending an expedited hearing. The burden of proof no longer rests solely with the district.

The National School Boards Association and other members of the education community have been active in supporting these changes in law. For further information about the Act, see NSBA's *Quick Reference Guide for Local School Board Members* at http://www.nsba.org/site/docs/34900/34889.pdf.

EIE (LEGAL) ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

New Commissioner's rules effective February 24, 2005, regarding the Student Success Initiative have been incorporated throughout this policy. Key changes include the following:

- At ELIGIBLE STUDENTS are new Commissioner's rules identifying which students are subject to the grade advancement requirements, including automatic retention.
- At TEST SCHEDULE, on page 2, is the new Commissioner's rule requiring a district to allow an out-of-district student to participate in the third administration of a grade advancement test IF the district is test-

ing one or more district students and the out-of-district student has registered to take the test by a TEA-determined date.

- At ACCELERATED INSTRUCTION is the new rule, reflected on page 4, requiring a district to allow an out-of-district student to participate in an on-campus summer accelerated program established by the district IF the student is living away from his or her home district and the program is consistent with the student's plan prescribed by the student's grade placement committee.
- At RETENTION AND APPEAL, on page 7, appears the newly restated and somewhat expanded list of standards upon which the grade placement committee may base its final decision. New material includes performance on a state-mandated assessment (at item 1); extenuating circumstances limiting the student's participation in instruction, required assessments, or accelerated instruction (at item 3); and consideration of whether a student was not enrolled in a Texas public school for part of the school year (at item 4).

EIE (LOCAL) ACADEMIC ACHIEVEMENT
RETENTION AND PROMOTION

At STANDARDS FOR PROMOTION UPON APPEAL, we have added a new criterion at item 4—enrollment in a Texas public school for part of the school year—to be used by a grade placement committee in deciding to promote or retain a student who has not met the passing standard on the required test after the third testing opportunity.

We have also added at item 1 "previous state assessments" as a performance measure and have rephrased item 3 for clarity.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

The State Board of Education's approval of the Texas Assessment of Knowledge and Skills (TAKS), in accordance with SB 103 enacted by the 76th Legislature in 1999, and subsequent Commissioner's rules addressing the transition from the end-of-course exams and the Texas Assessment of Academic Skills (TAAS) to TAKS replace now-obsolete provisions on pages 1 and 2 of this policy.

Of note, a student—at any grade—on an accelerated track who fulfilled all graduation requirements other than passing the exit-level assessment before September 1, 2004, will take the exit-level TAAS instead of the exit-level TAKS.

The new rules became effective February 17, 2005.

EKB (LEGAL) TESTING PROGRAMS
STATE ASSESSMENT PROGRAM

New Commissioner's rules regarding assessments for Limited English Proficiency (LEP) students, effective February 17, 2005, have been incorporated at:

- LEP STUDENTS IN SPECIAL EDUCATION, beginning on page 4. The new rule changes the permissive exemption from the reading proficiency test in English to exemption from the English language proficiency assessments. In granting the exemption, the ARD committee will determine if these assessments "cannot provide a meaningful measure of the student's annual growth in English language [previously "reading"] proficiency for reasons associated with the student's disability."
- ENGLISH LANGUAGE PROFICIENCY TESTS, on page 6. The rules extend the assessment requirement, previously for grades 3 through 12, down to kindergarten. This is consistent with the NCLBA

requirement that LEP students be assessed for English language proficiency in additional domains—listening, speaking, and writing—and in kindergarten through grade 12.

- IMMIGRANT STUDENTS, beginning on page 7. The rules clarify exemptions for immigrant LEP students and exemption eligibility. New language has been added to require that the test administration documents delineate the circumstances under which a TAKS-exempt student will be assessed through alternative means in subjects and grades required by federal law or regulations. Exempt students who are assessed solely for federal accountability purposes will not be subject to grade advancement requirements under the Student Success Initiative.

F (LEGAL) STUDENTS

As in the D Section, we have restructured the F Section to better define and prohibit harassment—including sexual harassment—perpetrated by and against students. Sexual harassment and harassment policies, currently at FNCJ and FNCL, respectively, have been blended into general policies on harassment and the result recoded to FFH and FNC. Consequently, the coding structure has been revised as follows:

- The new policy code FFH (FREEDOM FROM HARASSMENT) has been created.
- FNCJ (SEXUAL HARASSMENT/SEXUAL ABUSE) and FNCL (HARASSMENT) are no longer active codes.

FB (LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

This policy has been reorganized to more clearly present federal and state nondiscrimination statutes. Added are key provisions from Title IX, beginning on page 4, prohibiting sexual discrimination in public education.

FB (LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

The new first paragraph affirms the superintendent's broad responsibility as the district's chief executive officer to ensure compliance with antidiscrimination laws and sets the context for the two exceptions—for Title IX (prohibiting discrimination on the basis of sex) and Section 504 (prohibiting discrimination on the basis of disability)—for which the district has specifically delegated responsibility to another district employee.

The name, position, address, and telephone number of the designated coordinator are consistent with Policy Service records. If any of this information is out of date, please contact your Policy Consultant/Analyst.

The section regarding COMPLAINTS has been revised to include a pointer to FFH(LOCAL) where policies governing reports and investigations of allegations of prohibited harassment, including sexual harassment, may be found. Such harassment may constitute unlawful discrimination.

At RECORDS RETENTION, we have added a provision on retention of reports alleging discrimination or prohibited harassment (including sexual harassment), investigative reports, and related records. Federal law specifically requires retention of such records; the district will find these records essential in responding to complaints filed with the Office for Civil Rights and in responding to litigation brought by the complainant.

At PARENTAL CONSENT, we have added the parental consent requirement commonly affirmed in OCR letter rulings.

Please note that the section on "no pass, no play" exemptions, previously on page 2, has been deleted because Section 504 students must meet the regular academic standards in order to be eligible for extracurricular activities.

FFD (LOCAL) STUDENT WELFARE
STUDENT INSURANCE

Our experience finds that policy language at this code is rarely in sync with district practice. Because the provision of a voluntary student accident insurance program would be approved by the board for a fixed period of time and the offering would be described to parents by means of student handbooks and enrollment activities, we recommend deletion of this policy.

FFE (LEGAL) STUDENT WELFARE
STUDENT ASSISTANCE PROGRAMS/COUNSELING

This policy has been extensively revised for clarity and to more closely track the language of the Education Code and Family Code.

FFF (LOCAL) STUDENT WELFARE
STUDENT SAFETY

We have added to the identified components of school safety initiatives three items:

- Item 3 addressing age-appropriate safety-oriented activities at each grade level,
- Item 6 specifying annual review of the campus emergency procedures and providing updated staff training, and
- Item 7 speaking to crisis management planning.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

Redeveloped to more closely correlate provisions of the Education Code with the Family Code, this policy has been extensively revised. Additional statutory material incorporated into the policy is as follows:

- The Family Code definition of a “professional”—required to report his or her belief that a child has been or may be abused or neglected—has been added on page 1.
- An additional agency to which the report may be made (an agency designated by the court) has been identified at item 4 at TO WHOM REPORTED on page 2.
- The criminal consequences for making a FALSE REPORT have been added.
- Family Code restrictions under which the investigating agency operates in regard to the district are added at CONFIDENTIALITY and INVESTIGATIONS on page 3.

Please note: The FFG(EXHIBIT) in your localized policy manual has been designed to fulfill the policy requirement and to provide a vehicle for notifying district employees of their obligations for reporting perceived or anticipated child abuse or neglect. We encourage annual review of this document and incorporation of the content into the district’s employee handbook. Please note also, as indicated at ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT on page 4, this information must be periodically incorporated in staff development programs as well.

FFH (LEGAL) STUDENT WELFARE
FREEDOM FROM HARASSMENT

With the restructuring of the F Section to better address harassment by or of students, this (LEGAL) policy has been redeveloped to address the recourse of a student who perceives he or she has experienced any form of prohibited harassment.

Explanatory Notes

TASB Localized Policy Manual Update 75

FFH (LOCAL) STUDENT WELFARE
FREEDOM FROM HARASSMENT

This (LOCAL) policy blends material previously at FNCJ(LOCAL), FNCJ(EXHIBIT), and FNCL(LOCAL) to address the recourse of a student who perceives he or she has experienced any form of prohibited harassment. The policy is designed to provide in one place key information that any student needs to have at hand when contemplating or filing a complaint alleging prohibited harassment, including sexual harassment or abuse.

Of note:

- On page 2, EXAMPLES are provided of sexual harassment—by employees and by others—and of other prohibited harassment. As at DIA(LOCAL) in this update, the examples, unusual for policy, are included to suggest the range of behaviors that courts in various jurisdictions have identified as prohibited harassment, including sexual harassment or abuse.
- The forms of harassment prohibited by this policy are essentially prohibited by federal antidiscrimination laws. For that reason, at DISTRICT OFFICIALS, on page 3, we reference the Title IX coordinator (for sexual and gender-based harassment) and the superintendent (for all other forms of prohibited harassment).
- At INVESTIGATION OF THE REPORT, provisions regarding investigations are more detailed than they were previously.
- APPEAL, on page 4, references FNG(LOCAL) rather than recreating that process in the context of this policy. The policy states that a complainant may seek appeal via FNG; of course, FNG remains the available avenue for any student or parent to bring a complaint that is not resolved under this policy.
- At RECORDS RETENTION, we have created a cross-reference to FB(LOCAL), where a records retention statement has been added.

FNC (LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

We have added the PROHIBITED HARASSMENT section to point to the relevant policy codes and adjusted the BEHAVIORAL STANDARDS listing appropriately.

FNCE (LOCAL) STUDENT CONDUCT
TELECOMMUNICATIONS DEVICES

New forms of personal communications devices, their increasing use by students, and our experience suggest that district practice may no longer be in harmony with this policy.

For this reason, and because prohibitions may be found in the Student Code of Conduct, we are recommending deletion of this language. If your district does indeed permanently confiscate telecommunications devices—as specified by Education Code 37.082 and recited at FNCE(LEGAL)—please contact your Policy Consultant/Analyst for updated language.

FNCJ (LEGAL) STUDENT CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

With the restructuring of the F Section to better address harassment by and of students, this (LEGAL) policy has been redeveloped and the provisions previously at this code are now found at FFH(LEGAL).

FNCJ (LOCAL) STUDENT CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Material previously found in this policy has been reworked into FFH(LOCAL) and FNC(LOCAL) in this update.

FNCJ (EXHIBIT) STUDENT CONDUCT
SEXUAL HARASSMENT/SEXUAL ABUSE

Material previously found in this exhibit has been incorporated into FFH(LOCAL) and FNC(LOCAL) in this update.

FNCL (LOCAL) STUDENT CONDUCT
HARASSMENT

Please delete this policy in favor of materials now found at FFH(LOCAL) and FNC(LOCAL) in this update.

FND (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
MARRIED STUDENTS

Added is a provision, from Title IX regulations, disallowing discriminatory treatment of students in regard to marital status and, from the Family Code, granting majority status to married minors.

FNE (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
PREGNANT STUDENTS

Added from Title IX law and regulations are the SEPARATE PROGRAM and LEAVE OF ABSENCE sections.

FOF (LEGAL) STUDENT DISCIPLINE
STUDENTS WITH DISABILITIES

As noted in the explanatory note at EHBA(LEGAL), above, the Individuals with Disabilities Education Improvement Act of 2004 signed into law in December provides districts greater latitude in disciplining disabled students when the conduct was not a manifestation of the student's disability. The Act becomes effective on July 1, 2005; in the meantime the U.S. Department of Education will be developing regulations to implement its provisions.

Although the 75-day public comment period expired on February 25, the DOE will hold informal public meetings—dates not yet announced—at seven locations across the U.S. to gather input leading to the development of new regulations to implement the Act. Locations selected are Newark, Delaware; Atlanta, Georgia; Boston, Massachusetts; Columbus, Ohio; San Diego, California; Laramie, Wyoming; and Washington, DC.

The time line for development and initial publication of regulations has not been established. TASB will watch this process carefully and alert members as information comes forth. Until the regulations and conforming state rules are enacted and provisions regarding student discipline analyzed, we are reluctant to reissue FOF(LEGAL) and advise districts to proceed cautiously and in consultation with the district's special education counsel.

For further information on the Act, see NSBA's *Quick Reference Guide for Local School Board Members* at http://www.nsba.org/site/docs/34900/34889.pdf. The full text of the Act may be found at http://thomas .loc.gov/cgi–bin/query/z?c108:h.1350.enr:.

G (LEGAL) COMMUNITY

In an effort to make the very lengthy GBA(LEGAL) more user-friendly and intelligible, we have divided that policy into two separate policies:

- GBA, addressing only what is public information and what information is not subject to disclosure, and

- GBAA, a new policy code, addressing how information requests are to be handled.

The G Section table of contents has been revised to reflect this change.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

The extraordinary length of GBA(LEGAL) has been significantly scaled back with the deletion of provisions relating to information requests. This deleted material now appears in GBAA, a new code specifically reserved for that content.

GBA (LOCAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

Since your (LOCAL) policy at this code pertains to requests for information, we have recoded it to GBAA, consistent with the splitting of GBA into GBA and GBAA described above. Please delete GBA(LOCAL).

GBA (EXHIBIT) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

The (EXHIBIT) at this code pertains to the cost of copies of records and, with the splitting of GBA into GBA and GBAA described previously, is more appropriately coded to GBAA(EXHIBIT).

GBAA (LEGAL) INFORMATION ACCESS
REQUESTS FOR INFORMATION

As indicated above, this new code has been created to address information requests under the public information provisions of the Government Code and information-access provisions of the Education Code.

On page 13 at PARENT'S REQUEST FOR INFORMATION provisions from the 72nd Legislature have been added allowing a district 30 days to file a legal challenge to a determination by the attorney general that the requested material cannot be withheld. If the district does not file suit within this period, the district is required to comply with the attorney general's decision. If the district does file suit, it may not appeal the unfavorable decision of the court.

GBAA (LOCAL) INFORMATION ACCESS
REQUESTS FOR INFORMATION

The policy text previously at GBA has been edited to delete procedural provisions more appropriate to administrative regulations. The new focus of this policy is access to documents upon the superintendent's approval and a copying limit based on available personnel and machines. If these provisions are not consistent with district practice, please contact your Policy Consultant/Analyst.

GBAA (EXHIBIT) INFORMATION ACCESS
REQUESTS FOR INFORMATION

This (EXHIBIT) has been recoded from GBA, as described previously. If the fees schedule identified is inconsistent with district practice, please contact your Policy Consultant/Analyst.

NUMBER AND TERM

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

TERMS

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

METHOD OF ELECTION

POSITION OR PLACE

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

FILING INFORMATION

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

LOYALTY OATH

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

NEPOTISM

A candidate shall not take affirmative action to influence a District employee or current Trustee regarding the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of a person related to the candidate within a prohibited degree of relationship under the nepotism law. [See DBE(EXHIBIT)] However, this prohibition does not apply to a candidate's actions taken with respect to a bona fide class or category of employees or prospective employees. *Gov't Code 573.042*

GENERAL ELECTION DATE

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

CHANGING ELECTION DATES

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

NOTICE

A call for an election shall be made not later than the 62nd day before election day. Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day

before election day, in a newspaper published within the District's boundaries or in a newspaper of general circulation in the District if none is published within the District's boundaries. *Election Code 3.005, 4.003(a)(1)*

The notice shall state the nature and date of the election, the location of each polling place, and the hours the polls will be open. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy for 60 days after election day. *Election Code 4.004, 4.005, 66.058(a)*

POSTING

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

BALLOT, ELECTION OFFICIALS, POLLING PLACES

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

POSTING SIGNS AT POLLING PLACES PROHIBITED

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

NOTICE OF VOTING RIGHTS HOTLINE

A notice, in the form prescribed by the secretary of state, informing voters of the telephone number and purpose of the secretary of state's toll-free hotline for reporting existing or potential abuse of voting rights, shall be continuously posted in a prominent location at each polling place during the early voting period and on election day for each election held on a uniform election date. *Election Code 31.0055*

BILINGUAL MATERIALS

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

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

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

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

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

42 U.S.C. 1973aa–1a

Except as provided by Election Code 272.003, bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

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

Election Code 272.002, 272.003

VOTING MACHINES AND PUNCH–CARD BALLOTS

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

VOTERS WITH DISABILITIES

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

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

Election Code 61.012

NEW VOTING SYSTEMS

A voting system that is acquired on or after September 1, 1999, must comply with Section 504 and Title II of the ADA and must also provide a practical and effective means for voters with physical dis-

abilities to cast a secret ballot. *Election Code 122.0011*; *1 TAC 81.55–.57* [See GA]

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

WRITE–IN VOTING

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

ELECTION OF UNOPPOSED CANDIDATE

In any county other than a county in which write-in votes may be counted only for names appearing on a list of write-in candidates, the Board may declare each unopposed candidate elected to the office if:

1. Each candidate whose name is to appear on the ballot is unopposed, and

2. No proposition is to appear on the ballot.

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

Election Code 2.051

The Board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that only one candidate's name is to appear on the ballot for that office and no candidate's name is to be placed on a list of write-in candidates for that office under applicable law. If the Board makes such a declaration, the election is not held. A copy of the order or ordinance must be posted on election day at each polling place that would have been used in the election. *Election Code 2.052, 2.053(a), (b)*

EARLY VOTING

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

CANVASS RETURNS

The Board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day.

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

Election Code 67.003, 67.004(a)

CERTIFICATE OF ELECTION

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

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

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

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

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

Election Code 67.016, 212.0331

CERTIFICATE OF ELECTION FOR UNOPPOSED CANDIDATE

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

PLURALITY

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

DETERMINATION OF RESULTS

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

MAJORITY VOTE OPTION

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

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

Education Code 11.057(c)

RUNOFF ELECTION

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

TIE VOTES

SECOND ELECTION

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

CASTING LOTS

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

WITHDRAWAL OF CANDIDATE

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

RECOUNT

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

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

VOTING SYSTEM MALFUNCTION

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

OFFICER'S STATEMENT

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

OATH OF OFFICE

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

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

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

Gov't Code 602.002, 602.006

VOTING RIGHTS ACT

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

DEFINITIONS

For purposes of this policy, the following definitions shall apply:

LOCAL PUBLIC OFFICIAL – LOCAL GOVERNMENT CODE

1. "Local public official" shall mean a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

PUBLIC SERVANT — PENAL CODE

2. "Public servant" shall mean a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

   a. An officer, employee, or agent of government; or

   b. A candidate for nomination or election to public office.

   Penal Code 1.07(41)(A), (E)

PUBLIC SERVANT — GOVERNMENT CODE

3. "Public servant" shall mean a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

   a. A candidate for nomination or election to public office, or

   b. An officer of government.

   Gov't Code 553.001

PUBLIC OFFICIAL — GOVERNMENT CODE

4. "Public official" shall mean:

   a. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or

   b. An officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state.

   Gov't Code 573.001(3)

Note: When reading the following cited material, please note the source of the materials and apply the appropriate definition, from above.

BUSINESS ENTITY

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership,

trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

SUBSTANTIAL INTEREST

A person has a "substantial interest" in a business entity if any of the following is the case:

1. The person owns at least:

   a. Ten percent of the voting stock or shares of the business entity, or

   b. Either ten percent or $15,000 of the fair market value of the business entity.

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more.

The local public official is considered to have a substantial interest if a person related in the first degree by either affinity or consanguinity to the local public official, as determined under Government Code, Chapter 573, Subchapter B [see DBE], has a substantial interest as defined above.

Local Gov't Code 171.002

CONTRACTS PERMITTED

The Board may contract with a business entity in which a Trustee has a substantial interest if the Trustee follows the disclosure and abstention procedure set out below. *Atty. Gen. Op. JM–424 (1986)*

AFFIDAVIT AND ABSTENTION

If a local public official or a person related to a local public official in the first degree by either affinity or consanguinity has a substantial interest in a business entity or in real property, the local public official before a vote or decision on any matter involving the business entity or the real property, shall file an affidavit with the official Board recordkeeper stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

MAJORITY CONFLICT

If a Trustee is required to file and does file an affidavit, that Trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the Trustees are likewise required to file and do file affidavits of similar interests on the same official action.

Local Gov't Code 171.004

SEPARATE VOTE ON BUDGET

The Board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Trustee has a substantial interest. The affected Trustee shall not participate in that separate vote, but may vote on a final budget if he or she filed the affidavit and the matter in which he or she is concerned has been resolved. *Local Gov't Code 171.005*

PROHIBITED ACTS

Except as provided above, the local public official shall not knowingly:

1. Participate in a vote or decision on a matter involving a business entity or real property in which the local public official has a substantial interest if it is reasonably foreseeable that an action on the matter will have a special economic effect on the business entity or value of the property that is distinguishable from the effect on the public.

2. Act as surety for a business entity that has a contract, work, or business with the District.

3. Act as surety on any official bond required of an officer of the District.

Local Gov't Code 171.003

VIOLATIONS

The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the Board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

OTHER CONFLICT

Proscribed activities are covered by, but are not limited to, the following:

BRIBERY

1. A public servant shall not intentionally or knowingly offer, confer, agree to confer on another, solicit, accept, or agree to accept a benefit:

   a. As consideration for the public servant's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.

   b. As consideration for a violation of a duty imposed on the public servant by law.

c. That is a political contribution as defined by Title 15 of the Election Code or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

BENEFIT

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), 36.02

ABUSE OF OFFICE

2. A public servant shall not, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violate a law relating to the office or misuse District property, services, personnel, or any other thing of value, belonging to the District, that has come into his or her custody by virtue of his or her office or employment. *Penal Code 39.02(a)*

"Law relating to the office" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

"Misuse" means to deal with property contrary to:

a. An agreement under which the public servant holds the property;

b. A contract of employment or oath of office of a public servant;

c. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or

d. A limited purpose for which the property is delivered or received.

Penal Code 39.01(2)

BANK RELATIONS

3. A Trustee who is a stockholder, officer, director, or employee of a bank that has bid to become a depository for the District

shall not vote on the awarding of a depository contract to said bank. *Education Code 45.204*

If a Trustee has a substantial interest in a bank with which the District is considering entering into a loan or other transaction besides a depository contract, then the Trustee must comply with the affidavit and abstention requirements. *Atty. Gen. Op. JM–1082 (1989); Local Gov't Code 171.004*

INCOMPATIBILITY OF OFFICE

4. One person may not occupy two legally incompatible offices. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. A person may not serve in one branch of government while exercising any powers properly attached to either of the other branches of government. *Texas Constitution, Art. II, Sec. 1; State v. Martin, 51 S.W.2d 815 (Tex. Civ. App. 1932); Thomas v. Abernathy County Line ISD, 290 S.W. 15 (Tex. Comm. App. 1927); Turner v. Trinity ISD, 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM–634 (1987)*

TEXTBOOKS

5. A Trustee commits a class B misdemeanor offense if the Trustee receives any commission or rebate on any textbooks used in the schools with which the Trustee is associated. *Education Code 31.152(a)*

6. A Trustee commits a class B misdemeanor offense if the Trustee accepts a gift, favor, or service that:

   a. Is given to the person or the person's school;

   b. Might reasonably tend to influence a Trustee in the selection of a textbook; and

   c. Could not be lawfully purchased with funds from the state textbook fund.

   "Gift, favor, or service" does not include staff development, in-service, or teacher training; or instructional materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

   Education Code 31.152(b)–(d)

GIFTS

7. A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not solicit, accept, or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions of the District, unless a statutory exception applies. *Penal Code 36.08(d), 36.10*

NEPOTISM

8. Except as provided by this policy, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if:

   a. The person is related to the public official by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree [see below]; or

   b. The public official holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the board by blood or marriage within a prohibited degree.

Gov't Code 573.002, 573.041; Atty. Gen. Op. JC–0184 (2000)

9. The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM–76 (1992)*

   A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

   A Trustee of a board that has delegated to the Superintendent final authority for personnel selection is not subject to the nepotism provisions to the extent of such delegation. *Atty. Gen. Op. GA–123 (2003)*

   A Trustee may remain the relevant public official for nepotism purposes concerning some employment decisions, such as renewal. *Atty. Gen. Op. GA–177 (2004)*

FORMER TRUSTEE EMPLOYMENT

10. A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

HONORARIA AND EXPENSES

11. A public servant commits a class A misdemeanor offense if he or she solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for his or her official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which he or she renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

DISCLOSURE OF INTEREST IN PROPERTY

If a public servant has a legal or equitable interest in any property that is to be acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant shall file an affidavit as follows:

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

2. The affidavit must:

   a. State the name of the public servant and the public office title or job designation held or sought.

   b. Fully describe the property.

   c. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest and the date the interest was acquired.

   d. Include a verification of the truth of the information in the affidavit. [See BBFA(EXHIBIT)]

   e. Include an acknowledgment of the same type required for recording a deed in the deed records of a county.

Gov't Code 553.002, 553.003

A public servant who fails to file the affidavit when required is presumed to have the intent to commit an offense. An offense under this section is a Class A misdemeanor. *Gov't Code 553.003*

FINANCIAL STATEMENT

The Board by resolution adopted by majority vote may require each member of the Board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with the Board and the Texas Ethics Commission.

Not later than the 15th day after the date the Board adopts this resolution, the Board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The Commissioner by order shall require the members of the Board to file the financial statement required of state officers under

Subchapter B, Chapter 572, Government Code, in the same manner as the members of the Board that have adopted a resolution if the Commissioner determines that:

1. A Board member has failed to comply with filing and recusal requirements applicable to the member under Chapter 171, Local Government Code;

2. The District financial accounting practices are not adequate to safeguard state and District funds; or

3. The District has not met a standard set by the Commissioner in the financial accountability rating system.

The Commissioner may require the filing of financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the Commissioner's order. A member of the Board subject to an order issued by the Commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The Commissioner may renew the requirement if the Commissioner determines that a condition described above continues to exist.

A Trustee serving in a school district that has adopted a resolution or that is subject to an order issued by the Commissioner commits an offense if the Trustee fails to file the statement required by the resolution or order.

An offense under this section is a Class B misdemeanor.

Education Code, Section 11.064

Note: See also CBB for requirements when federal funds are involved.

SELECTION

The depository selected under the terms of this policy shall be a bank located in the state of Texas. The depository may be a state bank authorized and regulated under Texas law; a national bank, savings and loan association, or savings bank authorized and regulated by federal law; or a savings and loan association or savings bank organized under Texas law; but shall not be any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation (FDIC). *Education Code 45.201(2), 45.203*

BID NOTICES

At least 30 days prior to the termination of the current depository contract, the Board shall mail to each bank in the District and, if desired, to other banks, a notice stating the time and place in which bid applications will be received for selecting a depository or depositories. The notice must include a uniform bid blank in the form prescribed by State Board rule. *Education Code 45.206(a); 19 TAC 109.51*

FACTORS TO CONSIDER

All bids received in accordance with these provisions shall be considered by the Board at a regular or special meeting. In determining the best bid, the Board shall consider the interest rate bid on time deposits; the charge for keeping District accounts, records, and reports and furnishing checks; the ability of the bidder to provide the necessary services and perform the duties as school depository, and all other matters the Board considers to be in the best interests of the District. *Education Code 45.207(c)*

TIE BIDS

If tie bids are received, and each tie bidder has bid to pay the District the maximum interest rates allowed by the Federal Reserve System and the FDIC and, in the Board's judgment, the bids are otherwise equal and two or more of the tie bidders have the facilities and ability to provide the needed services, the Board may:

1. Award the contract to either tie bidder;
2. Award the contract to each tie bidder or to as many as the Board may select; or
3. Determine by lot which bidder shall receive the contract.

Education Code 45.207(a)

REJECTION OF BIDS

The Board has the right to reject any and all bids. *Education Code 45.207(c)*

COLLATERAL

In accordance with written Board policy, the District shall determine if an investment security is eligible to secure deposits of public funds covered by the Public Funds Collateral Act.

The policy may include the security of the institution that obtains or holds an investment security, the substitution or release of an

investment, and the method by which an investment security used to secure a deposit of public funds is valued.

Gov't Code 2257.023

DUTIES

The depository shall:

TERM OF OFFICE

1. Serve for a term of two years and until its successor is duly selected and qualified, except that the District and its depository bank may agree to extend the contract for one additional two-year term. The initial contract term and any extension must coincide with the District's fiscal year. An extension is not subject to the bid notice requirements of Education Code 45.206 [see BID NOTICES above]. *Education Code 45.205*

CONTRACT

2. Make and enter into a depository contract(s), bond(s), or other necessary instruments setting forth the duties and agreements pertaining to the depository. The form and content of the documents shall be as prescribed by the State Board. The bid of the depository shall be attached to the contract and incorporated by reference in the contract. *Education Code 45.208(a); 19 TAC 109.52*

AUTHORIZED COLLATERAL

3. Secure public funds by eligible securities to the extent and in the manner required by the Public Funds Collateral Act. *Gov't Code, Ch. 2257*

OTHER DUTIES

4. Faithfully perform all legal duties and obligations and make payments from District funds upon order, duly entered, of the Board. *Education Code 45.208(c)(1)–(4)*

5. Faithfully keep and account for, according to law, all District funds and pay over to the successor depository all balances remaining in District accounts. *Education Code 45.208(c)(5), (6)*

ALLOWABLE COLLATERAL

Eligible securities for collateralization of deposits are those defined as “eligible securities” by the Public Funds Collateral Act.

MONITORING COLLATERAL ADEQUACY

The District shall require monthly reports with market values of pledged securities from all financial institutions with which the District has collateralized deposits. The investment officers shall monitor adequacy of collateralization levels to verify market values and total collateral positions.

RELEASE OF PLEDGED SECURITIES

The investment officer or designee shall approve in writing the release or substitution of any securities pledged to the District that are being held by any organization.

SPECIAL COMMITTEES

The President may appoint special committees as necessary to fulfill specific assignments. These committees may include District personnel and citizens. The function of committees shall be fact-finding, deliberative, and advisory, but not administrative. Special committees shall report their findings to the Board and shall be dissolved upon completion of the assigned task or vote of the Board.

The President of the Board and the Superintendent shall be ex officio members of all Board committees.

TRANSACTING BUSINESS

Committees may transact business only within the specific authority granted by the Board. To be binding, all such business must be reported to the Board at the next regular or special meeting for approval and entry into the minutes as a public record.

The Board shall retain an attorney or attorneys, as necessary, to serve as the District's legal counsel and representatives in matters requiring legal services. Services to be performed and reasonable compensation to be paid by the Board shall be set forth in a written contract between the Board and the attorney or attorneys.

In accordance with the written contract, individual Trustees shall channel legal inquiries through the Superintendent or Board designee, as appropriate, when advice or information from the District's legal counsel is sought.

Staff requests for legal advice from the District's legal counsel shall be submitted through the Superintendent or designee.

A report of legal advice received shall be presented to the Board when deemed appropriate by the administration or upon request of the Board.

SAFETY RULES

The Board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to protect and govern the District, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

IDENTIFICATION AND RIGHT TO REJECT

Identification may be required of any person on school property. The Board or its designee may refuse to allow persons having no legitimate business to enter school property, and may eject any undesirable person from the property upon his or her refusal to leave peaceably on request. *Education Code 37.105* [See also CKE]

INTEGRATED PEST MANAGEMENT PROGRAM (IPMP) STANDARDS

The District's integrated pest management program, developed in accordance with the requirements of the Texas Structural Pest Control Act and with the assistance of an advisory committee of knowledgeable persons, shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities.

APPLICATION TIME FRAME

The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), shall coordinate with appropriate District administrators or other designated and trained employees pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and an exception to the 48-hour notice requirement may be made.

NO UNAUTHORIZED APPLICATION

No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a school facility without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's integrated pest management program.

APPLICABILITY OF STATE STANDARDS AFTER JANUARY 1, 2004

All new facilities and major space renovations approved by the Board after January 1, 2004, shall meet the facility standards established by the Commissioner as set out in Texas Administrative Code Title 19, Chapter 61.1036. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards. *Education Code 46.008; 19 TAC 61.1036*

DEFINITIONS

After January 1, 2004, a "major space renovation" means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration or function. *19 TAC 61.1036(a)(8)*

"Educational program" means a written document that includes a summary of the District's educational philosophy, mission, and goals and a description of the general nature of the District's instructional program. *19 TAC 61.1033(a)(1)*

"Educational specifications" means a description of the proposed project for a new facility or major space renovation, expressing the range of issues and alternatives. It should include:

1. The instructional programs, grade configuration, and type of facility.
2. Number of students.
3. A list of any specialized classrooms or major support areas, noninstructional support areas, or external activity spaces.
4. Estimated size of the facility and estimated budget for the project.
5. School administrative organization.
6. Hours of operation that include the instructional day, extracurricular activities, and any public access or use.

19 TAC 61.1033(a)(2)

"Major space renovation" means at least 50 percent of the gross area of the facility's instructional space is within the limits of the work. *19 TAC 61.1033(a)(5)*

APPLICABILITY OF STATE STANDARDS BEFORE JANUARY 1, 2004

All new facilities and major space renovations approved by the Board before January 1, 2004, shall meet the facility standards established by the Commissioner and referenced below. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements, but must meet construction quality standards. *Education Code 46.008; 19 TAC 61.1033(a)(5), (b)*

DESIGN AND CONSTRUCTION CERTIFICATION

The District shall notify and obligate the architect or professional engineer to provide the certification required by these standards. The architect's or engineer's signature and seal on the construction documents shall certify compliance. "Certify" indicates that the architect or engineer has reviewed the standards contained in Commissioner's rules and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer shall also certify that the documents conform with the Commissioner's standards, except as indicated on the certification.

The District shall provide the architect or engineer the long-range school facility plan and/or educational specifications approved by the Board and the building code specifications for the facility.

The architect or engineer shall perform a building code search under applicable regulations that may influence the project and shall certify that the design has been researched before it is final. The architect or engineer shall also certify that the facility has been designed according to the State Board facility standards, based on the long-range school facility plan and/or educational specifications, building code specifications, and all documented changes to the construction documents provided by the District.

The building contractor or construction manager shall certify that the facility has been constructed in general accordance with the architect's or engineer's construction documents.

When construction is completed, the District shall certify that the facility conforms with the District's design requirements.

19 TAC 61.1033(c)

EDUCATIONAL ADEQUACY

A proposed new school facility or major space renovation of an existing school facility meets the conditions of educational adequacy if the design of the proposed project is based on the requirements of a District educational program and the student population that it serves. *19 TAC 61.1033(e)*

SPACE REQUIREMENTS

The District shall provide general classrooms, specialized classrooms, and major support areas that meet the minimum square footage requirements established by the Commissioner's rules, if the instructional space is required by the District's educational specifications. *19 TAC 61.1033(a)(3), (d), (e)*

CONSTRUCTION QUALITY

A district located in an area that has adopted local building codes shall comply with those codes (including fire and mechanical, electrical, and plumbing codes). The District is not required to seek additional plan review of school facility projects other than what is required by the local building authority.

A district located in an area that has not adopted local building codes shall adopt and use the latest edition of either the Uniform Building Code or Standard (Southern) Building Code (and related fire, mechanical, and plumbing codes); and the National Electric Code. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code.

The plan review shall be conducted before bidding and must be conducted by a certified building code consultant. Associated fees shall be the District's responsibility. The reviewer shall prepare a summary list of any conditions not in conformance with the adopted building code and shall send a copy to the District and the design architect or engineer, who shall revise the plans and specifications as necessary and certify code compliance to the District. Any disputes shall be a matter for contract resolution.

Construction and renovation projects shall also comply with facility requirements of the Americans with Disabilities Act of 1990 [see READILY ACCESSIBLE PROGRAMS below] and other applicable local, state, and federal requirements.

19 TAC 61.1033(f)

FIRE ESCAPES

The Board shall ensure that each school building that is two or more stories shall have such fire escapes as are required by law. *Health and Safety Code 791.002, 791.035, 791.036*

READILY ACCESSIBLE PROGRAMS

No qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, programs, and activities of the District or be subject to discrimination. *42 U.S.C. 12132; 28 CFR 35.149; 29 U.S.C. 794; 34 CFR 104.21*

The District shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by

individuals with disabilities. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

Compliance with these requirements may be achieved by:

1. Redesigning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities that comply with 34 CFR 104.23 and 28 CFR 35.151.
8. Any other methods that would result in making services, programs, and activities accessible to individuals with disabilities.

Structural changes in existing facilities need not be made when other methods will achieve compliance with Title II of the Americans with Disabilities Act and its implementing regulation. In choosing among available alternatives for meeting these requirements, the Board shall give priority to methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 CFR 35.150; 34 CFR 104.22

REVIEW OF PLANS

All plans and specifications for construction or for the substantial renovation, modification, or alteration of a building or facility that has an estimated construction cost of $50,000 or more shall be submitted to the Department of Licensing and Regulation for review and approval. The District as owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, modification, or alteration of the building or facility to begin before the date the plans and specifications are submitted to the Department by the architect, interior designer, landscape architect, or engineer.

The District as owner of each building or facility that has an estimated construction, renovation, modification, or alteration cost of at least $50,000 is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later

than the first anniversary of the date that construction or substantial renovation, modification, or alteration of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

Gov't Code 469.101, 469.102(c), 469.105

NOTICE

The District shall adopt and implement procedures to ensure that interested persons, including those with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities. *34 CFR 104.22(f)*

PLAYGROUNDS

Public funds may not be used to purchase playground equipment or surfacing for the area under and around the equipment if either purchase does not substantially comply with each applicable provision of the Handbook for Public Playground Safety, published by the U.S. Consumer Product Safety Commission.

EXCEPTION

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 1997, even if they do not comply with the Playground Safety Handbook.

Health and Safety Code 756.061

OUTDOOR LIGHTING FIXTURES

An outdoor lighting fixture that is designed, installed, or replaced on or after September 1, 1999, may be installed, replaced, maintained, or operated using state funds only if the fixture meets the specific energy conservation and light pollution standards in Health and Safety Code Chapter 425.

EXCEPTIONS

The standards for state-funded outdoor lighting fixtures do not apply when:

1. Preempted by federal law, rule, or regulation;
2. Emergency personnel temporarily require additional illumination for emergency procedures;
3. The lighting fixture is used temporarily for nighttime work;
4. Special events or circumstances* require additional illumination;
5. The fixture is used solely to enhance the aesthetic beauty of an object; or
6. A compelling safety interest cannot be addressed by another method.

***Note:** Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002

TESTING OF NATURAL GAS PIPING

At least every two years, before the beginning of the school year and in strict compliance with the time frames established by Railroad Commission rule, the District shall pressure test the natural gas piping system in each District facility. The testing may be performed on a two-year cycle under which the District pressure tests the natural gas piping system in approximately one-half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities shall be conducted and reported not later than July 1 of the year in which the pressure test is performed. *Utilities Code 121.502; 16 TAC 8.230(c)(4)*

RAILROAD COMMISSION RULES

The Railroad Commission of Texas has adopted rules to enforce this policy. Each District facility described in Commission rules shall be tested in accordance with the procedures and timetables implemented by Commission rules. *16 TAC 8.230*

STANDARDS AND PROCEDURE

A test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements. *Utilities Code 121.502(d); 16 TAC 8.230(c)(1)*

The pressure test shall determine whether the natural gas piping downstream of a District facility meter holds at least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person qualified in accordance with the testing procedures established by Railroad Commission rules. At the District's request, the Railroad Commission shall assist the District in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

NOTICE

The District shall provide written notice to the District's natural gas supplier specifying the date and result of each pressure test or other inspection. The supplier shall develop procedures for receiving such written notice from the District. *Utilities Code 121.504(a); 16 TAC 8.230(c)(1)*

TERMINATION OF SERVICE

The supplier shall terminate service to a District facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or
2. A test or other inspection is not performed as required.

Utilities Code 121.505(a)

The supplier shall develop procedures for terminating service to the District if:

1. The natural gas supplier receives notification of a hazardous natural gas leak in the school facility piping system; or
2. The natural gas supplier does not receive written notification from the District specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

REPORTING LEAKS

An identified natural gas leakage in a District facility must be reported to the Board. The firm or individual conducting the natural gas piping test shall immediately report any hazardous natural gas leak in a District facility to the Board and to the District's natural gas supplier. *Utilities Code 121.506; 16 TAC 8.230(c)(6)*

LP–GAS SYSTEMS TESTING

At least biennially, the District shall perform pressure tests for leakage on the LP-gas piping system in each District facility before the beginning of the school year. The District may perform the pressure tests on a two-year cycle under which the tests are performed for the LP-gas piping systems of approximately half of the facilities each year. If the District operates one or more District facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the test is performed.

A test performed under a municipal code satisfies the pressure testing requirements.

Natural Resources Code 113.352; 16 TAC 9.41

REQUIREMENTS OF TEST

The District shall perform the pressure test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the National Fire Protection Association 54, National Fuel Gas Code. The pressure test must be conducted in accordance with National Fire Protection Association 54.

The Railroad Commission, upon request, shall assist the District in providing for the certification of a District employee to conduct the test and in developing a procedure for conducting the test.

Natural Resources Code 113.353

Before the introduction of any LP-gas into the LP-gas piping system, the District shall provide verification to its supplier that the piping has been tested.

NOTICE

The District shall provide written notice to the Railroad Commission specifying the date and the result of each pressure test or other inspection of the LP-gas piping system within one week of the date each test is performed.

Natural Resources Code 113.354; 16 TAC 9.41

TERMINATION OF SERVICE

A supplier shall terminate service to a District facility if:

1. The supplier receives official notification from the firm or individual conducting the test of a hazardous leakage in the facility LP-gas piping system; or

2. A test at the facility is not performed as required.

Natural Resources Code 113.355

REPORTING LEAKS

An identified LP-gas leakage in a District facility shall be reported to the Board and the LP gas system shall be removed from LP gas service until repairs are made and another test passed. *Natural Resources Code 113.356; 16 TAC 9.41(b)(3)*

INTRASTATE PIPELINE EMERGENCY RESPONSE PLAN

The Railroad Commission shall require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility, any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to:

1. On written request from the District, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:

   a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;

   b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;

   c. The designated emergency number for the pipeline facility operator;

   d. Information on the state's excavation one-call system; and

   e. Information on how to recognize, report, and respond to a product release; and

2. Mail a copy of the requested items by certified mail, return receipt requested, to the Superintendent of the District in which the school building or facility is located.

A pipeline operator or the operator's representative shall appear at a regularly scheduled meeting of the Board to explain the above items if requested by the Board or District.

The Railroad Commission may not require the release of parts of an emergency response plan that include security sensitive information, including maps or data. Security sensitive information shall be made available for review by but not provided to the Board.

Natural Resources Code 117.012(k), (l), (m); 16 TAC 8.315

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAB	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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DBB	Medical Examinations and Communicable Diseases
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DC	EMPLOYMENT PRACTICES
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DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force

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SECTION D: PERSONNEL

DG EMPLOYEE RIGHTS AND PRIVILEGES
DGA Freedom of Association
DGB Personnel-Management Relations
DGBA Employee Complaints/Grievances
DGC Intellectual Property Rights

DH EMPLOYEE STANDARDS OF CONDUCT
DHA Gifts and Solicitations
DHE Searches and Alcohol/Drug Testing

DI EMPLOYEE WELFARE
DIA Freedom from Harassment

DJ EMPLOYEE RECOGNITION AND AWARDS

DK ASSIGNMENT AND SCHEDULES

DL WORK LOAD
DLA Staff Meetings
DLB Required Plans and Reports

DM PROFESSIONAL DEVELOPMENT
DMA Required Staff Development
DMB Special Programs Training
DMC Continuing Professional Education
DMD Professional Meetings and Visitations
DME Research and Publication

DN PERFORMANCE APPRAISAL
DNA Evaluation of Teachers
DNB Evaluation of Other Professional Employees

DP PERSONNEL POSITIONS
DPB Substitute, Temporary, and Part-Time Positions

NONDISCRIMINATION — IN GENERAL

The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older); or
5. Disability.

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12100 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); U.S. Const. Amend. I; Labor Code Chapter 21 (Texas Commission on Human Rights Act)

JOB QUALIFICATION

The District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e–2(e); 29 U.S.C. 623(f)*

EMPLOYMENT POSTINGS

The District shall not print or publish any notice or advertisement relating to District employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e–3(b)*

HARASSMENT OF EMPLOYEES

The District has an affirmative duty to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e et seq.; 29 CFR 1606.8(a), 1604.11* [See DIA]

RETALIATION

The District may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e–3(a) (Title VII); 34 CFR 100.7(e) (Title VI); 34 CFR 110.34 (Age Act); 42 U.S.C. 12203 (ADA)*

NOTICES

The District shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e–10*

SECTION 504 NOTICE

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the District does not discriminate in employment in its programs and activities; and
2. The identity of the District's 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in District publications; and
4. Distributing memoranda or other written communications.

If the District publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 CFR 104.8

AGE DISCRIMINATION

The District may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f)*

SEX DISCRIMINATION

PREGNANCY

The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. The District shall treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k)*

EQUAL PAY

The District may not pay an employee at a rate less than the rate the employer pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d); 34 CFR 106.54*

RELIGIOUS DISCRIMINATION

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless the District demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the District's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 CFR 1605.2*

The District may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

DISABILITY DISCRIMINATION

The District shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of the District. *42 U.S.C. 12112(b); 29 CFR 1630.9; 29 U.S.C. 794; 34 CFR 104.11; Labor Code 21.051* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

DISCRIMINATION BASED ON RELATIONSHIP

The District shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 CFR 1630.8; 34 CFR 104.11*

DEFINITIONS

"Disability" means a physical or mental impairment that substantially limits one or more of an individual's major life activities, a record of having such an impairment, or being regarded as having such an impairment. "Major life activities" are such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *42 U.S.C. 12102(2); 29 CFR 1630.2(g)–(l); 28 CFR 35.104; 34 CFR 104.3(j), (l); Labor Code 21.002(6)*

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to the District's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions. *42 U.S.C. 12111(8); 29 CFR 1630.2(m), (n); 34 CFR 104.3(l); Labor Code 21.105*

USE OF ILLEGAL DRUGS

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the District acts on the basis of such use.

DRUG TESTING

The District is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d) [See DHE]

ALCOHOL USE

The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 705(20)(C)*

REASONABLE ACCOMMODATION

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 CFR 1630.2(o); 34 CFR 104.12(b)

UNDUE HARDSHIP

"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the District, and other factors set out in law. *42 U.S.C. 12111(10); 29 CFR 1630.2(p); 34 CFR 104.12(c)*

DIRECT THREAT TO HEALTH OR SAFETY

As a qualification standard, the District may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 CFR 1630.2(q)*

COMMUNICABLE DISEASES

The District may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(d); 29 U.S.C. 705(20)(D); 29 CFR 1630.16(e); Labor Code 21.002(6)(B)*

MILITARY SERVICE

The District shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The District shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). *38 U.S.C. 4311* [See also DEC]

GRIEVANCE POLICIES

SECTION 504

A district that receives federal financial assistance and that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 CFR 104.7(b), 104.11*

AMERICANS WITH DISABILITIES ACT

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act. *28 CFR 35.107, 35.140*

TITLE IX

A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)*

[See DGBA]

COMPLIANCE COORDINATOR

The District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. *34 CFR 104.7(b), 104.11*; *28 CFR 35.107, 35.140*; *34 CFR 106.8(b)*

The Superintendent shall serve as coordinator for purposes of District compliance with antidiscrimination laws, except as provided below.

TITLE IX AND ADA/SECTION 504 COORDINATOR

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 as amended and Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:

Name: Jan Van Dorn

Position: Assistant Superintendent

Address: 600 West Pearl, Granbury, TX 76048

Telephone: (817) 408–4009

COMPLAINTS

Allegations of unlawful discrimination shall be directed to the appropriate coordinator and shall be heard through DGBA(LOCAL). Reports regarding prohibited harassment, including sexual harassment, shall be made according to DIA(LOCAL).

RECORDS RETENTION

Copies of reports alleging discrimination or prohibited harassment, including sexual harassment; investigation reports; and related records shall be maintained by the District for a period of at least three years.

PROFESSIONAL PERSONNEL CREDENTIALS

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A person who desires to teach in a public school shall present the person's certificate for filing with the District before the person's contract with the Board is binding. *Education Code 21.003(a), 21.053(a)*

A person may not be employed by the District as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, 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 the District only if the person holds the appropriate credentials from the appropriate state agency. *Education Code 21.003(b)*

ADDITIONAL CERTIFICATION

The State Board for Educator Certification (SBEC) shall provide for a certified educator to qualify for additional certification to teach at a grade level or in a subject area not covered by the educator's certificate upon satisfactory completion of an examination or other assessment of the educator's qualification. *Education Code 21.056; 19 TAC 230.437*

MASTER TEACHER GRANT PROGRAMS

The District may apply to the Commissioner of Education for grants to be used to pay stipends to certified master reading teachers, master mathematics teachers, master technology teachers, and master science teachers.

TEACHER ELIGIBILITY

The Commissioner shall reduce payments to the District proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.

If a teacher qualifies as a master reading or mathematics teacher for a partial month, the District's written policy will determine how the District counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by the District on the teacher's behalf.

19 TAC 101.1011(g), 102.1013(g)

DESIGNATION OF TEACHER

A district that employs more certified master teachers than the number of grants available shall select the certified master teacher(s) to whom to pay the stipends based on a policy adopted by the Board, except that the District shall pay a stipend for two additional consecutive school years to a teacher:

1. The District has selected for and paid a stipend for a school year who remains eligible for a certified master teacher stipend; and

2. For whom the District receives a grant under this section for those years.

The District's decision is final and may not be appealed.

The District may not apportion among teachers a stipend paid for with a grant the District receives under this program. The District may use local money to pay additional stipends in amounts determined by the District.

Education Code 21.410(g), 21.411(g), 21.412(g), 21.413(g); 19 TAC 102.1011(h), 102.1013(h)

REDUCTION OF STIPEND

If state funds are appropriated but are insufficient to fully fund a master reading teacher, master mathematics teacher, or master science teacher grant, the Commissioner shall reduce the grant paid to each district and the District shall reduce the stipend the District pays to each teacher under the grant program proportionately so that each selected teacher receives the same amount of money. If funds are insufficient to fully fund a master technology teacher grant, the Commissioner shall determine the method of distributing the funds. *Education Code 21.410(i), 21.411(i), 21.412(i), 21.413(i)*

A stipend a teacher receives under this program is not considered in determining whether the District is paying the teacher the minimum monthly salary. *Education Code 21.410(l)*

The District must pay state stipends to certified master reading and mathematics teachers no later than 30 days after receipt of the grant by the District. *19 TAC 102.1011(i)*

Education Code 21.410–413; 19 TAC 102.1011, 102.1013

TEACHERS IN CORE ACADEMIC SUBJECTS

As part of the state plan described at 20 U.S.C. 6311, TEA shall develop a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified not later than the end of the 2005–06 school year.

'CORE ACADEMIC SUBJECTS' DEFINED

The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

TEACHERS IN TITLE I PROGRAMS

Beginning with the first day of school of 2002–03, each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq*.) shall ensure that all teachers hired after that day and teaching in a program supported with such federal funds are highly qualified.

'HIGHLY QUALIFIED'

The term "highly qualified":

GENERAL CERTIFICATION REQUIREMENT

1. When used with respect to any public elementary school or secondary school teacher, means the teacher:

   a. Has obtained full state certification as a teacher (including alternative certification); and

   b. Has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

SUBJECT COMPETENCY

NEW ELEMENTARY TEACHER

2. When used with respect to an elementary school teacher who is new to the profession, means the teacher:

   a. Holds at least a bachelor's degree; and

   b. Has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

NEW MIDDLE OR SECONDARY TEACHER

3. When used with respect to a middle or secondary school teacher who is new to the profession, means the teacher:

   a. Holds at least a bachelor's degree; and

   b. Has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:

      (1) Passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or

      (2) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

EXISTING TEACHER

4. When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means the teacher holds at least a bachelor's degree and:

   a. Has met the applicable standard as detailed above for new teachers; or

   b. Demonstrates competence in all academic subjects in which the teacher teaches based on a high objective uniform state standard of evaluation.

No Child Left Behind Act of 2001, 20 U.S.C. 6319(a)(1), 7801(23)

HIGHLY QUALIFIED SPECIAL EDUCATION TEACHERS

Effective July 1, 2005, the term "highly qualified," when used with respect to a special education teacher, means the teacher meets the above requirements, as applicable, and:

GENERAL REQUIREMENTS

1. Has obtained full state certification as a special education teacher (including alternative certification);

2. Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

3. Holds at least a bachelor's degree.

Special education teachers who teach alternative achievement standards or who teach two or more core academic subjects exclusively to children with disabilities must also demonstrate subject matter competence as set forth below.

TEACHING ALTERNATIVE ACHIEVEMENT STANDARDS

1. New and existing special education teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards may:

   a. Meet the applicable requirements for any new or existing elementary, middle, or secondary teacher; or

   b. In the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided, as determined by the state, needed to effectively teach to those standards.

TEACHING TWO OR MORE CORE ACADEMIC SUBJECTS

2. A special education teacher who teaches two or more core academic subjects exclusively to children with disabilities may either:

   a. Meet the applicable requirements for any new or existing elementary, middle, or secondary school teacher;

   b. In the case of an existing teacher, demonstrate competence in all core academic subjects in which the teacher teaches in the same manner as is required for any other existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects; or

   c. In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, the teacher may demonstrate competence in the other core academic subjects in which the teacher teaches in the same man-

ner as is required for an existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects. The teacher must demonstrate competence under this section not later than two years after the date of employment.

20 U.S.C. 1401(10)

NOTICE TO PARENTS: QUALIFICATIONS

As a condition of receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq*.), the 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 teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.

3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

ADDITIONAL INFORMATION

A school that receives such federal funds shall also provide to each individual parent:

1. Information on the level of achievement of the parent's child in each of the state academic assessments; and

2. Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

No Child Left Behind Act of 2001, 20 U.S.C. 6311(h)(6)

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. The 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*

SCHOOL DISTRICT TEACHING PERMIT

A person who does not hold a teaching certificate may be issued a school district teaching permit. The District may issue a school district teaching permit to and may employ a person who holds a baccalaureate degree. A baccalaureate degree is not required for persons who will teach only career and technology education.

STATEMENT TO COMMISSIONER

After employing a person under a school district permit, the District shall promptly 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 the 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, the 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.

DURATION OF PERMIT

A person holding a school district teaching permit may teach the subject or class identified to the Commissioner for as long as the teacher remains in the District or until the District revokes the permit 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

Note: The assignment of a teacher to teach a class for which he or she is not properly certified triggers parent notification requirements in accordance with state and federal laws. See DK.

REVOCATION OF CERTIFICATE FOR CERTAIN OFFENSES AGAINST CHILDREN

Not later than the fifth day after receiving notice from a court under Code of Criminal Procedure Article 42.018 that a person who holds a certificate issued under Education Code Chapter 21, Subchapter B, has been convicted, SBEC must revoke the person's certificate

and provide written notice of the revocation and its basis to the person and to any school district or open-enrollment charter school employing the person at the time.

The revocation and notice requirement applies only if the victim of the offense is under 18 years of age, and only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender.

Education Code 21.058 [See also DK and DF]

FAILURE OF CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

1. Does not hold a certificate or permit issued by SBEC; or
2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

This provision does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

Education Code 21.0031(a), (e) [See DF]

PARAPROFESSIONAL EMPLOYEES

CREDENTIALS

Educational aides shall be certified according to standards established by the State Board for Educator Certification. *19 TAC 230.551*

TITLE I PROGRAM REQUIREMENTS

Each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq*.) shall ensure that all paraprofessionals working in a program supported with those funds shall:

DUTIES

1. Be assigned only duties consistent with 20 U.S.C. 6319(g).

HIGH SCHOOL DIPLOMA

2. Regardless of the paraprofessionals' 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 2 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.

FULL COMPLIANCE DATE

All paraprofessionals hired before January 8, 2002 and working in a program supported with Title I, Part A funds shall satisfy the HIGHER EDUCATION OR COMPETENCY TEST requirement not later than January 8, 2006.

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.

No Child Left Behind Act of 2001, 20 U.S.C. 6319

SCHOOL BUS DRIVERS CREDENTIALS

A school bus driver must:

1. Be at least 18 years old.
2. Hold an appropriate class of driver's license for the vehicle being operated.
3. Pass an annual physical exam and otherwise meet medical and physical requirements established by the Department of Public Safety (DPS). [See DBB]
4. Have a driving record that is acceptable according to minimum standards adopted by the DPS. A check of the person's driving record shall be made with DPS annually.
5. Pass a pre-employment driver's license check with the DPS, and maintain a driving record acceptable according to the standards prescribed by the State Board and the DPS. [See ANNUAL EVALUATION, below]
6. Have an acceptable criminal history record. [See DC] If the District obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude, it may not employ the person to drive a school bus on which students are transported unless the employment is approved by a Board or the Board's designee.
7. Possess a valid certificate stating that the driver is enrolled in, or has completed, a driver training course in school bus safety education approved by the DPS.

Trans. Code 521.022; 37 TAC 14.11, 14.12, 14.14

ANNUAL EVALUATION

The District shall evaluate the driver's license record of each school bus driver at least annually to determine if the driver is still eligible to drive a school bus. *Trans. Code 521.022(d); 37 TAC 14.14*

EMPLOYEE ACCESS

All information contained in the personnel file of an employee shall be made available to that employee or the designated representative as public information is made available under the Public Information Chapter of the Government Code. *Gov't Code 552.102(a)*

SPECIAL RIGHT

An employee or an employee's designated representative has a special right of access, beyond the right of the general public, to records and copies of records held by the District that contain information relating to the person that is protected from public disclosure by laws intended to protect the employee's privacy interests. The District shall not deny to the employee or his or her representative access to information about the employee on the grounds that the information is considered confidential by privacy principles, but may assert as grounds for denial of access other provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests. *Gov't Code 552.023*

If the officer for records determines that information in the employee's records is exempt from disclosure under provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests, he or she shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, the information shall be released not later than the tenth day after the request for information is received. *Gov't Code 552.307*

PUBLIC ACCESS

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Chapter of the Government Code. *Gov't Code 552* [See GBA]

EMPLOYMENT POLICY

The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:

1. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent; and

2. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202. [See DP]

The employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District.

Education Code 11.163(a), (c)

ACTION ON RECOMMENDATION

The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. *Education Code 11.163(b)*

NEPOTISM

A superintendent to whom a board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See DBE]

FORMER TRUSTEE EMPLOYMENT

A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

EMPLOYMENT OF RETIREES

ACUTE SHORTAGE AREAS

For purposes of hiring retirees, the Board shall determine by rule whether there are acute shortage areas in the District based on TEA's acute shortage area guidelines. The guidelines must include:

1. A list of acute shortage areas;

2. Suggested criteria for identifying local acute shortage areas; and

3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.

Gov't Code 824.602(m)

NOTICE TO TRS

The District shall furnish TRS a monthly certified statement of all employment of all TRS service or disability retirees. The certified

statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District. The statement shall contain information necessary for the executive director to classify employment under Government Code 824.602. *34 TAC 31.2*

EMPLOYEE INFORMATION

The District shall ensure that an employee properly completes section 1—''Employee Information and Verification''—on Form I–9 at the time of hire.

VERIFICATION OF EMPLOYMENT ELIGIBILITY

The District must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I–9 by the following dates:

1. Within three business days of initial hiring. If the District hires an individual for employment for a duration of less than three business days, the District must verify employment at the time of hire.

   The District shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

   When the District rehires an individual, the District may, in lieu of completing a new I–9, inspect a previously completed I–9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)

SOCIAL SECURITY NUMBERS

It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF USES

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552(a); Pub. L. 94–455, Stat. 1520 (1976)

CONTRACT POLICY

The District shall employ each classroom teacher, principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. [See DCA, DCB, and DCC] The District is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. [See DCD and DCE]

"Classroom teacher" means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instruction setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator.

The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply.

Education Code 21.002, *5.001(2)*

DAYS OF SERVICE

A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service.

EXCEPTION

The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator's salary.

Education Code 21.401

EDUCATIONAL AIDES

The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.214(f); 19 TAC Chapter 21*

CRIMINAL HISTORY RECORD

The District may obtain from any law enforcement or criminal justice agency all criminal history information that relates to:

1. A person the District intends to employ in any capacity;

2. A person who has indicated, in writing, an intention to serve as a volunteer with the District; or

3. A volunteer or employee of the District.

Criminal history record information regarding a person who is a volunteer or employee of the District may be obtained no more than twice each year.

Education Code 22.083(a), (c); Gov't Code 411.097(b)

CONFIDENTIALITY OF CRIMINAL HISTORY

Criminal history record information obtained by the District may not be released or disclosed to any person, other than the individual who is the subject of the information, TEA, or SBEC (State Board for Educator Certification). *Gov't Code 411.097(d)* [See CNA]

SBEC NOTIFICATION

The Superintendent shall promptly notify SBEC in writing by filing a report with the executive director of SBEC within seven calendar days of the date the Superintendent obtains or has knowledge of information indicating that an applicant for or holder of a certificate issued under Chapter 21, Subchapter B, of the Education Code has a reported criminal history. *Education Code 22.083(d); 19 TAC 249.14(d)(1)* [See also DF]

CONTRACTED TRANSPORTATION SERVICES

If the District contracts with a person for transportation services, the District shall obtain criminal history record information as authorized by Education Code 22.084. [See CNA]

DISCHARGE OF CONVICTED EMPLOYEES

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the District. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code Section 207.044 (unemployment compensation). *Education Code 22.085*

NEW HIRE REPORTING

The District shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and Social Security number of each newly hired employee. The report shall also contain the District's name, address, and employer identification number.

The District may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the District's payroll address for mailing of notice to withhold child support.

The District shall report new hire information on a Form W–4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the District and in a format acceptable to the attorney general.

DEADLINE

New hire reports are due:

1. Not later than 20 calendar days after the date the District hires the employee; or

2. In the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

42 U.S.C. 653a(b), (c); Family Code 234.101–234.104; 1 TAC 55, subchapter I

All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

It is the goal of the District to create a culture, visually and verbally, where positive character traits shall be expected and affirmed. Positive and respective relationships among students and staff shall be emphasized.

Recognizing that a positive, pleasant atmosphere is essential both to a good learning environment for our students and a good work environment for our employees, it is the policy of the District that all staff and/or representatives shall treat students, parents, community members and their peers with mutual respect, dignity, fairness, and common courtesy. In short, all staff and/or representatives of the District shall treat others as they would want to be treated. Specifically as follows:

1. Comments of a negative, degrading, disparaging, hurtful, or destructive nature shall not be tolerated, particularly toward students.
2. Cursing and obscene or abusive language shall not be tolerated under any circumstances.
3. All District administrators shall use and model positive leadership styles with teachers, staff, parents, students, and community members that will foster a positive, nurturing, and caring learning environment and workplace.

All District employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

VIOLATIONS OF STANDARDS OF CONDUCT

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

SAFETY REQUIREMENTS

All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees, as defined at DIA.
2. Students, as defined at FFH. [See FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH STUDENTS

Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO USE

Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]

ALCOHOL AND DRUGS

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

1. 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.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

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

EXCEPTIONS

An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee’s personal use shall not be considered to have violated this policy.

NOTICE

Each employee shall be given a copy of the District’s notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS AND CONVICTIONS

An employee who is arrested for any felony or any offense involving moral turpitude shall report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense shall also report that event to the principal or immediate supervisor within three calendar days of the event.

MORAL TURPITUDE

Moral turpitude includes but is not limited to:

1. Dishonesty; fraud; deceit; theft; misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
6. Acts constituting abuse under the Texas Family Code.

DRESS AND GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

HARASSMENT OF EMPLOYEES

The District has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 CFR 1606.8(a), 1604.11*

OFFICIAL OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)*

DEFINITION

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HOSTILE ENVIRONMENT

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 1604.11, 1606.8

QUID PRO QUO

Conduct of a sexual nature also constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 CFR 1604.11(a)

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HARASSMENT POLICY

The District should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 CFR 1604.11(f)*

CORRECTIVE ACTION

The District is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the District, its agents, or its supervisory employees knew or should have known of the conduct, unless the District takes immediate and appropriate corrective action. *29 CFR 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, the District may raise the following affirmative defense:

1. That the District exercised reasonable care to prevent and promptly correct any harassing behavior; and

2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775, (1998)

Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

The District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, religion, or age.

Employees shall not tolerate harassment of others and shall make reports as required at REPORTING PROCEDURES, below.

SEXUAL HARASSMENT

Sexual harassment of an employee is defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

OTHER PROHIBITED HARASSMENT

Harassment of a District employee on the basis of the employee's race, color, gender, national origin, disability, religion, or age includes physical, verbal, or nonverbal conduct related to these characteristics when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's employment opportunities.

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another per-

son's religious beliefs or practices, accent, skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other types of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to an appropriate person designated below.

Any District employee with supervisory authority who receives notice that another employee has or may have experienced prohibited harassment is required to immediately report the alleged acts and take whatever other steps are required by this policy.

Any other person who knows or believes that a District employee has experienced harassment should immediately report the alleged acts to the appropriate person designated by this policy.

TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.

A District employee may report harassment to his or her supervisor or campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:

DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See DAA(LOCAL)]

2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a supervisor or principal shall immediately notify the appropriate District official listed above.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

INVESTIGATION OF THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation.

If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

DISTRICT ACTION

If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.

APPEAL

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant shall be informed of his or her right to file a complaint with the Texas Workforce Commission Civil Rights Division, the Equal Employment Opportunity Commission, or the United States Department of Education Office for Civil Rights.

RETALIATION PROHIBITED	Retaliation against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.
RECORDS RETENTION	Retention of records shall be in accordance with DAA(LOCAL).
ACCESS TO POLICY	This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

PURPOSE

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

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

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

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

REQUIRED CURRICULUM

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

FOUNDATION CURRICULUM

1. A foundation curriculum that includes:

   a. English Language Arts and reading;

   b. Mathematics;

   c. Science; and

   d. Social studies, consisting of Texas, United States, and world history; government; and geography.

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

ENRICHMENT CURRICULUM

2. An enrichment curriculum that includes:

   a. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the District may offer an elective course in the language;

   b. Health;

   c. Physical education;

d. Fine Arts;

e. Economics, with emphasis on the free enterprise system and its benefits;

f. Career and technology education; and

g. Technology applications.

Education Code 28.002(a)(2); 19 TAC 74.1(c)

The District may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.004(f); 19 TAC 74.1(b)*

EXTENSION

Until September 1, 2005, the District may apply for an extension to comply with the rules adopted by the State Board of Education implementing the enrichment curriculum. *Education Code 28.002(c–1)*

LOCAL INSTRUCTIONAL PLAN

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

SCHOOL HEALTH ADVISORY COUNCIL

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

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;

2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and Type II diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;

3. Appropriate grade levels and methods of instruction for human sexuality instruction; and

4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

   a. School health services;

b. Counseling and guidance services;

c. A safe and healthy school environment; and

d. School employee wellness.

Education Code 28.004(c)

CONTENT OF HUMAN SEXUALITY INSTRUCTION

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

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

Education Code 28.004(e)

CONDOMS

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

SEPARATE CLASSES

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

NOTICE TO PARENTS

The District shall notify a parent of each student enrolled in the District of the basic content of the District's human sexuality instruction to be provided to the student and of the parent's right to remove the student from any part of that instruction. *Education Code 28.004(i)*

AVAILABILITY OF MATERIALS

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

ESSENTIAL KNOWLEDGE AND SKILLS

A district that offers kindergarten through grade 5 must provide instruction in the required curriculum as specified in 19 TAC 74.1 (relating to Essential Knowledge and Skills).

The District shall ensure that sufficient time is provided for teachers to teach and students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English.

19 TAC 74.2

COORDINATED HEALTH PROGRAMS FOR ELEMENTARY STUDENTS

TEA shall make available to the District one or more coordinated health programs designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary school students. Each program must provide for coordinating health education, physical education and physical activity, nutrition services, and parental involvement. *Education Code 38.013*

Not later than September 1, 2007, the District shall participate in appropriate training to implement TEA's coordinated health program and implement the program in each elementary school in the District. *Education Code 38.014*

DAILY PHYSICAL ACTIVITY

All students enrolled in full-day kindergarten or grades 1–6 in an elementary school setting are required to participate in physical activity for a minimum of either 30 minutes daily or 135 minutes weekly under the following conditions:

1. Participation must be in a Texas Essential Knowledge and Skills (TEKS)–based physical education class or a TEKS-based structured activity; and

2. Each district shall establish procedures for providing the required physical activity that must consider the health-related education needs of the student and the recommendations of the local health advisory council.

A student who is unable to participate in daily physical activity because of illness or disability is exempt from this requirement.

Education Code 28.002(l); 19 TAC 74.32

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

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. *19 TAC 74.3(a)*

HIGH SCHOOL COURSES AT EARLIER GRADES

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

GRADES 9–12 COURSE OFFERINGS

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

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

1. English language arts — English I, II, III, IV.

2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.

3. Science — Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

4. Social studies — United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.

5. Economics — Economics with Emphasis on the Free Enterprise System and Its Benefits.

6. Physical education — Foundations of Personal Fitness and at least two of the following:

    a. Adventure/Outdoor Education;

b. Aerobic Activities;

c. Individual Sports; or

d. Team Sports.

7. Health education — Health I.

8. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

a. Art I, II, III, IV;

b. Music I, II, III, IV;

c. Theatre I, II, III, IV; or

d. Dance I, II, III, IV.

9. Career and technology education, taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical. [See EEL] — courses selected from at least three of the eight career and technology areas, as follows:

a. Agricultural science and technology education;

b. Business education;

c. Career orientation;

d. Health science technology education;

e. Family and consumer sciences education/home economics education;

f. Technology education/industrial technology education;

g. Marketing education; and

h. Trade and industrial education.

10. Languages other than English — Levels I, II, and III of the same language.

11. Technology applications — at least four courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications.

12. Speech — Communications Applications.

19 TAC 74.3(b)(2)

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. *19 TAC 74.3(b)(2)*

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

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

PROMOTION

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

In addition to local policy relating to grade advancement, students in grades 3, 5, and 8 must demonstrate proficiency by meeting the passing standard on the appropriate assessment instrument listed at GRADE ADVANCEMENT TESTING or on a state-approved alternate assessment.

A student who does not demonstrate proficiency may advance to the next grade only if the student's grade placement committee (GPC) determines by unanimous decision, in accordance with the standards for promotion established by the Board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction.

19 TAC 101.2001(b)

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

RETENTION

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

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

GRADE ADVANCEMENT TESTING

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

ELIGIBLE STUDENTS

An eligible student is subject to all grade advancement requirements, including the automatic retention component, if the following two criteria are met:

1. The student is enrolled in a District or charter school on any day between January 1 and April 15 of the school year during which the grade advancement test is administered; and

2. The student is eligible for enrollment in a Texas public school (as defined by legal residence in the state) during the week of the first general grade advancement test administration as established in the assessment calendar by the Commissioner.

An eligible student who does not meet the criteria specified above but enrolls in the District at any time after the week of the first gen-

eral grade advancement test administration is subject to all grade advancement requirements except for automatic retention and shall not be automatically retained if the student does not demonstrate proficiency on any of the grade advancement tests.

The District must provide the student with the other required services in the overall system of support for student academic achievement, including the opportunity to test, access to accelerated instruction, and the formation of a GPC.

19 TAC 101.2003(b), (c)

REQUIRED ASSESSMENT

A student may not be promoted to:

1. The fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument;

2. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or

3. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments. This applies to the assessment instrument administered to students in eighth grade beginning with the 2007–08 school year.

Education Code 28.0211(a), (n); 19 TAC 101.9

TEST SCHEDULE

TEA shall provide three opportunities per year for the tests required for grade advancement. The Superintendent shall establish procedures to ensure that:

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and

2. Each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including an alternate assessment, so that the GPC has sufficient evidence for its review upon appeal by a parent or guardian.

19 TAC 101.2005(c)

The District must accommodate the request of an out-of-District student to participate in the third administration of a test required

for grade advancement if the District is testing one or more local students on the applicable test and if the out-of-District student has registered to take the test by a date determined by TEA. *19 TAC 101.2005(d)*

NOTICE OF GRADE ADVANCEMENT TESTING REQUIREMENTS

The Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement;
2. Notifying each student in grades 1–8 who is new to the District and the student's parent or guardian in writing of the testing requirements for grade advancement; and
3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

UNSATISFACTORY PERFORMANCE ON ASSESSMENT INSTRUMENTS

The District shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

ACCELERATED INSTRUCTION

Each time a student fails to perform satisfactorily on a grade advancement test, the District shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction should be consistent with previous diagnostic testing and intervention activities, if any, the student has received. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class.

Accelerated instruction required after the first and second testing opportunities should be designed to address student needs to the greatest extent possible before the next testing opportunity.

Accelerated instruction shall be based on the following:

1. Assessment of specific student needs, which may include, as appropriate, the following: teacher observations and evaluations; academic progress reports; previous identification of student needs and corresponding interventions; and performance on previous assessment instruments in the applicable subject.
2. Best instructional practices identified through research.

Education Code 28.0211(c); 19 TAC 101.2013(a), (b), (d)

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The District shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The District shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the District regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*

The District must accommodate the request of an out-of-District student to participate in any established, on-campus summer accelerated program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student's GPC. *19 TAC 101.2013(d)*

NOTICE TO PARENTS OF PERFORMANCE AND ACCELERATED INSTRUCTION

In addition to providing the accelerated instruction, the District shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the District is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the District shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

AFTER EARLY IDENTIFICATION OF AT–RISK STUDENTS

NOTICE

The District shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the test required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination; however, in the case of students in grade 2, it must include the results of the reading inventory required by Education Code 28.006. This notice shall be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

AFTER FIRST TESTING OPPORTUNITY

NOTICE

The District shall notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement test. This notification should be made within five working days of the District's receipt of student test results from this administration. This notice shall include the student's test results, a description of the District's grade advancement policy, the accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*

AFTER SECOND TESTING OPPORTUNITY

NOTICE

Within five working days of the District's receipt of student test results for the second administration of the test required for grade advancement, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the test results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*

GRADE PLACEMENT COMMITTEE

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time.

Decisions by the GPC shall be made on an individual student basis to ensure the most effective way to support the student's academic achievement on grade level.

The GPC shall be composed of the principal or the principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement test on which the student failed to perform satisfactorily. If this teacher is unavailable, the principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student (if the remaining members of the GPC also agree to the promotion). The

District may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The District may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the District may use other methods to ensure parent participation, including individual or conference telephone calls. The District may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take any actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a), (b)

ALTERNATE ASSESSMENT

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument. If the Board adopts such a policy, the District shall select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment. *19 TAC 101.2011(a)–(b)*

PARENTAL WAIVER

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015*

AFTER THIRD TESTING OPPORTUNITY

NOTICE

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of a test required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student test results for this administration, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The District shall establish a procedure to ensure a good faith effort

is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*

RETENTION AND APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board. These standards may include the following:

1. Evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, previous state assessments, and individual reading and mathematics diagnostic tests or inventories;
2. Improvement in student test performance over the three testing opportunities;
3. Extenuating circumstances that may have adversely affected the student's participation in instruction, the student's participation in the required assessments, or the student's participation in accelerated instruction; and
4. Consideration of whether the student was not enrolled in a Texas public school for part of the school year.

19 TAC 101.2007(f)

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*

The committee's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*

TRANSFER STUDENTS

The District shall determine a student's previous testing history and, if applicable, the accelerated instructional program he or she has received. *19 TAC 101.2003(g)*

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit the District's ability to appropriately place such a student. *19 TAC 101.2007(h)* [See FDA]

LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and acceleration options for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)*

SPECIAL EDUCATION STUDENTS

A student who is receiving special education services, including a LEP student, who is enrolled in grades 3, 5, or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and acceleration options for the student. *Education Code 28.0211(i); 19 TAC 101.2003(d), (f)*

DYSLEXIC STUDENTS

In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b); 19 TAC 101.2003(f)* [See policies at EHB, EKB, and FB]

AGE–APPROPRIATE ASSIGNMENT

The Board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, the Board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. *19 TAC 101.2019(b)*

TRANSPORTATION TO ACCELERATED INSTRUCTION PROGRAMS

The District shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j); 19 TAC 101.2013(c)*

OPTIONAL EXTENDED–YEAR PROGRAM

A student who does not meet District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. *19 TAC 105.1001* [See EHBC]

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject

matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the District shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e), (f) [See EHBC]

ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

CURRICULUM MASTERY

Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory/accelerated services. [See EHBC]

STANDARDS FOR MASTERY

Mastery shall be determined as follows:

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.

2. Mastery of the skills necessary for success at the next level shall be validated by assessments that may either be incorporated into unit or final exams or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.

GRADES 1–8

In grades 1–8, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts, mathematics, and either science or social studies.

GRADES 9–12

Grade-level advancement for students in grades 9–12 shall be earned by course credits. [See EI]

STUDENTS WITH DISABILITIES

Promotion standards and appropriate assessment and acceleration options, as established by individualized education programs (IEP) or grade-level classification of students eligible for special education, shall be determined by the ARD committee.

LIMITED ENGLISH PROFICIENCY STUDENTS

In assessing students of limited English proficiency for mastery of the essential knowledge and skills, the District shall be flexible in determining methods to allow the students to demonstrate knowledge or competency independent of their English language skills in the following ways:

1. Assessment in the primary language.

2. Assessment using ESL methodologies.

3. Assessment with multiple varied instruments. [See EHBE]

STUDENT SUCCESS INITIATIVE

In addition to local standards for mastery and promotion, students in grades 3, 5, and 8 must meet the passing standard established by the State Board on an applicable assessment instrument in the subjects required under state law in order to be promoted to the next grade.

DEFINITION OF 'PARENT'

For purposes of this policy and decisions related to the student success initiative, a student's "parent" shall be defined to include

either of the student's parents or guardians; a person designated by the parent, by means of a Power of Attorney, to have responsibility for the student in all school-related matters (see FD); a surrogate parent acting on behalf of a student with a disability; a person designated by the parent or guardian to serve on the grade placement committee (GPC) for all purposes; or in the event that a parent, guardian, or designee cannot be located, a person designated by the Superintendent or designee to act on behalf of the student. [See EIE(LEGAL)]

ALTERNATE ASSESSMENT INSTRUMENT

The District shall use only the statewide assessment instrument for the third testing opportunity.

STANDARDS FOR PROMOTION UPON APPEAL

If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law and shall apply the following standards in deciding to promote or retain the student:

1. Evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, previous state assessments, or individual reading or mathematics diagnostic tests or inventories, as appropriate;

2. Improvement in student test performance over the three testing opportunities;

3. Extenuating circumstances that may have adversely affected the student's participation in instruction, required assessments, or accelerated instruction; and

4. Consideration of whether a student was not enrolled in a Texas public school for part of the school year.

If all members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction during the following school year, the student shall be promoted.

Whether the GPC decides to promote or to retain a student in this manner, the committee shall determine an accelerated instruction plan for the student for the following school year, providing for interim reports to the student's parent and opportunities for the parent to consult with the teacher or principal as needed. The principal or designee shall monitor the student's progress during the following school year to ensure that he or she is progressing in accordance with the plan.

TRANSFER STUDENTS

When a student transfers into the District having failed to demonstrate proficiency on applicable assessment instruments after two

testing opportunities, a GPC shall convene for that student. The GPC shall review any available records of decisions regarding testing and accelerated instruction from the previous district and determine an accelerated instruction plan for the student.

If a parent initiates an appeal for promotion when a student transfers into the District having failed to demonstrate proficiency after three testing opportunities, the GPC shall review any available records of decisions regarding testing, accelerated instruction, retention, or promotion from the previous district and issue a decision in accordance with the District's standards for promotion.

ASSIGNMENT OF RETAINED STUDENTS

In the event a student is not promoted to the next grade level, the District shall nevertheless assign the student to an age-appropriate campus, unless:

1. The student's parent requests that the student be assigned to the same or a similar campus setting; or

2. The student's GPC determines that it would be in the student's best interest to be assigned to the same or a similar campus setting. Criteria to be considered for this decision may include:

    a. Recommendations from the student's teachers.

    b. Observed social and emotional development of the student.

This provision shall apply only when:

1. A student who is 10 years old is retained in grade 3;

2. A student who is 12 years old is retained in grade 5; or when

3. A student who is 15 years old is retained in grade 8.

REDUCING STUDENT RETENTION

The District shall establish procedures designed to reduce retaining students at a grade level, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

A student may graduate and receive a diploma only if the student successfully completes:

1. The curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit-level assessment instruments identified in Education Code 39.025; or

2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

DIPLOMA / TRANSCRIPT / CERTIFICATE OF COURSEWORK COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record (transcript), rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.11(a), 74.41(a), 74.51(a)* [See EI for provisions regarding certificate of coursework completion]

EXIT–LEVEL ASSESSMENT

A student may not receive a high school diploma until the student has performed satisfactorily on the secondary exit-level instruments for English language arts, mathematics, social studies, and science. A student is not required to demonstrate readiness to enroll in an institution of higher education. *Education Code 39.023(c), 39.025(a); 19 TAC 101.7(a)*

To fulfill the testing requirements for graduation, a student must be tested by either a Texas school district, Texas education service center, open-enrollment charter school, the Texas Education Agency (TEA), or other individual or organization designated by the Commissioner of Education.

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner.

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level testing requirement.

19 TAC 101.7

IMPLEMENTATION SCHEDULE

A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test.

STUDENTS WHO TAKE TAKS

Students who were enrolled in grade 8 or a lower grade on January 1, 2001, and who did not complete all coursework required to

graduate by September 1, 2004, must fulfill testing requirements for graduation with the exit-level Texas Assessment of Knowledge and Skills (TAKS) tests. "Coursework necessary to graduate" means all coursework required under the student's graduation plan.

STUDENTS WHO TAKE TAAS

Students who were enrolled as follows shall fulfill testing requirements for graduation with the exit-level Texas Assessment of Academic Skills (TAAS):

1. In grade 9 or higher on January 1, 2001, regardless of when they are scheduled to graduate; or

2. In grade 8 or lower on January 1, 2001, if they were on an accelerated track and fulfilled all coursework necessary to graduate by September 1, 2004.

Notwithstanding the above, students who pass all required exit-level TAKS tests have fulfilled their testing requirements for graduation.

STUDENTS WHO TAKE END–OF–COURSE EXAMS

Students who passed the Algebra I, English II, and either Biology or U.S. History end-of-course exams by spring 2002 have fulfilled their testing requirements for graduation, regardless of their enrolled grade level on January 1, 2001.

19 TAC 101.3003

SPECIAL EDUCATION STUDENTS

A student receiving special education services who successfully completes the requirements of his or her IEP shall receive a high school diploma. *19 TAC 101.7(c)*

LEP STUDENTS

Limited English proficiency (LEP) students are not eligible for an exemption from the exit-level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone one time the initial administration of the exit-level test. The term "recent immigrant" is defined as an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005* [See EKB]

NOTICE OF GRADUATION REQUIREMENTS

In order to provide timely and full notification of graduation requirements, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;

2. Notifying each student in grades 7–12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation; and

3. Notifying each student who shall take the tests required for graduation and the student's parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.13

PERSONAL GRADUATION PLAN (PGP)

A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in a junior high, middle, or high school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the District.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

A student's IEP developed under Education Code 29.005 [see EHBAB] may be used as the student's PGP.

Education Code 28.0212

EARLY GRADUATION

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of the Board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), 26.003(b)* [See FMH, FNG]

STATE GRADUATION REQUIREMENTS	All credit for graduation must be earned no later than grade 12. *19 TAC 74.11(b); 74.41(b), 74.51(b)*
NINTH GRADERS IN 1998–99 THROUGH 2000–01	To receive a high school diploma, a student entering grade 9 in the 1998–99, 1999–2000, or 2000–01 school years must pass the exit-level test and complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.11(c), (d), 74.12–.13*
NINTH GRADERS IN 2001–02 THROUGH 2003–04	To receive a high school diploma, a student entering grade 9 in the 2001–02, 2002–03, or 2003–04 school year must pass the exit-level test and complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.41(c), 74.42–.44*
NINTH GRADERS IN 2004–05 AND THEREAFTER	The District shall ensure that each student entering the ninth grade in the 2004–05 school year and thereafter enrolls in the courses necessary to complete the curriculum requirements identified by the State Board for the Recommended or Advanced High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree that the student should be permitted to take courses under the Minimum High School Program. *Education Code 28.025(b); 74 TAC 74.51(d), 74.52.–.54*
MINIMUM HIGH SCHOOL PROGRAM	A student entering grade 9 in the 1998–99, 1999–2000, or 2000–01 school years must earn at least 22 credits to complete the Minimum High School Program and demonstrate proficiency in the program requirements listed at 19 TAC 74.11(c), (d). A student entering grade 9 in the 2001–02 school year or thereafter must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT A). *19 TAC 74.42, 74.52*
RECOMMENDED HIGH SCHOOL PROGRAM	A student entering grade 9 in the 1998–99, 1999–2000, or 2000–01 school years who wishes to complete the Recommended High School Program and have the accomplishment recognized on the academic achievement record must complete the requirements listed at 19 TAC 74.12. A student entering grade 9 in the 2001–02 school year or thereafter must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT B). *19 TAC 74.43, 74.53*

DISTINGUISHED ACHIEVEMENT PROGRAM

A student entering grade 9 in the 1998–99, 1999–2000, or 2000–01 school years who wishes to complete an advanced high school program, called the Distinguished Achievement Program, and to have that accomplishment recognized and distinguished on the academic achievement record (transcript) shall complete the requirements listed at 19 TAC 74.13(a).

A student entering grade 9 in the 2001–02 school year or thereafter must earn at least 24 credits to complete the Distinguished Achievement Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT C). *19 TAC 74.44, 74.54*

SUBSTITUTIONS

No substitutions are allowed for high school graduation requirements in the Recommended and Distinguished Achievement Programs, except as provided by State Board rule. *19 TAC 74.12(d), 74.13(a)(4), 74.43(d), 74.44(e), 74.53(d), 74.54(e)*

CREDIT BY EXAMINATION

Credit may be awarded with or without prior instruction if the student has earned credit by examination [see EEJA, EEJB]. *19 TAC 74.11(d), 74.24(c)*

AP OR IB COURSES

College Board Advanced Placement and International Baccalaureate courses may be substituted for required courses in appropriate areas. Students entering grade 9 in the 2001–02 school year may use these courses as electives in all three high school graduation programs. *19 TAC 74.11(d), 74.41(g), 74.51(h)*

READING

The District may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the District:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.11(e), 74.41(d), 74.51(e)

PRIVATE OR COMMERCIALLY SPONSORED PHYSICAL ACTIVITY PROGRAMS

For students who entered grade 9 in the 1997–98 through 2000–01 school years, see 19 TAC 74.11(d)(7)(C), 74.12(b)(9)(B), and 74.13(a)(1)(I)(ii).

For students entering grade 9 in the 2001–02 school year or thereafter, the Board may award up to 2 credits for physical education

for appropriate private or commercially sponsored physical activity programs conducted either on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. *19 TAC 74.11(d)(7)(C), 74.43(b)(7)(C), 74.52(b)(7)(C), 74.53(b)(7)(C), 74.54(b)(7)(C)*

TRANSFERS FROM OUT–OF–STATE OR NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive a Texas diploma but shall complete all high school graduation requirements under 19 TAC 74.11, 74.41, or 74.51, as applicable, to satisfy state graduation requirements. Any course credits required for graduation that are not completed before enrollment in the District may be satisfied by credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 TAC 74.26. *19 TAC 74.11(f), 74.41(e), 74.51(f)* [See EEJA, EEJB, EEJC, EHDE, and EI]

CLASSIFICATION FOR PHYSICAL EDUCATION

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

1. Unrestricted—not limited in activities.

2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:

   a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.

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

3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

GRADUATION OF SPECIAL EDUCATION STUDENTS

A student receiving special education services may graduate and be awarded a high school diploma if:

COMPLETION OF GENERAL EDUCATION REQUIREMENTS

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or

2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument under Education Code 39.027(a)(2)(B).

COMPLETION OF IEP

A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:

1. The student's IEP and met one of the following conditions:

   a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;

   b. Demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the District; employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment; or

   c. Access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program;

2. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and

3. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

When considering a student's graduation under this provision, the student shall be evaluated before graduation as required by

34 CFR 300.534(c), and the ARD committee shall consider the evaluation, the views of the parent and/or student as appropriate, and, when appropriate, seek in writing and consider written recommendations from adult service agencies.

Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated.

In addition, the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

AGING OUT

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

19 TAC 89.1070

STATE ASSESSMENT OF ACADEMIC SKILLS

The statewide assessment program shall be primarily knowledge and skills based to ensure accountability for student achievement that achieves the state goals for public education. The state-adopted criterion-referenced assessment program shall be designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Assessment instruments shall include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.

The state-adopted exit-level assessment instrument shall be designed to be administered to students in grade 11 to assess essential knowledge and skills in mathematics, English language arts, social studies, and science.

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced tests, as required by Education Code 39.023(a), (b), (c), (l) and 39.027(e).

Education Code 39.022, 39.023(a), (c), (f); 19 TAC 101.1, 101.5(a)

To be eligible to receive a high school diploma, a nonexempt student must demonstrate satisfactory performance on the exit-level test. *Education Code 39.025(b); 19 TAC 101.7(a)* [See EIF]

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for:

1. Maintaining the integrity of the test administration process; and

2. Ensuring that every test administrator receives at least annual training in these procedures as provided by TEA through the education service centers.

19 TAC 101.27

SCHEDULE

The Commissioner shall specify the schedule for testing. The Superintendent shall be responsible for administering tests. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state. *19 TAC 101.25*

All students, except students who are exempted, who are in special education programs, and whose ARD committees determine the assessment instrument would not provide an appropriate measure of achievement [see ALTERNATIVE ASSESSMENT, below], shall be assessed in:

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grades 8 through 11 with the aid of

technology on any assessment instruments that include algebra;

2. Reading, annually in grades 3–9;

3. Writing, including spelling and grammar, in grades 4 and 7;

4. English language arts in grade 10;

5. Social studies in grades 8 and 10; and

6. Science in grades 5 and 10.

Education Code 39.023(a)

NOTICE TO PARENTS AND STUDENTS

In order to provide timely and full notification of graduation requirements and of testing requirements for advancement at certain grades, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;

2. Notifying each student in grades 7–12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation;

3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing;

4. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement as specified in Education Code 28.0211 [see EIE];

5. Notifying each student in grades 1–8 who is new to the District and his or her parent or guardian in writing of the testing requirements for grade advancement; and

6. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

RETAKES

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule

determined by the Commissioner. A student who has been denied a diploma because the student failed to meet standards of performance on any sections of the instrument may retake the sections each time the instrument is administered. A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test. *Education Code 39.025(b); 19 TAC 101.7(a)(2), (d)*

STUDENTS WITH DISABILITIES

A student receiving special education services enrolled in grades 3–8 and who is receiving instruction in the essential knowledge and skills shall take the assessment of academic skills unless the student's ARD committee determines that it is an inappropriate measure of the student's academic progress as outlined in the student's IEP. If the ARD committee determines that the assessment is an inappropriate measure of the student's academic progress in whole or part, the student shall take the alternative assessment of academic skills in whole or part. Each testing accommodation shall be documented in the student's IEP in accordance with federal law. Beginning with the 2004–05 school year when alternative assessment of academic skills is available for grades 9–10, this provision also applies to students enrolled in these grades. *19 TAC 101.5(b)*

The ARD committee shall determine the level of performance considered to be satisfactory on the assessment instruments administered to that student in accordance with TEA rules. *Education Code 39.024(a)*

ALTERNATIVE ASSESSMENT

TEA shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program who receives modified instruction in the essential knowledge and skills identified under Education Code 28.002 for the assessed subject but for whom an assessment instrument, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.

The alternative assessment instrument must assess essential knowledge and skills and growth in the subjects of reading, mathematics, and writing and shall be administered on the same schedule as the assessment instruments administered to all other students.

Education Code 39.023(b)

The alternative assessment of academic skills will measure annual growth based on appropriate expectations for each special education student, as determined by the student's ARD committee in accordance with criteria established by the Commissioner. *19 TAC 101.23(b)*

PERMISSIBLE ACCOMMODATIONS

Testing accommodations on the assessments administered are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations necessary for the student to take the assessments and shall document them in the student's IEP. Permissible testing accommodations shall be described in the appropriate test administration materials.

19 TAC 101.29

EXEMPTIONS – SPECIAL EDUCATION

A student may be exempted from the administration of:

1. The state assessment instrument or an alternate assessment if the student is eligible for special education and the student's IEP does not include instruction in the essential knowledge and skills at any grade level;

2. Exit-level exams if the student is eligible for special education, and:

   a. The student's IEP does not include instruction in the essential knowledge and skills at any grade level; or

   b. The assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's ARD committee.

Education Code 39.027(a)(1), (2)

A student receiving special education services enrolled in grades 3–10, according to the grade implementation schedule stated at STUDENTS WITH DISABILITIES, and who is not receiving any instruction in the essential knowledge and skills, shall be considered exempt. Each exemption shall be documented in the student's IEP in accordance with federal law. Each exempted student shall take an appropriate locally selected assessment, as determined by the student's ARD committee, in accordance with procedures developed by TEA. Student performance results on these alternate assessments must be reported to TEA. *19 TAC 101.5(c)*

LEP STUDENTS IN SPECIAL EDUCATION

Decisions regarding the selection of assessments for LEP students who receive special education services shall be made by the ARD committee, which includes a member of the language proficiency assessment committee (LPAC) to ensure that issues related to the student's language proficiency are duly considered. *19 TAC 101.1009(a)*

An LEP student who receives special education services may be exempted from the English language proficiency assessments only if the ARD committee determines that these assessments cannot provide a meaningful measure of the student's annual growth in English language proficiency for reasons associated with the student's disability. *19 TAC 101.1009(c)*

The provisions at LEP STUDENTS AT OTHER GRADES apply to the assessment of academic skills and the state-developed alternative assessment of academic skills. *19 TAC 101.1009(d)*

An LEP student who receives special education services and whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], is not eligible for an exemption on the basis of limited English proficiency. *19 TAC 101.1009(e)*

STUDENTS WITH DYSLEXIA

TEA shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. 705(20), for whom the assessment instruments, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the Board to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this provision. *Education Code 39.023(n)*

LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS

In grades 3–12, an LEP student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the assessment of academic skills in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA. In grades 3–6, the LPAC [see EHBE] shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. The decision as to the language of the assessment shall be based on the assessment that will provide the most appropriate measure of the student's academic progress. *19 TAC 101.5(d)*

ACADEMIC PROGRESS EVALUATION

An LEP student who is exempt from the administration of an assessment instrument who achieves reading proficiency in English as determined by the assessment system shall be administered the appropriate assessment instrument. *Education Code 39.027(e)*

TESTING IN SPANISH

Each LEP student whose primary language is Spanish, other than a student eligible for special education services, may be assessed

using assessment instruments in Spanish for up to three years or assessment instruments in English. The LPAC shall determine which students are to be administered assessment instruments in Spanish.

Education Code 39.023(l), (m)

ENGLISH LANGUAGE PROFICIENCY TESTS

In kindergarten through grade 12, LEP students shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill the state requirements for the assessment of academic skills and federal requirements under the No Child Left Behind Act. *19 TAC 101.1001*

LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE

The LPAC shall select the appropriate assessment option for each LEP student in accordance with this policy at LEP STUDENTS AT THE EXIT LEVEL and LEP STUDENTS AT OTHER GRADES. Assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA. The LPAC must document the reason for the postponement or exemption in the student's permanent record file. The District shall make a reasonable effort to determine a student's previous testing history. *19 TAC 101.1003*

EXEMPTIONS

A student may be exempted from the administration of the state assessment of academic skills:

1. For up to one year if the student is of limited English proficiency and has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an LEP student; or

2. For an additional two years if the student received the one year exemption and is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available.

   "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 of academic skills 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. [See EHBE] To the extent authorized by federal law, a child's prior enrollment in a school in the United States shall be determined on the basis of documents and records required for enrollment. [See FD]

Education Code 39.027(a)(3), (4), (g)

LEP STUDENTS AT THE EXIT LEVEL

LEP students are not eligible for an exemption from the exit-level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone one time the initial administration of the exit-level test. "Recent immigrant" means an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005*

LEP STUDENTS AT OTHER GRADES

In grades 3–6, the LPAC shall determine whether an LEP student is administered the assessment of academic skills in English or in Spanish. An LEP student may be administered a Spanish version of the assessment of academic skills for a maximum of three years. If the LEP student is an immigrant, the number of LEP exemptions and administrations of the assessment in Spanish must not exceed three.

IMMIGRANT STUDENTS

Certain immigrant LEP students who have had inadequate schooling outside the U.S. may be eligible for an exemption from the assessment of academic skills during a period not to exceed their first three school years of enrollment in U.S. schools. "Immigrant" is defined as a student who has resided outside the 50 United States for at least two consecutive years.

1. An immigrant LEP student who achieves a rating of advanced high on the state-administered reading proficiency tests in English during the student's first school year of enrollment in U.S. schools is not eligible for an exemption in the second or third school year of enrollment in U.S. schools. An immigrant LEP student who achieves a rating of advanced or advanced high on this assessment during the student's second school year of enrollment in U.S. schools is not eligible for an exemption in the third school year of enrollment in U.S. schools.

2. During the first school year of enrollment in U.S. schools, the immigrant student may be granted an LEP exemption if the LPAC determines that the student has not had the schooling outside the U.S. necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the subjects assessed.

3. During the second and third school year of enrollment in U.S. schools, the immigrant student whose schooling outside the U.S. was inadequate and for whom a primary language assessment is not available may be granted an LEP exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an

assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner.

4. During the second and third school year of enrollment in U.S. schools, the immigrant student whose schooling outside the U.S. was inadequate and for whom a Spanish-version assessment is available is not eligible for an LEP exemption and must take the assessment in either English or Spanish unless:

   a. The student is in an English as a second language program that does not call for instruction in Spanish and the LPAC determines that the student lacks the language proficiency in English and the academic instruction and/or literacy in Spanish for the assessment in either English or Spanish to measure the student's academic progress in a valid, reliable manner; or

   b. The student is in a bilingual education program and the LPAC has documentation, including signed verification by the parent or guardian whenever possible, that there was an extensive period of time outside the U.S. in which the student did not attend school and that this absence of schooling resulted in such limited academic achievement and/or literacy that assessment in either English or Spanish is inappropriate as a measure for school accountability. The term "extensive period of time outside the U.S.," as used in this paragraph, shall be defined in the test administration materials.

Students exempted under the above provisions shall be administered assessments in subjects and grades required by federal law and regulations as delineated in the test administration materials. Exempt students assessed only for federal accountability purposes shall not be subject to the grade advancement requirements under the Student Success Initiative.

An LEP student whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], is not eligible for an exemption under the above provisions. The student shall take the assessments of academic skills in English and the English Language Proficiency Assessments.

The District may administer the assessment of academic skills in Spanish to a student who is not identified as LEP but who participates in a two-way bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. However, the student may not be

administered the Spanish-version assessment for longer than three years.

19 TAC 101.1007

FOREIGN EXCHANGE STUDENTS

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level assessment requirement. *19 TAC 101.7(a)(3)*

REPORTING RESULTS

TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

TO THE BOARD

The Superintendent shall accurately report all test results with appropriate interpretations to the Board according to the schedule in the applicable test administration materials.

TO PARENTS AND STUDENTS

The District shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL]

19 TAC 101.81; No Child Left Behind Act, 20 U.S.C. 6311(h)(6)

PARENTAL ACCESS

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, 26.006(a)(2)*

SECURITY

The statewide assessment program is a secure testing program. Procedures for maintaining security shall be specified in the appropriate test administration materials. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials. *19 TAC 101.61*

CONFIDENTIALITY

The contents of each test booklet and answer document are confidential in accordance with state and federal law. Individual student performance results are confidential and may be released only in accordance with the Family Education Rights and Privacy Act of 1974. *Education Code 39.030(b); 19 TAC 101.63* [See FL and GBA]

PENALTIES

Violation of security or confidential integrity of any test shall be prohibited. A person who engages in prohibited conduct may be subject to sanction of credentials.

Procedures for maintaining the security and confidential integrity of a test shall be specified in the appropriate test administration materials. Conduct that violates the security and confidential integrity of a test is defined as any departure from the test administration procedures established by the Commissioner. Conduct of this nature may include the following acts and omissions:

1. Duplicating secure examination materials;
2. Disclosing the contents of any portion of a secure test;
3. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
4. Changing or altering a response or answer of an examinee to a secure test item or prompt;
5. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
6. Encouraging or assisting an individual to engage in the conduct described in 1–5 above; or
7. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in 1–6 above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

The Superintendent and campus principal shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying TEA in writing of conduct that violates the security or confidential integrity of a test. Failure to report can subject the person responsible to the applicable penalties specified above.

19 TAC 101.65

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

SECTION F: STUDENTS

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SECTION F: STUDENTS

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FP STUDENT FEES, FINES, AND CHARGES

NONDISCRIMINATION

The District shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. *Education Code 1.002(a)*

No officer or employee of the District shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *Civ. Prac. & Rem. Code 106.001*

The District may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. *Education Code 1.002(b)*

FEDERAL FUNDING RECIPIENTS

No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:

1. Sex.
2. Race, color, or national origin.
3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]

20 U.S.C. 1681 (Title VI); 42 U.S.C. 2000d (Title IX); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA])

HARASSMENT

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also DIA and FFH]

HUMAN RIGHTS OFFICER

The District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, and the ADA. The District shall notify all students and employees of the name, office address, and telephone number of the employee(s) so designated.

GRIEVANCE PROCEDURES

The District shall adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under these statutes. [See FNG]

34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504)

RETALIATION

The District shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and

enforcement proceedings under these laws. *34 CFR 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)*

STUDENTS WITH LEARNING DIFFICULTIES

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004. Each school year, each district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. *Education Code 26.0081*

SECTION 504

DEFINITIONS

A "student with a disability" is one who has, has a record of having, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities. "Major life activities" means such functions as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *34 CFR 104.3(j)*

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The District shall provide a free appropriate public education to each qualified student with a disability within the District's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *28 CFR 35.104(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and

2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 CFR 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 CFR 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

EDUCATIONAL SETTING

The District shall place a student with a disability in the regular educational environment, unless the District demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 CFR 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, the District shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 CFR 104.34(b), 104.37*

EVALUATION AND PLACEMENT

The District shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. The District shall conduct an evaluation before the initial placement, or any significant change in placement, of the student. *34 CFR 104.35*

PROCEDURAL SAFEGUARDS

The District shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 CFR 104.36*

HOMELESS CHILDREN

The District shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See EHBD and FDC]

LIAISON

The District shall designate an appropriate staff person as the District liaison for homeless children. The District shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison. [See FFC]

No Child Left Behind Act of 2001, 42 U.S.C. 11432(g)(1)(J)(i), (ii)

RELIGIOUS FREEDOM

The District may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003* [See also DAA and GA]

DISCRIMINATION ON THE BASIS OF SEX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be sub-

jected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)*

The District shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 CFR 106.34*

SEPARATE FACILITIES

The District may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 CFR 106.33*

HUMAN SEXUALITY CLASSES

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls. *34 CFR 106.34*

VOCAL MUSIC ACTIVITIES

The District may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. *34 CFR 106.34*

SINGLE–SEX PROGRAMS

The District shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the District unless the District otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities. *34 CFR 106.35*

PREGNANCY AND MARITAL STATUS

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 CFR 106.40* [See FND]

PHYSICAL EDUCATION CLASSES

The District may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex. *34 CFR 106.34*

SKILLS ASSESSMENT

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, the District shall use appropriate standards that do not have such effect. *34 CFR 106.34*

CONTACT SPORTS

The District may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact. *34 CFR 106.34*

ATHLETIC PROGRAMS

The District shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

SINGLE–SEX TEAMS

The District may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

EQUAL ATHLETIC OPPORTUNITIES

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether the District provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

34 CFR 106.41

The Superintendent shall serve as coordinator for purposes of District compliance with antidiscrimination laws, except as provided below.

TITLE IX AND SECTION 504 COORDINATOR

The District designates the following employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and Section 504 of the Rehabilitation Act of 1973:

Name: Jan Van Dorn

Position: Assistant Superintendent

Address: 600 West Pearl, Granbury, TX 76048

Telephone: (817) 408–4009

COMPLAINTS

Allegations of unlawful discrimination shall be directed to the appropriate coordinator and shall be heard through FNG(LOCAL). Reports regarding prohibited harassment, including sexual harassment, shall be made according to FFH(LOCAL).

RECORDS RETENTION

Copies of reports alleging discrimination or prohibited harassment, including sexual harassment; investigation reports; and related records shall be maintained by the District for a period of at least three years. If the person alleged to have experienced discrimination or prohibited harassment was a minor, the records shall be maintained until the person reaches the age of 21.

SECTION 504 COMMITTEE

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA). [See EHBA]

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

REFERRALS

A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.

PARENTAL CONSENT

The Section 504 coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be

provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

NOTICE TO PARENTS

Parents shall be given written notice of the District's refusal to evaluate a student or to provide specific aids and services the parents have requested.

PREPLACEMENT EVALUATION

The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

IMPARTIAL HEARING

Parents shall be given written notice of their due process right to an impartial hearing if they have a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with disabilities. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney.

STATE–MANDATED ASSESSMENTS

Modifications in taking the state-mandated assessments may be made for a Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA. [See EKB]

CONSENT TO EXAMINATIONS, TESTS, OR TREATMENT

A District employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

CONSENT TO COUNSELING

A child may consent to counseling for:

1. Suicide prevention,
2. Chemical addiction or dependency; or
3. Sexual, physical, or emotional abuse.

Family Code 32.004(a)

PROFESSIONAL'S AUTHORITY

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

EXCEPTION: COURT ORDER

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

PROFESSIONAL IMMUNITY

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct.

Family Code 32.004(d)

OUTSIDE COUNSELORS

Neither the District nor an employee of the District may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the District does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.

2. Discloses to the student's parent, managing conservator, or guardian any relationship between the District and the outside counselor.

3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.

4. Requires the approval of appropriate District personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.

5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program]

The District shall attempt to ensure student safety through supervision of students in all school buildings, at all school-sponsored events or activities, and on all school grounds through special attention to the following:

1. Maintaining a reasonably safe school environment. [See CK, CLB]

2. Observing safe practices in those areas of instruction or extracurricular activities that offer special hazards. [See CKB]

3. Developing age-appropriate safety programs and activities for students at each grade level.

4. Emphasizing safety education to students enrolled in laboratory courses in science, industrial arts, health, and physical education. [See CK]

5. Providing first aid for students in case of accident or sudden illness. [See FFAC]

6. Annually reviewing the adequacy of emergency procedures at each campus in the District and providing for staff training in such procedures. [See CKC]

7. Implementing appropriate crisis management procedures when emergencies occur. [See CKC]

The Superintendent and the principals shall develop plans and procedures for acquainting students with safe conduct and behavior in a variety of conditions and circumstances, including play and recreation, fire, severe weather, use of bicycles and automobiles, and use of school transportation. Teachers and administrators shall promote these procedures among students as appropriate.

ANTIVICTIMIZATION PROGRAM

The District shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

DUTY TO REPORT

BY ANY PERSON

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

BY A PROFESSIONAL

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect. [See FFG(REGULATION) for definitions of "neglect" and "abuse."]

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Family Code 261.101(b)

PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFAC]

CONTENTS OF REPORT

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.103, 261.104

TO WHOM REPORTED

The report shall be made to:

1. Any local or state law enforcement agency;
2. The Texas Department of Family and Protective Services (DFPS), including a local office where available;
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103; 19 TAC 61.1051(a)(1)

JJAEPS

Any report of alleged abuse, neglect, or exploitation in a juvenile justice program or facility shall be made to the Texas Juvenile Probation Commission and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program.

Family Code 261.405(a)(2)(A), (b)

IMMUNITY FROM LIABILITY

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

The District may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110* [See DG]

CRIMINAL OFFENSES

FAILURE TO REPORT

A person commits a class B misdemeanor if he or she has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. *Family Code 261.109*

Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 TAC 249. *19 TAC 61.1051*

FALSE REPORT

A person commits an offense if the person knowingly or intentionally makes a report of abuse and neglect that the person knows is false or lacks factual foundation. The offense is a class A misdemeanor, except that it is a felony if the person has previously been convicted of the offense. *Family Code 261.107(a)*

COERCION

An employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

CONFIDENTIALITY

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

INVESTIGATIONS

REPORTS TO DISTRICT

If the DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public primary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

The DFPS shall send a written report of its investigation, as appropriate, to the school principal, unless the principal is alleged to have committed the abuse or neglect, and to the Board. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

INTERVIEW OF STUDENT

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

INTERFERENCE WITH INVESTIGATION

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*

REPORTING POLICY

The Board shall establish and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

The policies must require every school employee, agent, or contractor who suspects child abuse or neglect to submit a written or oral report to at least one of the authorities listed above (see TO WHOM REPORTED) within 48 hours or less, as determined by the Board, after learning of facts giving rise to the suspicion.

The policies must also be consistent with 40 TAC Chapter 700 regarding investigations by the DFPS, including regulations governing investigation of abuse by school personnel and volunteers. *19 TAC 61.1051* [See GRA]

The policies must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 TAC 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:

   a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and

   b. The prohibition, under Family Code 261.302, against requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with the District's reporting policy;

6. The prohibition under Education Code 26.0091 (see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING, above); and

7. The current toll-free number for the DFPS.

The policies must not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

19 TAC 61.1051

ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(b)*

ABUSE OF DISABLED PERSONS

A person having cause to believe that a disabled person over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the DFPS.

A person commits a class A misdemeanor if the person has cause to believe that a disabled person has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, 48.052, 48.054

The District may develop and implement a sexual harassment policy to be included in the District improvement plan. *Education Code 37.083* [See BQA]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a District employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor ISD, 15 F.3d 443 (5th Cir. 1994)*

Sexual harassment of students may constitute discrimination on the basis of sex in violation of Title IX. *20 U.S.C. 1681; 34 CFR 106.11; Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See FB regarding Title IX]

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling among school children, however, even when the comments target differences in gender. *Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)*

EMPLOYEE–STUDENT SEXUAL HARASSMENT

A District official who has authority to address alleged harassment by employees on the District's behalf shall take corrective measures to address the harassment or abuse. *Gebser v. Lago Vista ISD, 118 S.Ct. 1989 524 U.S. 274 (1998); Doe v. Taylor ISD, 15 F.3d 443 (5th Cir. 1994)*

STUDENT–STUDENT SEXUAL HARASSMENT

The District must reasonably respond to known student-on-student harassment where the harasser is under the District's disciplinary authority. *Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)*

Note: This policy addresses harassment of District students. For provisions regarding harassment of District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG.

The District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, or religion.

Employees shall not tolerate harassment of students and shall make reports as required at REPORTING PROCEDURES, below.

SEXUAL HARASSMENT

BY AN EMPLOYEE

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

2. The conduct is so severe, persistent, or pervasive that it:

   a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

   b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include, but are not limited to, sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

OTHER PROHIBITED HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, gender, national origin, disability, or religion that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

Any student who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Any District employee who receives notice that a student has or may have experienced prohibited harassment is required to immediately report the alleged acts to an appropriate person designated below.

Any other person who knows or believes that a student has experienced prohibited harassment should immediately report the alleged acts to the appropriate person designated below.

Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]

TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.

Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:

DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See FB(LOCAL)]
2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a principal shall immediately notify the appropriate District official listed above.

NOTICE TO PARENTS

The principal or District official shall promptly notify the parents of any student alleged to have experienced prohibited harassment by a District employee or another adult associated with the District. In cases of student-to-student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

INVESTIGATION OF THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation.

If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

DISTRICT ACTION

If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.

APPEAL

A student, including a complainant, may appeal through FNG(LOCAL), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

RETALIATION PROHIBITED

Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.

RECORDS RETENTION

Retention of records shall be in accordance with FB(LOCAL).

ACCESS TO POLICY

Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.

STUDENT HANDBOOK — STUDENT CODE OF CONDUCT

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

EXTRACURRICULAR ACTIVITIES: STANDARDS OF BEHAVIOR

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

PROHIBITED HARASSMENT

Students shall not engage in prohibited harassment, including sexual harassment, of:

1. Other students, as defined at FFH.
2. District employees, as defined at DIA.

While subject to the disciplinary control of the District, students shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.

BEHAVIORAL STANDARDS

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

1. Attendance — FEC
2. School-sponsored publications — FMA
3. Appropriate attire and grooming — FNCA
4. Damage to school property — FNCB
5. Prohibited organizations and hazing — FNCC
6. Tobacco use — FNCD
7. Telecommunications devices — FNCE
8. Drug and alcohol use — FNCF
9. Weapons — FNCG
10. Assault — FNCH
11. Disruptions — FNCI, GKA

Married students shall have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students. *Carrollton–Farmers Branch ISD v. Knight, 418 S.W.2d 535 (1967); Bell v. Lone Oak ISD, 507 S.W.2d 636 (1974)*

A district that receives federal funds shall not apply any rule concerning a student's actual or potential marital status that treats students differently on the basis of sex. *20 U.S.C. 1681; 34 CFR 106.40* [See FBA]

Except as expressly provided by law, a student who has been married in accordance with Texas law has the capacity and power of an adult, regardless of age. *Family Code 1.104*

STUDENT RIGHTS AND RESPONSIBILITIES: PREGNANT STUDENTS

FNE (LEGAL)

TITLE IX

The District shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the District's program or activity. [See FB]

MEDICAL CERTIFICATION

The District may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

SEPARATE PROGRAM

A district that operates a separate, voluntary program or activity for pregnant students shall ensure that the separate portion is comparable to that offered to nonpregnant students.

LEAVE OF ABSENCE

If the District does not maintain a leave policy for its students, or if a student does not otherwise qualify for leave under such a policy, the District shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence for as long as the student's physician deems medically necessary.

At the end of the leave, the District shall reinstate the student to the status she held when the leave began.

20 U.S.C. 1681; 34 CFR 106.40(b)

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

GE RELATIONS WITH PARENT ORGANIZATIONS

GF PUBLIC COMPLAINTS

GK COMMUNITY RELATIONS
GKA Conduct on School Premises
GKB Advertising and Fund Raising in the Schools
GKC Visitors to the Schools
GKD Nonschool Use of School Facilities
GKDA Distribution of Nonschool Literature
GKE Business, Civic, and Youth Groups
GKF Cultural Institutions
GKG School Volunteer Program

GN RELATIONS WITH EDUCATIONAL ENTITIES
GNA Other Schools and Districts
GNB Regional Education Service Centers
GNC Colleges and Universities
GND State Education Agency
GNE Education Accreditation Agencies

GR RELATIONS WITH GOVERNMENTAL ENTITIES
GRA Local Governmental Authorities
GRB County Governmental Authorities

PUBLIC INFORMATION

"Public information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. *Gov't Code 552.002(a)*

AVAILABILITY

Public information is available, at a minimum, to the public during the District's normal business hours. *Gov't Code 552.021*

Unless they are expressly confidential under other law, categories of public information that are not excepted from required disclosure under this policy include:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.

2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the District.

3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.

4. The name of each official and the final record of voting on all proceedings of the Board.

5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.

6. A description of the District's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.

7. A statement of the general course and method by which the District's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.

10. Any amendment, revision, or repeal of the information described in items 6–9.

11. Final opinions and orders issued in adjudication of cases.

12. A policy statement or interpretation adopted or issued by the Board.

13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under the District's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law.

16. Information that is also contained in a public court record.

17. A settlement agreement to which the Board is a party.

A court in this state may not order the Board or the District's officer for public information to withhold from public inspection any category of public information described above or to not produce the information for inspection or duplication, unless the information is expressly made confidential under other law.

Gov't Code 552.022

PERSONAL INFORMATION

EMPLOYEE / BOARD MEMBER

Each District employee, other than peace officers, and Board member and each former employee and Board member shall choose whether to allow public access to District-held information relating to the person's home address, telephone number, or social security number, or any other information that reveals whether the person has family members. Employees and Board members shall state their choice to the District's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the District ends. If an employee or Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information relating to the person's home address, telephone number, social security number, or any other information that reveals whether the person has family members. *Gov't Code 552.024*

PEACE OFFICERS / SECURITY OFFICERS

District-held information relating to the home address, home telephone number, or social security number of peace officers or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the person has family members, is confidential and may

not be disclosed if the person chooses to restrict public access to the information and notifies the District on a form provided by the District, accompanied by evidence of the individual's status. *Gov't Code 551.1175*

EVALUATIONS

An evaluation of the performance of a teacher or administrator is confidential. *Education Code 21.355*

CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the District is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

Gov't Code 552.136

E–MAIL ADDRESSES

CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the District by a person who has a contractual relationship with the District or by the contractor's agent;
2. Provided to the District by a vendor who seeks to contract with the District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the District in the course of negotiating the terms of a contract or potential contract; or
4. Provided to the District on a letterhead, coversheet, printed document, or other document made available to the public.

The District may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137

INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

3. Information relating to litigation of a civil or criminal nature to which the District is, or may be, a party or to which an officer or employee of the District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the District's public information officer receives the request. *Gov't Code 552.103*

4. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*

5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

6. Drafts and working papers involved in the preparation of proposed policies. *Gov't Code 552.106*

7. Information the District's attorney is prohibited from disclosing because of a duty to the District under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

8. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:

   a. Information that deals with detection, investigation, or prosecution of crime; and

   b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

   Gov't Code 552.108

9. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*

10. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*

11. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*

12. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

13. Student records, except to District personnel, the student, or the student's parents, guardian, or spouse. The District is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114, 552.026* [See FL]

14. Information that relates to the home address, home telephone number, or social security number of the following persons, or that reveals whether the person has family members:

   a. A current or former District employee or Board member, except as provided by Section 552.024; or

   b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

   Gov't Code 552.117

15. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:

   a. The officer is under indictment or charged with an offense by information;

b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or

c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

16. Test items developed by a state-funded educational institution. *Gov't Code 552.122*

17. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*

18. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:

    a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;

    b. To a person with a special right of access under Government Code 552.023; or

    c. To a law enforcement agency or prosecutor under a court order or subpoena.

    Gov't Code 552.124

19. The name of an applicant for Superintendent, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126* [See BJB]

20. Motor vehicle record information that relates to:

    a. A motor vehicle operator's or driver's license or permit issued by an agency of this state;

    b. A motor vehicle title or registration issued by an agency of this state; or

c. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Gov't Code 552.130

21. An informer's name or information that would substantially reveal the identity of an informer, unless:

    a. The informer or the informer's spouse consents to disclosure of the informer's name.

    b. The informer planned, initiated, or participated in the possible violation.

    "Informer" means a student or former student or an employee or former employee of the District who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the District or the proper regulatory enforcement authority.

    Gov't Code 552.135

22. Information in a commercial book or publication purchased or acquired by the District for research purposes, if the book or publication is commercially available to the public. The District is not required to make copies of commercially available information, but the District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the District. *Gov't Code 552.027*

23. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the District, if that information relates to:

    a. A trade secret of the business prospect; or

    b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

24. Unless and until an agreement is made with the business prospect, information about a financial or other incentive

being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

a. By the Board; or

b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the District or a reduction in revenue received by the District from any source.

Gov't Code 552.131

25. Information that relates to computer network security or to the design, operation, or defense of a computer network. The following information is confidential:

a. A computer network vulnerability report; and

b. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of the District or of a contractor of the District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the District's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

Gov't Code 552.136

MILITARY DISCHARGE RECORDS

26. A military veteran's Department of Defense Form DD–214 or other military discharge record that first comes into the possession of the District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the District in accordance with Government Code Section 552.140. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140*

OFFICER FOR PUBLIC RECORDS

The Superintendent shall be the District's officer for public information. Each department head shall be an agent of the officer for public information for the purposes of complying with the public information laws and the District's policy on public records. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.

The officer for public information is responsible for the release of public information as required by Government Code Chapter 552. The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record.

Gov't Code 552.201–552.204

SIGN

The officer for public information shall prominently display a sign in the form prescribed by the Texas Building and Procurement Commission (BPC) that contains basic information about the rights of a requestor, the responsibilities of the Board, and the procedures for inspecting or obtaining a copy of public information under Government Code Chapter 552. The officer shall display the sign at one or more places in the administrative offices of the District where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees of the District whose duties include receiving or responding to public information requests.

Gov't Code 552.205

ACCESS TO PUBLIC INFORMATION

The District may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of Government Code Chapter 552. *Gov't Code 552.230*

The Superintendent or designee shall promptly produce public information for inspection, duplication, or both, in District offices on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

The Superintendent or designee complies with such a request by providing the information for inspection or duplication in the District's offices or by sending copies of the information by first class mail, if the requestor requests that the copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Chapter 552, Subchapter F.

TIME FOR RESPONSE

If the requested information is unavailable because it is in storage or active use, the Superintendent or designee shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. If the Superintendent or designee cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the Superintendent or designee shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication. An original copy of public information shall not be removed from District offices by a requestor.

Gov't Code 552.221, 552.226; Tex. Atty. Gen. ORD–664 (2000)

The officer for public information shall not make an inquiry of any requestor, except to establish proper identification or to ask the requestor to clarify the request. If a large amount of information has been requested, the officer may discuss with the requestor how the scope of the request might be narrowed, but the officer may not inquire into the purpose for which the information will be used. All reasonable comfort and facility shall be extended to the requestor. *Gov't Code 552.222, 552.224*

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

EXAMINATION

A requestor shall complete the examination of the information not later than the tenth day after the date the officer for public information makes it available. The officer shall extend the initial examination period by an additional ten days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall permit a second additional ten-day examination period if, within the first additional period, the requestor files with the officer a second written request for time. The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the Board. The period of interruption is not considered to be a part of the time dur-

ing which the person may examine the information. *Gov't Code 552.225*

PROVIDING SUITABLE COPY

The officer for public information shall provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

SPECIFIC MEDIUM

If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The officer for public information shall provide a copy in the requested medium if the District has the technological ability to produce the information in the requested medium and is not required to purchase any software or hardware to accommodate the request, and providing the copy will not violate any copyright agreement between the District and a third party.

If the officer is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the District shall provide either a paper copy or a copy in another medium that is acceptable to the requestor. The officer is not required to copy information onto a diskette or other material provided by the requestor but may use District supplies.

Gov't Code 552.228

REQUESTS REQUIRING PROGRAMMING OR MANIPULATION

If the officer determines that responding to a request for information will require programming or manipulation of data and that compliance with the request is not feasible or will result in substantial interference with operations or the information could be made available in the requested form only at a cost that covers the programming and manipulation of data, it shall provide to the requestor a written statement that includes all of the following information:

1. A statement that the information is not available in the requested form.

2. A description of the form in which the information is available.

3. A description of any contract or services that would be required to provide the information in the requested form.

4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the BPC. [See GBAA(EXHIBIT)]

5. A statement of the anticipated time required to provide the information in the requested form.

RESPONSE TIME WHEN PROGRAMMING OR MANIPULATION IS REQUIRED

The officer shall provide the written statement to the requestor within 20 days after the date the officer receives the request. The officer has an additional ten days to provide the statement if the officer gives written notice to the requestor within 20 days after receiving the request that additional time is needed.

FURTHER ACTION

After providing the written statement described above, the officer has no further obligation to provide the information in the requested form or in the form in which it is available, unless the requestor writes to the officer stating that the requestor wants the information in the requested form according to the time and cost parameters set out in the officer's statement or that the requestor wants the information in the form in which it is available.

PROCESSING OF REQUESTS

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. The Board shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

Gov't Code 552.231

REPETITIOUS OR REDUNDANT REQUESTS

If the officer determines that a requestor has made a request for information for which the District has previously furnished or made copies available to the requestor on payment of applicable charges, the officer shall respond to the request for information for which copies have been already furnished or made available, except that:

1. The District is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and

2. The District is not required to comply with the procedures described below in relation to information that the District simply furnishes or makes available to the requestor again in accordance with the request.

Information for which the District has not previously furnished copies or made copies available to the requestor on payment of applicable charges, information that was redacted from information provided earlier, or that did not exist at the time of an earlier request, shall be treated in the same manner as any other request.

PROCEDURES

The officer shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor on payment of applicable charges. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor.
2. The date that the District received the requestor's original request for that information.
3. The date that the District previously furnished copies of or made available copies of the information to the requestor.
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or the officer's agent making the certification.

Gov't Code 552.232

ATTORNEY GENERAL DECISIONS

If the District receives a written request, including a request that is sent by electronic mail or facsimile transmission if that request is sent to the Superintendent or designee, for information it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure, but for which there has been no previous determination that it falls within one of the exceptions, the District, not later than the tenth business day after receiving the written request, shall ask for a decision from the attorney general about whether the information is within one of the exceptions and state the exception that applies. If a decision from the attorney general is not so requested or the District fails to provide the requestor with the statement and a copy of the District's communication to the attorney general, as described below, the information is presumed to be public information and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.301(a), (b), (c), 552.302; Tex. Atty. Gen. ORD–673 (2000)*

The District may not request an open records decision from the attorney general if the District reasonably believes that the requested information is not excepted from required disclosure. The District must promptly produce the requested information to the requestor. *Tex. Atty. Gen. ORD–665 (2000)*

The District shall release the requested information and may not ask for an attorney general decision if the District has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not within one of the exceptions. *Gov't Code 552.301(f); Tex. Atty. Gen. ORD–673 (2000)*

The District must promptly release public information not excepted from required disclosure. The prompt release of information

requires release as soon as possible under the circumstances and within a reasonable time, without delay. The District may not automatically withhold for ten business days public information not excepted from diclosure. *Tex. Atty. Gen. ORD–664 (2000)*

STATEMENT TO REQUESTOR

If the District requests an attorney general decision, it must provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the District wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure.

2. A copy of the District's written communication to the attorney general asking for the decision. If the District's written communication to the attorney general discloses the requested information, the District shall provide a redacted copy of that written communication to the requestor.

Gov't Code 552.301(d)

SUBMISSION TO ATTORNEY GENERAL

When the District requests a decision, it shall, within a reasonable time but not later than the15th business day after the date of receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld.

2. A copy of the written request for information.

3. A signed statement as to the date on which the written request for information was received by the District or evidence sufficient to establish that date.

4. A copy of the specific information requested, or representative samples of the information, if a voluminous amount of information was requested. These copies must be labeled to indicate which exceptions apply to which parts of the copy.

Unless the information is confidential by law, the officer may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the attorney general or a court with jurisdiction.

ADDITIONAL INFORMATION

If the attorney general determines that additional information is necessary to render a decision, the attorney general shall give the District and the requestor written notice of that fact. Upon receipt

of such notice, the officer shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If the officer does not comply with the attorney general's request for additional information, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.

Gov't Code 552.301(d), (e), 552.303

SPECIAL INTERESTS

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101, 552.104, and 552.114 (see pages 2–3 of this policy), the District may decline to release the information for the purpose of requesting a decision from the attorney general. The District may, but is not required to, submit its reasons why the information should be withheld or released.

NOTICE TO OWNER OF PROPRIETARY INFORMATION

If release of a person's proprietary information may be subject to exception under Government Code 552.101, 552.110, 552.113, or 552.131, a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request for the attorney general decision. The notice must include a copy of any written request the District received for the information and a statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Gov't Code 552.305

COSTS AND CHARGES

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not connected with each other or a remote storage facility. If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer or the officer's agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or the officer's agent, and the officer or the officer's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the

requestor. The District shall also charge for the cost of materials, labor, and overhead when the request is for any number of copies of information that is not readily available. Charges for providing a copy of public information are considered to accrue at the time the governmental body advises the requestor that the copy is available on payment of the applicable charges. *Gov't Code 552.261*

The District shall use the BPC rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or form making public information that exists in a paper record available. The District may determine its own charges for producing public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection, but may not charge an amount that is greater than 25 percent more than the amount established by the BPC, unless it requests an exemption. *Gov't Code 552.261, 552.262; 1 TAC 111.61(b)* [See also GBAA(EXHIBIT)]

EXEMPTIONS

The District may request that it be exempt from part or all of the rules adopted by the BPC for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the BPC and must state the reason for the exemption. If the BPC determines that good cause exists, the commission shall grant the exemption by giving written notice of the determination within 90 days of the request. When it receives the notification, the District may amend its charges for providing copies of public information or its charge, deposit, or bond required for making public information that exists in a paper record available for inspection according to the terms of the commission's determination. *Gov't Code 552.262(c)*

COPIES FOR PARENTS

The District may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

STATEMENT OF ESTIMATED CHARGES

If a request for a copy of public information or a request to inspect a paper record will result in the imposition of a charge that exceeds $40, the District shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact

the District regarding the alternative method. The District must inform the requestor of the duties imposed on the requestor by this section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after the District provides the requestor the itemized statement but before it makes the copy or the paper record available, the District determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the District shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

REQUESTOR'S RESPONSE

A request for which the District is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the District within ten days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges.
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the Texas Building and Procurement Commission a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

ACTUAL CHARGES

If the actual charges that the District imposes for a copy or inspection of public information exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

TIMING OF DEADLINES

An original or updated itemized statement is considered to have been sent by the District, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing the required statement of estimated charges do not affect the application of a time deadline

imposed on the District for requesting a decision by the attorney general under Government Code 552, Subchapter G.

Gov't Code 552.2615

DEPOSIT OR BOND

The officer for public information or his or her agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if the officer for public information or the officer's agent has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy and if the charge for providing the copy of the public information specifically requested by the requestor is estimated by the District to exceed $100, if the District has more than 15 full-time employees; or $50, if the District has fewer than 16 full-time employees. The officer for public information or the officer's agent may not require a deposit or bond be paid as a down payment for copies of future information that the requestor may request in the future. *Gov't Code 552.263(a), (b); 1 TAC 111.67(d)*

The officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts the requestor owes the District in relation to previous public information requests before preparing a copy of public information in response to a new request if those unpaid amounts exceed $100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

The District must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond under this section. The documentation is subject to required public disclosure. *Gov't Code 552.263(d)*

If the District requires a deposit or bond from the requestor, a request for a copy of public information is considered to have been received by the District on the date it receives the deposit or bond for payment of anticipated costs or unpaid amounts. *Gov't Code 552.263(e)*

WAIVERS

If the cost to the District of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the Board may waive the charge. If the District determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public, the District may waive or reduce the charge for a copy of public information. *Gov't Code 552.267*

GOVERNMENT PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for the District for public

dissemination. If the cost of the publication is not determined by state law, the District may determine the charge for providing the publication, or it may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code 552.270*

INSPECTION OF PUBLIC INFORMATION

If the requestor does not request a copy of public information, the District may not impose a charge for making available for inspection any public information that exists in a paper record. If a page contains confidential information that must be edited from the record before the information can be made available for inspection, however, the District may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(a), (b)*

PAYMENT, OR DEPOSIT OR BOND

The officer for public information or the officer's agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records only if:

1. The public information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and

2. The officer for public information or the officer's agent estimates that more than five hours will be required to make the public information available for inspection.

Gov't Code 552.271(c)

CERTAIN SMALL DISTRICTS

If the District has fewer than 16 full-time employees, the payment, or deposit or bond may be required only if:

1. The public information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and

2. The officer for public information or the officer's agent estimates that more than two hours will be required to make the public information available for inspection.

Gov't Code 552.271(d)

ELECTRONIC RECORDS

If the District receives a request to inspect information that exists in an electronic medium and the information is not available directly on-line to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the Board shall notify the requestor before

assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by the District, and the public has access to that information through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the District's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, the Board may impose charges.

If the District creates or keeps information in an electronic form, it is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272

DESTRUCTION OF RECORDS

A District record may be intentionally destroyed under any of the following conditions:

1. The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards. [See CPC]

2. The record appears on a list of obsolete records approved by the State Library and Archives Commission.

3. A destruction request is filed with and approved by the State Library and Archives Commission for a record not listed on an approved control schedule.

4. The district court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.

5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission.

Local Gov't Code 202.001

EXCEPTIONS

A District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A District record that is subject to a request under Chapter 552, Government Code shall not be destroyed until the request is resolved. *Local Gov't Code 202.002*

PRESERVATION OF RECORDS

The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004* [See CPC]

The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending. *Gov't Code 551.104(a)*

FILING SUIT TO WITHHOLD INFORMATION

The Board or the officer for public information may, within the time lines provided for in Government Code 552.324(b) and 552.353(b)(3), file suit seeking to withhold information, but the requestor may not be named as a party to that action. The Board or officer for public information must demonstrate to the court that the Board or officer made a timely good faith effort to inform the requestor, by certified mail or other method of written notice that requires the return of a receipt, of:

1. The existence of the suit, including the subject matter, the cause number, and the court in which the suit is filed.
2. The requestor's right to intervene in the suit or to choose not to participate.
3. The fact that the suit is against the attorney general.
4. The address and phone number of the office of the attorney general.

Gov't Code 552.324, 552.325

PARENT'S REQUEST FOR INFORMATION

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under Chapter 552, Government Code, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, the District may not appeal the decision of a court in such a suit challenging a ruling of the attorney general. This prohibition does not affect the right of a parent to appeal the decision. If the District does not bring suit within the period established, the District shall comply with the decision of the attorney general.

A district that receives a request from a parent for public information relating to the parent's child shall comply with Chapter 552, Government Code. If an earlier deadline for bringing suit is established under Chapter 552, Government Code, this rule does not apply.

Education Code 26.0085

FAILURE TO RAISE EXCEPTIONS BEFORE ATTORNEY GENERAL

A district that files suit seeking to withhold information may raise only those exceptions to required disclosure that the district properly raised before the attorney general in connection with a request for a decision by the attorney general, unless the exceptions raised by the district in its suit seeking to withhold information are required by federal law or involve property or privacy interests of another person. *Gov't Code 552.326*

INFORMATION ACCESS: REQUESTS FOR INFORMATION

GBAA (LOCAL)

APPLICATION FOR ACCESS TO DOCUMENTS	Persons desiring to review documents maintained by the District and classified as public information shall submit their request in accordance with administrative regulations.
APPROVAL OF APPLICATION TO REVIEW	Applications to review public documents shall be approved by the Superintendent or designee. Documents may be accessed for review only during regular school hours in a designated inspection area.
COPY LIMIT	The Superintendent or designee may limit the number of pages that can be reproduced during a person's visit, based on the reasonable capacity of the available personnel and machines. Any copying in excess of this limit shall be completed as soon as possible and mailed to the applicant.

GUIDELINES FOR COPY CHARGES

The charges in this exhibit, to recover costs associated with providing copies of public information, are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 TAC 111.64.

Copy charges are as follows:

1. Standard-paper copy. The charge for standard-paper copies reproduced by means of an office machine copier or a computer printer is $.10 per page or part of a page. Each side that has recorded information is considered a page.

2. Nonstandard-size copy. The charges for nonstandard copies are:

   a. Diskette — $1.00

   b. Magnetic tape — actual cost

   c. Data cartridge — actual cost

   d. Tape cartridge — actual cost

   e. Rewritable CD (CD–RW) — $1.00

   f. Non-rewritable CD (CD–R) — $1.00

   g. Digital video disc (DVD) — $3.00

   h. JAZ drive — actual cost

   i. Other electronic media — actual cost

   j. VHS video cassette — $2.50

   k. Audio cassette — $1.00

   l. Oversize paper copy (e.g., 11” x 17”, greenbar, bluebar, not including maps and photographs using specialty paper) — $.50

   m. Specialty paper (e.g., Mylar, blueprint, blueline, map, photographic) — actual cost

Personnel charges are as follows:

1. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the District may charge for the programmer’s time. The hourly charge for a programmer is $28.50 an hour, which includes fringe benefits. Only programming services will be charged at this hourly rate. Districts that do not have in-house programming capabilities will comply with requests in accordance with Government Code 552.231. [See CQ]

2. The charge for labor costs incurred in processing a request for public information is $15.00 an hour, which includes fringe benefits. The labor charge includes the actual time to locate, compile, and reproduce the requested information.

3. A labor charge will not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

4. A labor charge should not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

   a. To determine whether the District will raise any exceptions to disclosure of the requested information under Government Code, Subchapter C, Chapter 552; or

   b. To research or prepare a request for a ruling by the attorney general's office pursuant to section 552.301 of Government Code. [See CQ]

5. When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge will not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).

Overhead charges are as follows:

1. Whenever any labor charge is applicable to a request, the District may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the District chooses to recover such costs, a charge will be made in accordance with the methodology described in item 3 below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

2. An overhead charge will not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).

3. The overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $15.00 x .20 = $3.00; or programming labor charge, $28.50 x .20 = $5.70. If a request requires one hour of labor charge for locating, compiling, and reproducing information ($15.00 per hour); and one hour of programming labor charge ($28.50 per hour), the combined overhead would be: $15.00 + $28.50 = $43.50 x .20 = $8.70.

Microfiche and microfilm charges are as follows:

1. If the District already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the fiche or film can be released in its entirety, the District should make a copy of the fiche or film. The charge for a copy must not exceed the cost of reproduction. Districts that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

2. If only a master copy of information in microform is maintained, the charge is $.10 per page for standard-size paper copies plus any applicable labor and overhead charge for more than 50 copies.

Remote document retrieval charges are as follows:

1. Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by the District to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

2. If the District has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge will be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the District, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with item 2 under personnel charges, above.

Computer resource charges are as follows:

1. The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

2. These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

3. The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each district using this cost recovery charge will determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:

Type of System	Rate
Mainframe	$10.00 per CPU minute
Midsize	$ 1.50 per CPU minute
Client/Server	$ 2.20 per clock hour
PC or LAN	$ 1.00 per clock hour

4. The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described above, at Personnel Charges. No charge should be made for computer printout time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $10.00 / 3 = $3.33; or $10.00/(60 / 20) = $3.33.

A district that does not have in-house computer capabilities will comply with requests in accordance with Government Code 552.231. [See CQ]

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information may be added to the total charge for public information.

Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party.

Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax will not be added on charges for public information. (34 TAC, Part 1, Chapter 3, Subchapter O, Sections 3.341 and 3.342).

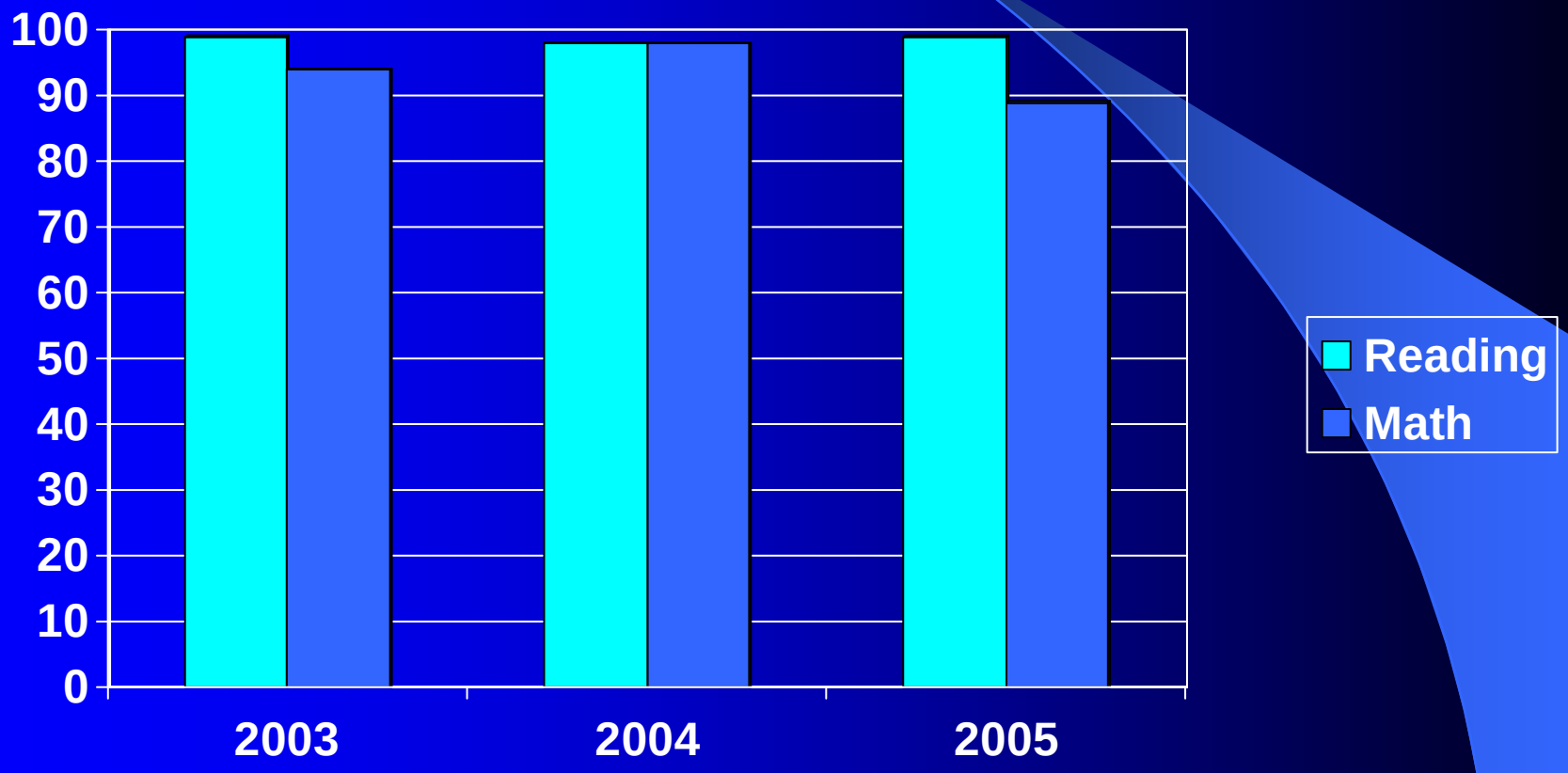
1 TAC 111.63; 111.70

Granbury ISD
Preliminary TAKS Results
2004-05

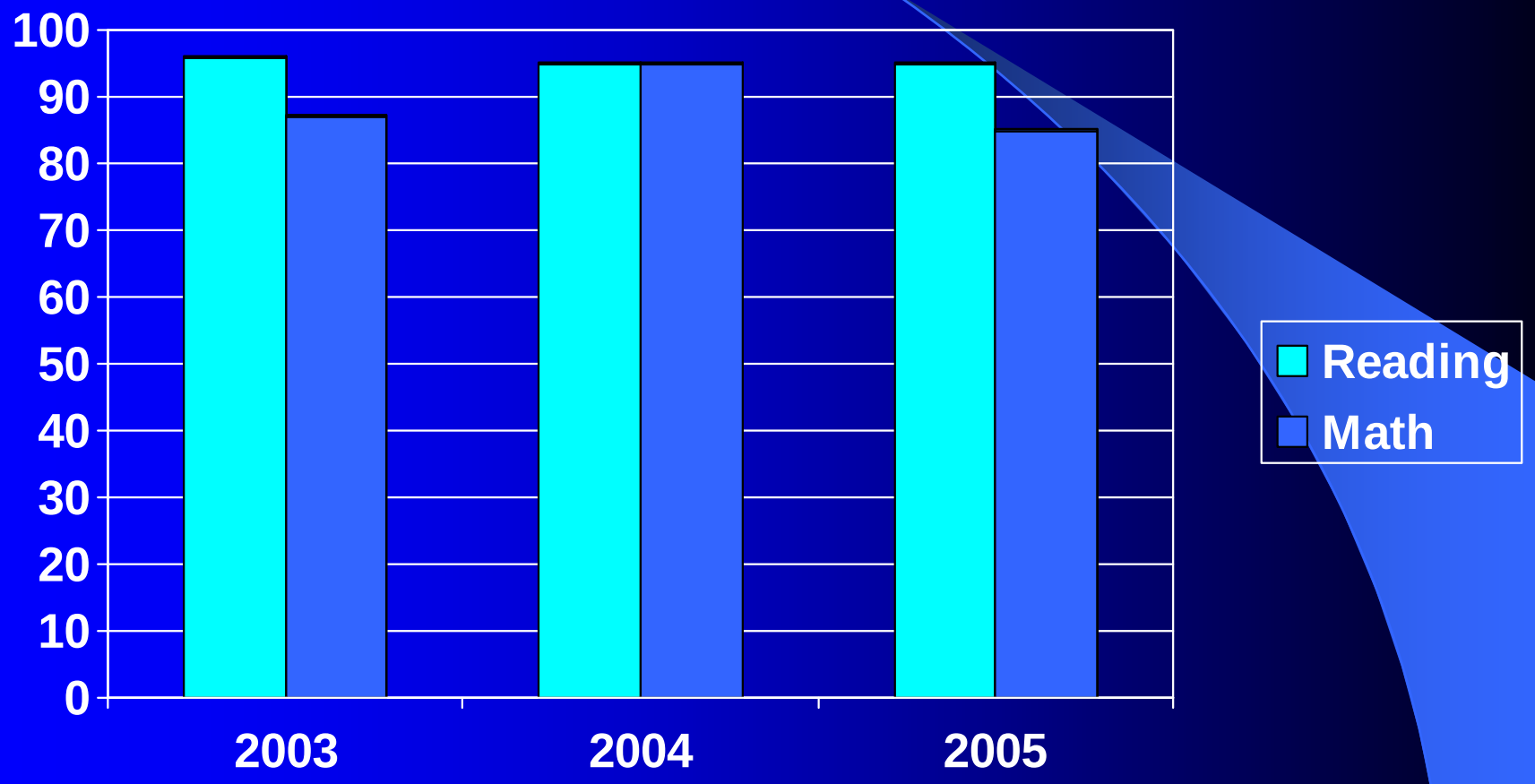
Longitudal Study

2003-05

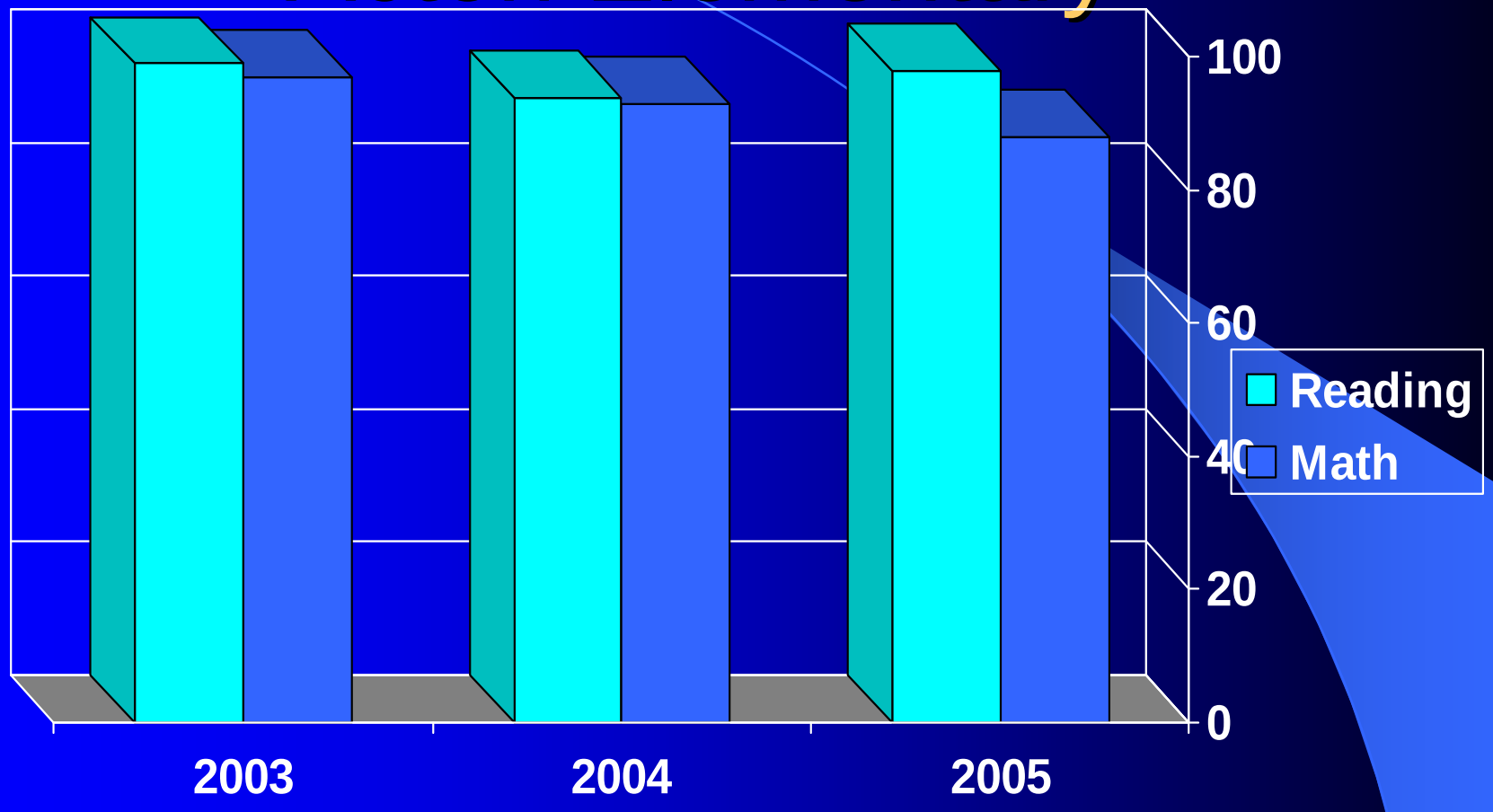
Roberson Elementary



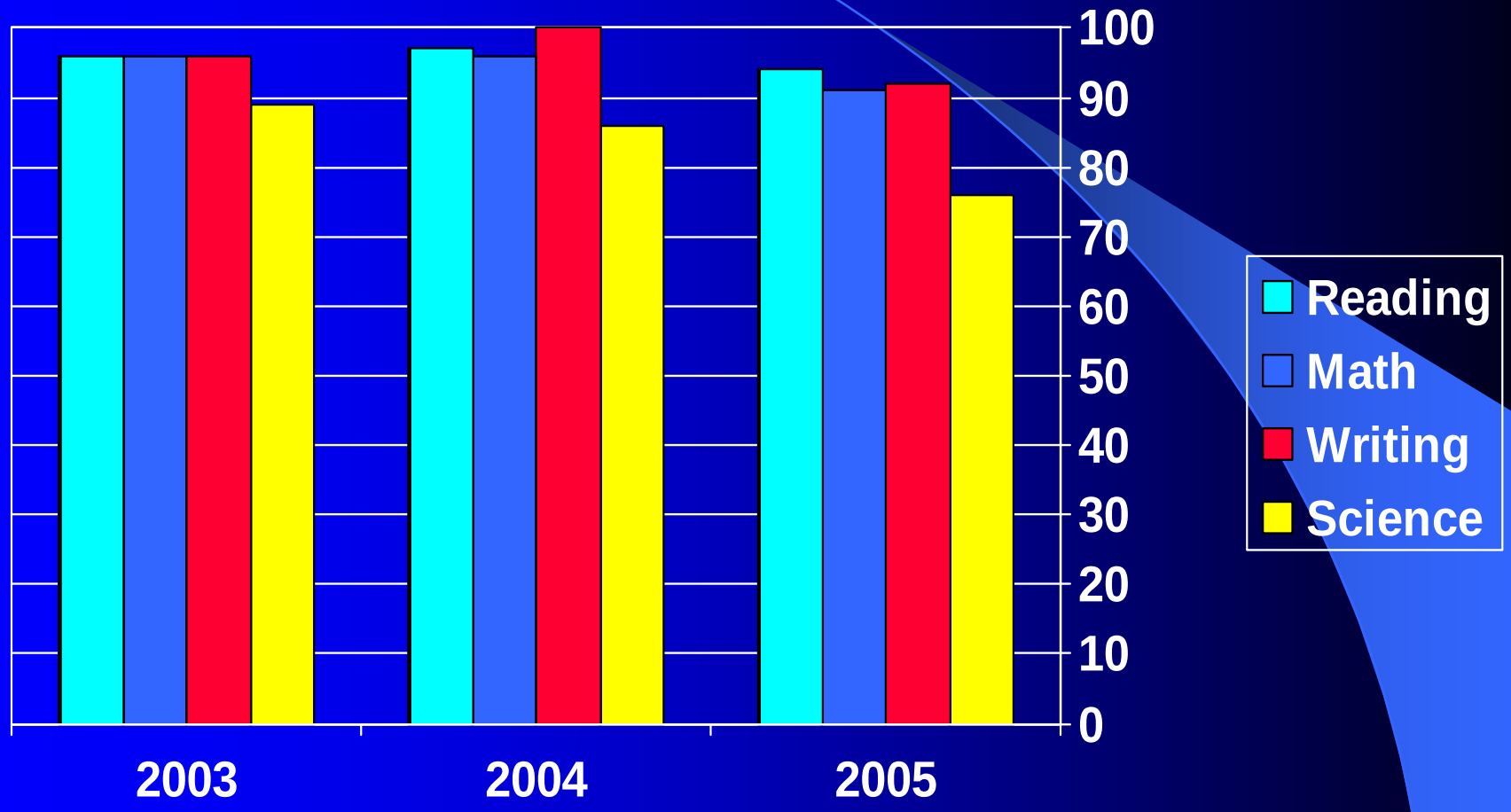
Baccus Elementary



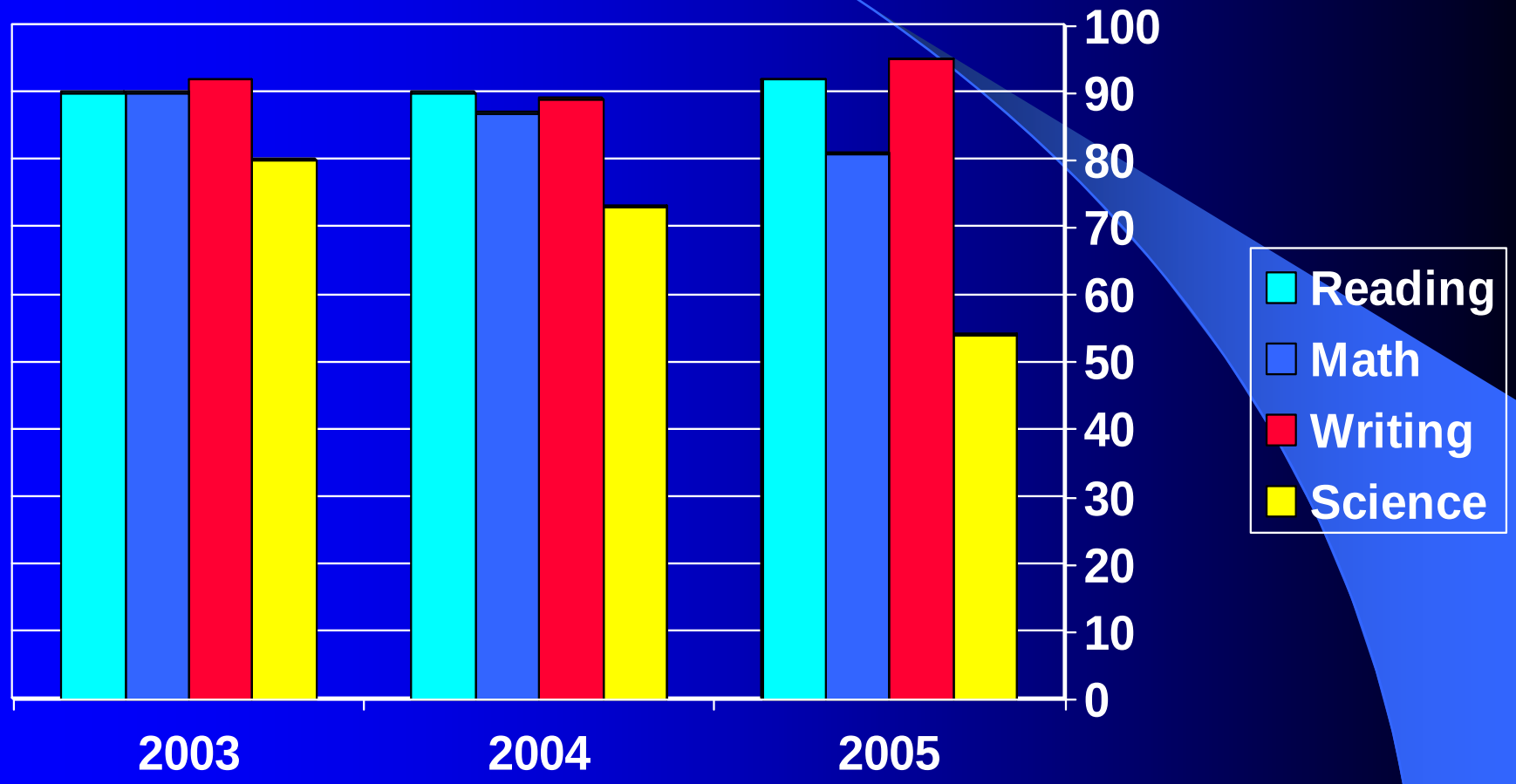
Acton Elementary



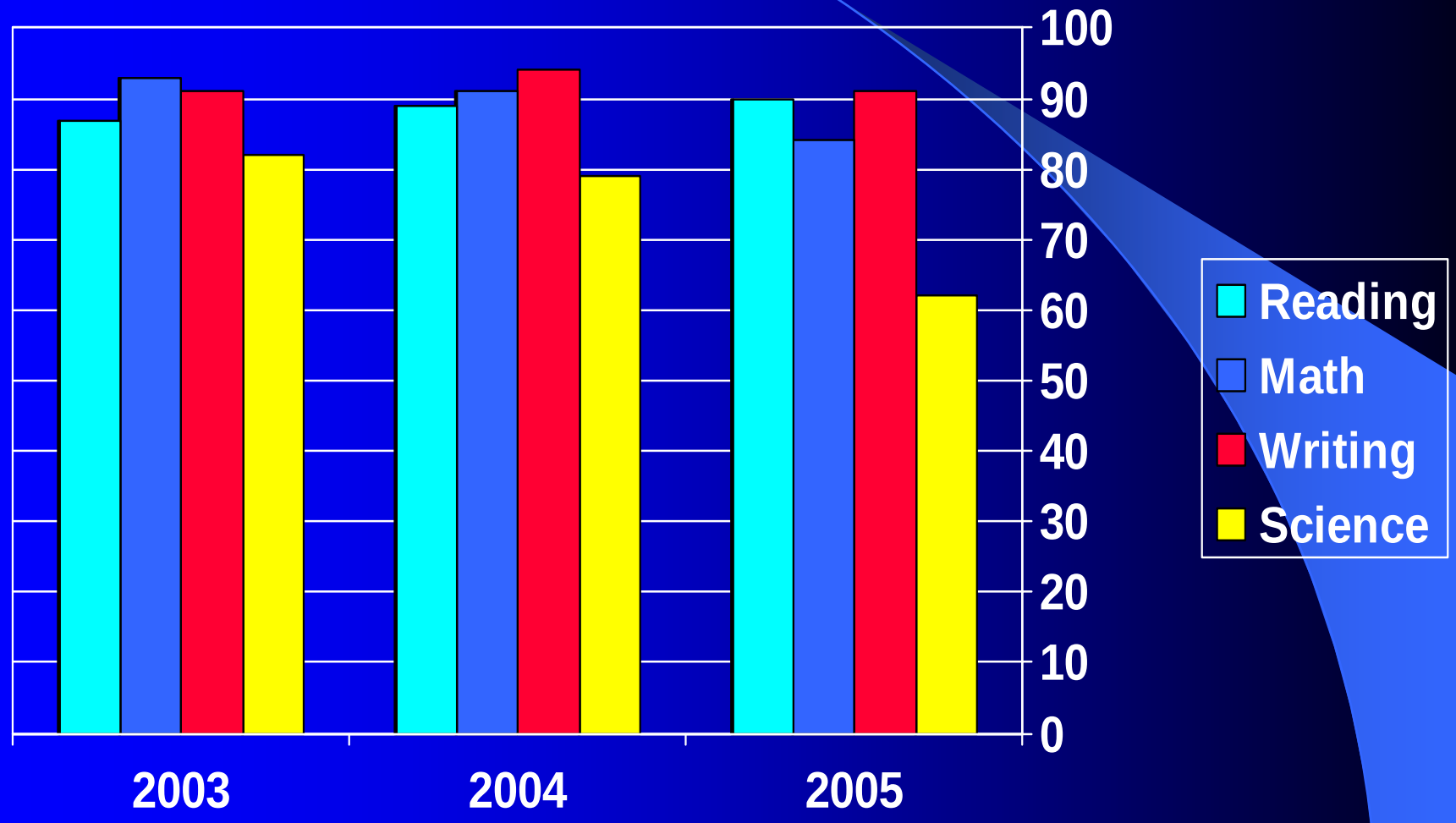
Mambrino School



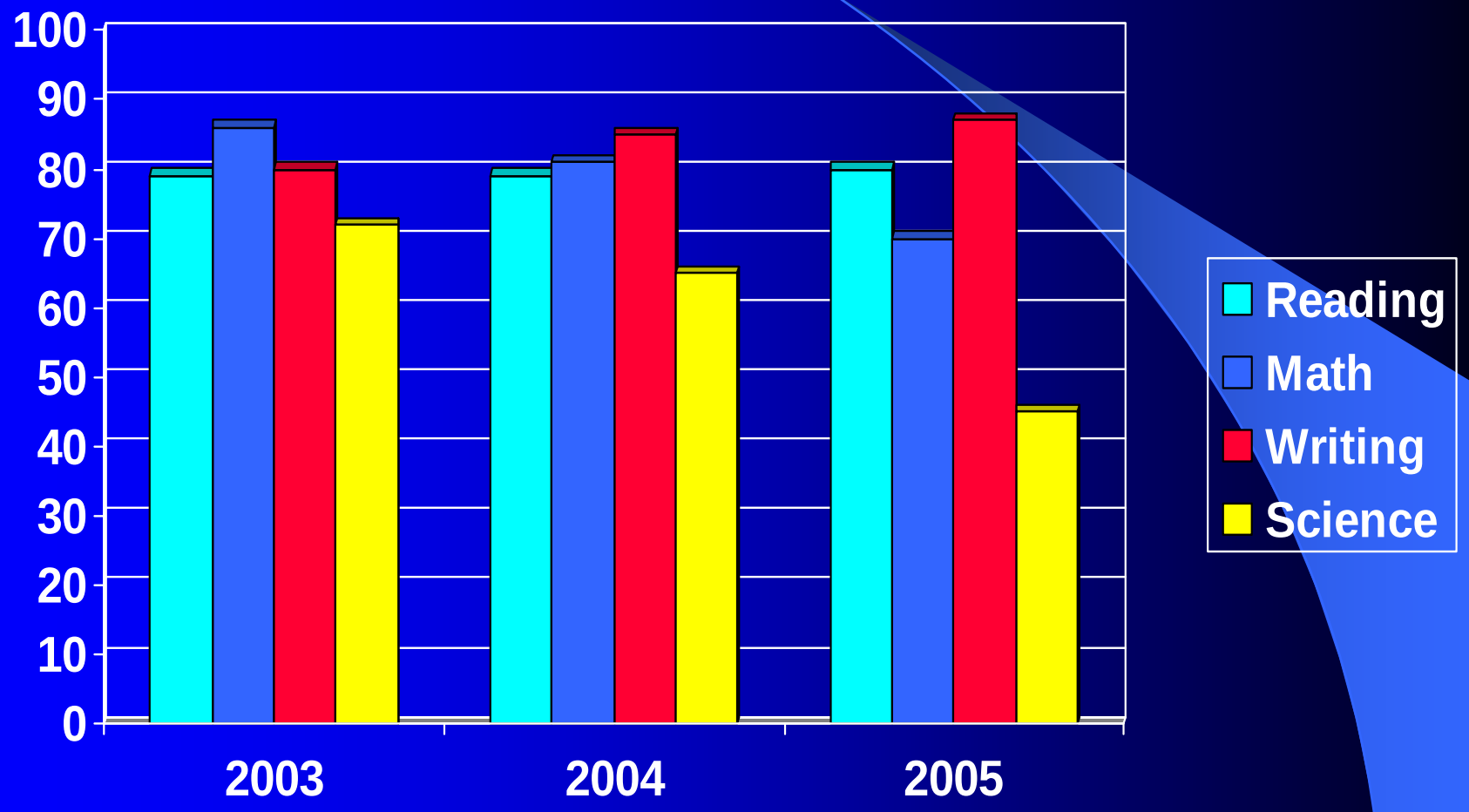
Brawner Intermediate



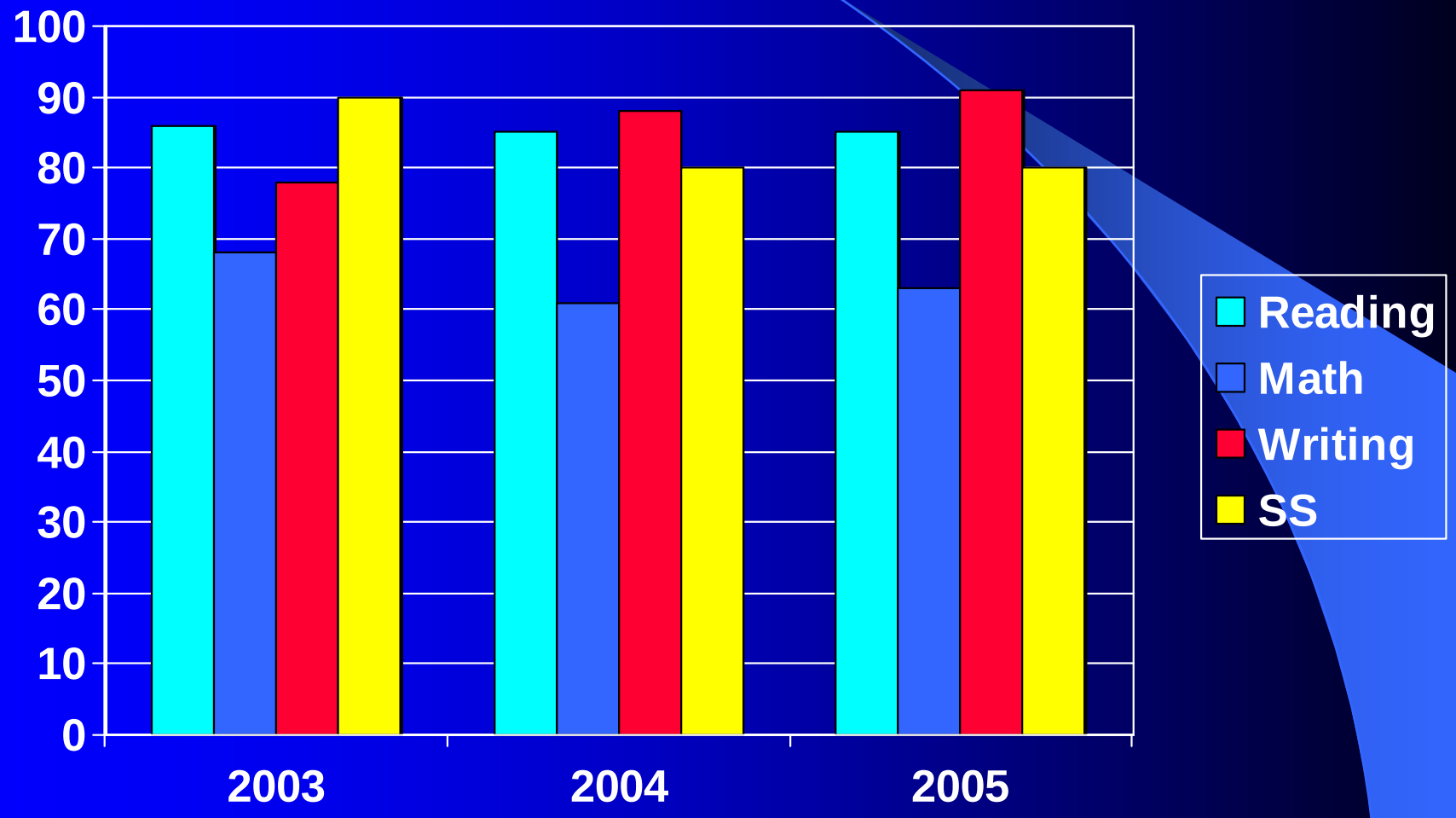
Oak Woods Intermediate



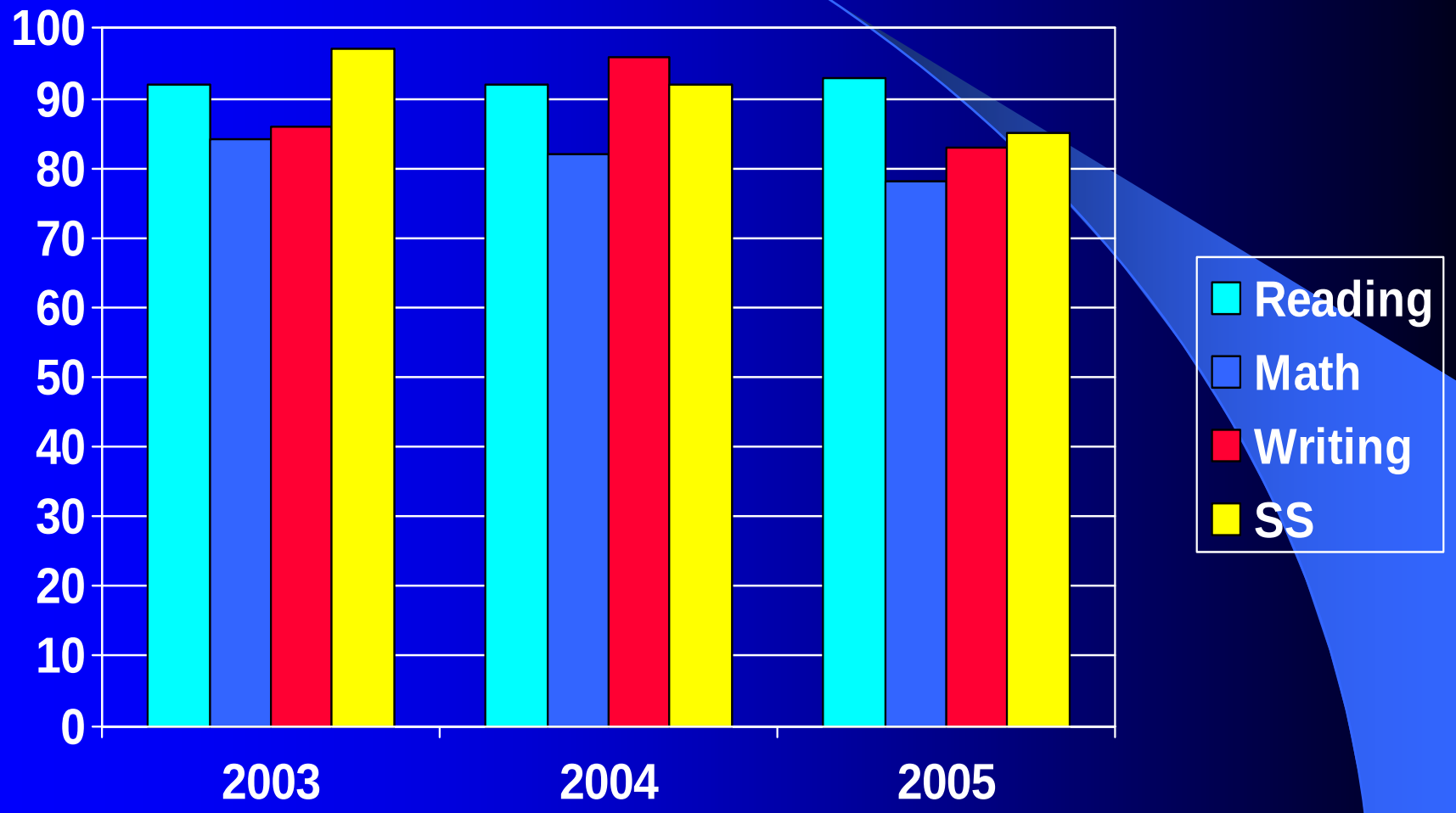
Crossland Intermediate



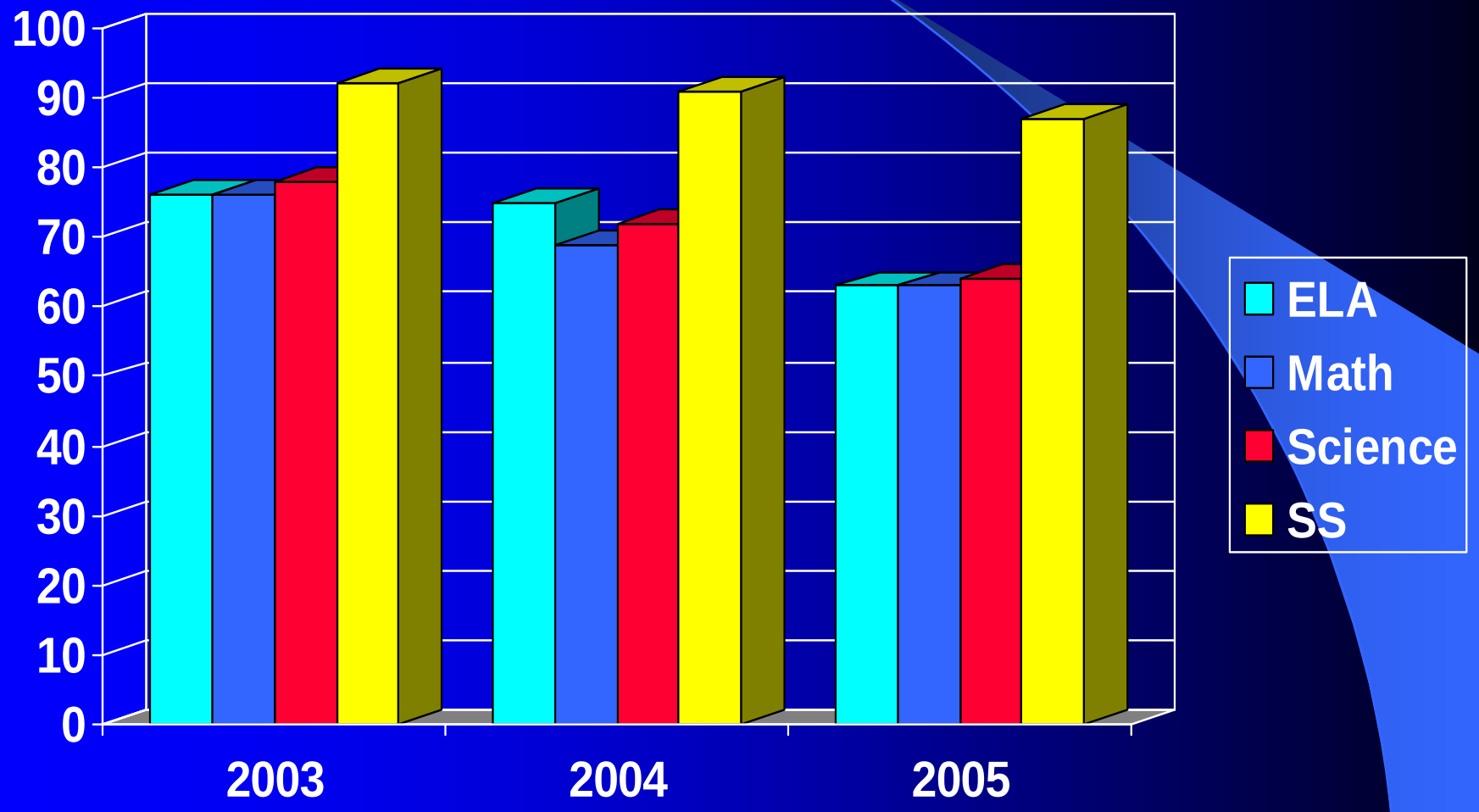
Granbury Middle School



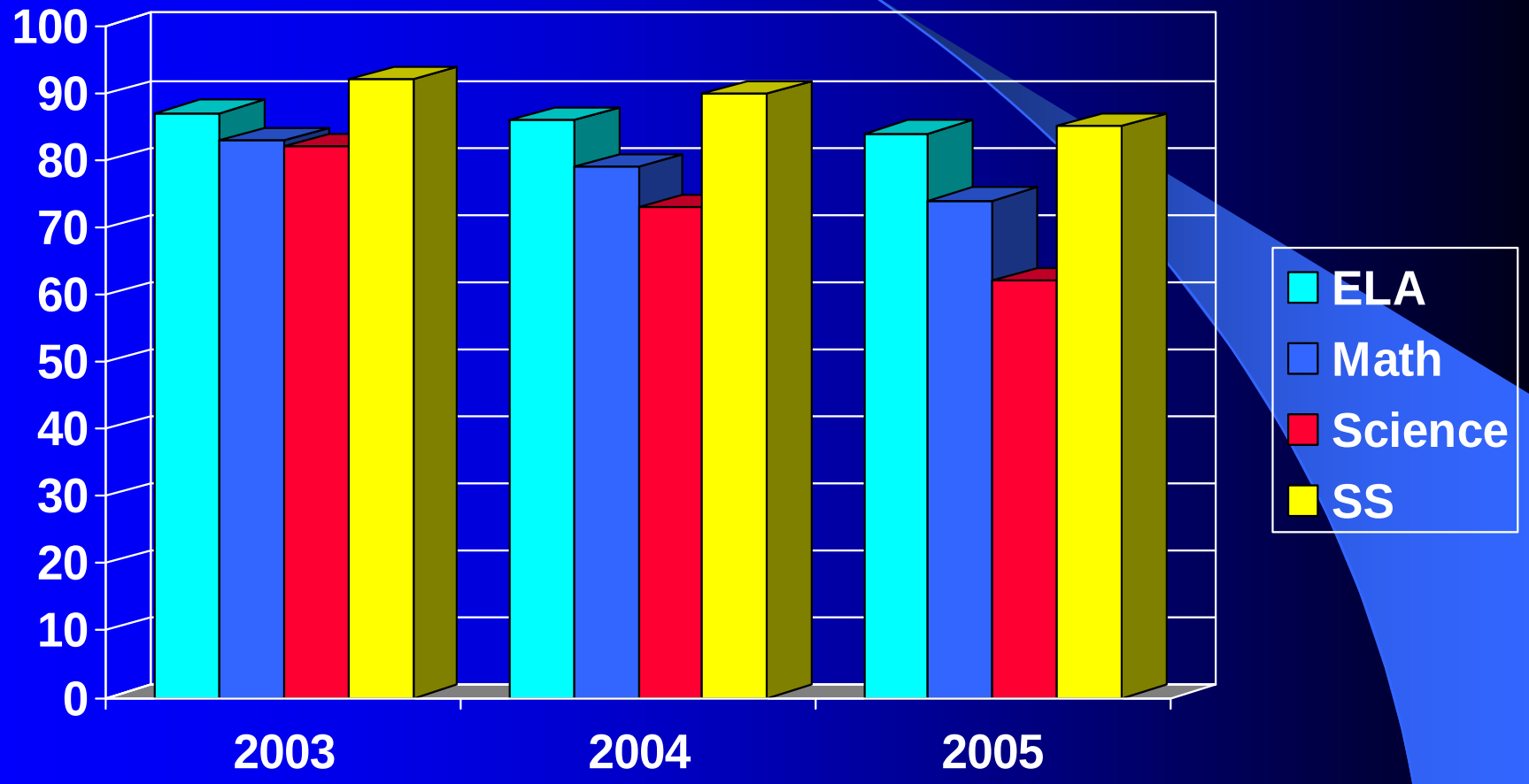
Acton Middle School



Granbury High School



GISD - all grades combined



GRANBURY ISD
BOARD OF TRUSTEES
OFFICIAL REGULAR MEETING
MINUTES
May 16, 2005

The Board of Trustees of the Granbury Independent School District convened in an official **REGULAR** meeting on Monday, May 16, 2005 at 6:00 p.m. in the Board Room of the Administration Building, 600 West Pearl St., Granbury, Texas

Presiding Officer..... Charlie Cloud

Board Members Present

Bowen Brawner
Jerry Campbell
Brian Condit
Gene Ellis
J. Mark Graves
Micky Shearon

School Officials Present

William Harris, Superintendent
Jan Van Dorn, Assistant Superintendent
Sharay Boynton, Executive Director of Finance
Troy Green, Executive Director of Human Resources
Ton Potappel, Director of Technology
Judy Duncan, Recording Secretary

Others Present

School Employees
Media
Community Members

Meeting Called to Order

President, Charlie Cloud, called the meeting to order at 6:01 p.m. and noted that a quorum of board members is present, the meeting has been duly called and that notice of this meeting has been posted in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Convened in Closed Session

The Board of Trustees convened in closed session at 6:02 p.m. under the Texas Open Meetings Act, Texas Government Codes, Chapter 551.074 - personnel matters and 551.072 – purchase, exchange, lease or value of real property.

Reconvened

The board reconvened at 6:12 p.m. and recessed until 7:00 p.m.

Invocation & Pledge

Board member, Micky Shearon led in the invocation. Emma Roberson students, Whitney Shearon and Landon Lambert led in the pledge to the US Flag and Texas Flag

Superintendent's Report

Stacie Brown recognized Regional Science Fair winners, Kevin Green and Ashleen Atchue, Mambrino School students. Kevin received the Best Overall Sixth Grade Science Fair Project at the Regional Science Fair and Ashleen received recognition for having the Best Overall Third Grade Science Project at the Regional Science Fair.

Eric Kale recognized members of the Granbury High School Range and pasture Judging team who received National Champion honors. Team members are Dillon Dewald, Josue Tello, Morgan Scott and Jessica Lock.

Stacie Brown and Carolyn Horton recognized the District Spelling Bee winner, Stephanie Mundhenk, a 5th grader at Brawner Intermediate School.

Athletic Director Randy Leach recognized Mark Gilbert, Athletic Trainer, for being named to the South West Texas Trainers Association Hall of Fame.

Mr. Jack Williams, Jim Allen and Burton Burks from the Granbury Masonic Lodge No. 392 presented the Lamar Award to Hope Heard, Oak Woods Intermediate student, Chelsea Maples, Granbury High School student and Connie Leonard, Acton Middle School teacher.

Consent Agenda

Item E was removed from the consent. A motion was made by Gene Ellis and seconded by Micky Shearon to approve the consent agenda items; (a) minutes of the May 2, 2005 regular board meeting, (b) budget amendments, (c) library books, class sets & video media bid no. 2005-12; (d) athletic supplies bid no. 2005-17 – football section, (f) athletic supplies bid no. 2005-17 – swimming section, (g) athletic supplies bid no. 2005-17 – tennis section, (h) office supplies & equipment CSP 2005-19, (i) instructional supplies & equipment bid no. 2005-10 and (j) depository bid. **MOTION CARRIED** Yes 7 – Noe 0

A coin was tossed for the tie bid of athletic supplies bid no. 2005-17 volleyball section, item G6 and item G16. Team Sports won the coin toss for item G6 and Worldwide for item G16. A motion was made by Jerry Campbell and seconded by Mark Graves to approve the item as presented with the coin toss breaking the tie between item G6 and G16. **MOTION CARRIED** Yes 7 – Noe 0

A motion was made by Mark Graves and seconded by Jerry Campbell to approve the technology purchases as presented. **MOTION CARRIED** Yes 7 – Noe 0

A motion was made by Mark Graves and seconded by Micky Shearon to approve the Buy Board purchase of (5) 72-passenger buses as presented. **MOTION CARRIED** Yes 7 – Noe 0

A motion was made by Micky Shearon and seconded by Jerry Campbell to approve the 2005-06 student handbook as presented with the addition of a parent signature sheet regarding student records given to military recruiters as specified in the No Child Left Behind Law. **MOTION CARRIED** Yes 7–Noe 0

A motion was made by Micky Shearon and seconded by Gene Ellis to approve the facilities use fees as presented with the Pirate Pavilion Weight room being removed from the list. **MOTION CARRIED** Yes 7 – Noe 0

Public Comments

Mr. Don Titus addressed the board regarding the hiring process for the Oak Woods Intermediate Principal position.

Personnel

A motion was made by Micky Shearon and seconded by Brian Condit to approve the personnel list as submitted. **MOTION CARRIED** Yes 7 – Noe 0 Staff appointments include, Michelle Cofferen, 3rd Grade teacher at Baccus Elementary; Kelly Dunagan, Special Education Teacher at Acton Middle School and John C. Kruegar, Mathematics teachers at Granbury High School.

Canvass Election

A motion was made by Jerry Campbell and seconded by Micky Shearon to approve the canvassing of the election for Board of Trustee, Place 1 and Place 2 and the bond election. **MOTION CARRIED** Yes 7 – Noe 0. President Charlie Cloud announced that Mark Graves received 1,101 votes and Doug Funk received 2,151 votes with Doug Funk being elected Board of Trustee for Place 1. Cloud announced the following results for Place 2, Barbara Herrington received 1,197 votes, Jason Moreno received 43 votes, Don Walton received 426 votes, John Mears received 590 votes and Susan Mitchell May received 1, 091 votes; therefore, Barbara Herrington was elected Board of Trustee for Place 2.

President Charlie Cloud announced the results of the Bond election with 2,466 being received AGAINST the bond and 958 received FOR the bond; therefore the bond election failed.

Mr. Chris Turner from Congressman Chet Edward's office presented a U.S. Flag, which has flown over the United States Capitol, to both outgoing board members, Micky Shearon and Mark Graves.

Board Member's Special Reports

President Charlie Cloud thanked Micky Shearon and Mark Graves for their service to the GISD Board of Trustees and stated that it was a privilege to serve on the board with both of these gentlemen.

Vice President, Jerry Campbell also thanked Mark Graves and Micky Shearon for their service to the board and stated that he appreciates their hard work and contribution to the Board of Trustees.

Member, Gene Ellis thanked Shearon and Graves and wished them luck with their future endeavors.

Micky Shearon thanked everyone for the opportunity to serve on the Board of Trustees for Granbury ISD for the past 6 years. Shearon thanked the GISD administrative staff, teaching staff, Superintendent Harris and fellow board colleagues for allowing him to serve with them these past 6 years.

Mark Graves thanked the GISD employees for all of their hard work in the district and for allowing him to serve on the GISD Board for the past 9 years. Graves thanked Superintendent Harris for his leadership in the district and for the privilege of working with him these past years.

Oath of Office

Notary Public, Judy Duncan, administered the oath of office to Barbara Herrington and she took her place at the board table.

Board Office Elections

Charlie Cloud nominated Barbara Herrington for president. A motion was made by Brian Condit and seconded by Bowen Brawner to maintain the current board officers until Doug Funk took office. Cloud stated that the law requires the board to elect officers at the first meeting following the election and that Mr. Condit's motion was out of order. Cloud asked for any additional nominations for president. With no other nominations, Barbara Herrington was elected Board President with a 6/0/1 vote – Mark Graves abstained.

Board President, Barbara Herrington opened the floor for nominations for Vice President. Brian Condit nominated Jerry Campbell. With no additional nominations, Jerry Campbell was elected Vice President with a 5/0/2 vote – Jerry Campbell and Mark Graves abstained.

Board President, Barbara Herrington opened the floor for nominations for Board Secretary. Charlie Cloud nominated Gene Ellis for secretary. With no additional nominations, Gene Ellis was elected Secretary with a 6/0/1 vote – Mark Graves abstained.

Adjournment

There being no further business, the meeting was adjourned at 8:49 p.m.

_____ _____

Barbara Herrington, President Gene Ellis, Secretary

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton, Finance Director
DATE: June 1, 2005
RE: Budget Amendments

SUMMARY:

Attached are budget amendments that are for Board approval.

RECOMMENDATION:

I recommend the Board approve the amendments.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Emmett Whitefield
Date Submitted: June 1, 2005

BUDGET AMENDMENTS RECOGNIZING DONATED & MISCELLANEOUS REVENUES

Fund 199, Mr. Lloyd Treadwell, Originator
This Amendment recognizes funds in the amount of $11,821 allocated to function 11. These funds are generated for the purpose of College Board Testing.

Fund 199, Mr. Bobby Mabery, Originator
This Amendment recognizes funds in the amount of $2,640 allocated to function 36. These funds are generated to fund the G/T History Spring Trip.

Fund 199, Mr. Bobby Mabery, Originator
This Amendment recognizes funds in the amount of $42 allocated to function 12. These funds are generated by Library book fines and will be use to purchase additional Library books.

Fund 199, Mr. Ralph Purget, Originator
This Amendment recognizes donated funds in the amount of $1,015 allocated to function 11. These funds are generated from a donation by the campus PTO for the purchase of a stage curtain.

Fund 181, Mr. Randy Leach, Originator
This Amendment recognizes funds in the amount of $4,998 allocated to function 61. These funds are generated by Playoff games hosted by GISD and will be used to fund expenses associated with those playoff games.

Fund 181, Mr. Randy Leach, Originator
This Amendment recognizes funds in the amount of $2,829 allocated to function 36 and $111 allocated to function 52. These funds are generated from Tournament Fees and will be used to fund officials and security at the Tournament.

BUDGET AMENDMENTS RECOGNIZING FUNCTION TO FUNCTION

Fund 199 and 411, Mrs. Sharay Boynton, Originator
This Amendment recognizes funds amended to address year-end projects in the amount of $59,697 from function 11 to function 12 (fund 411 funds allocated to campuses not used by campuses to be used for Dell Storage Area Network), in the amount of $43,300 from function 81 to function 12 (Land Contingency funds to be used for the Dell Storage Area Network), and in the amount of $8,700 from function 51 and $17,300 from function 81 to function 31 (Maintenance Contingency funds and Land Contingency funds for the purchase of the ITBS testing materials).

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton, Finance Director
DATE: June 3, 2005
RE: Vehicle Fuel Bid 2003-18 - Renewal

SUMMARY:

A bid was let to provide a vendor to supply unleaded and diesel fuel for the transportation department. The original award was made on June 16, 2003. The award included the option to renew for two additional one-year terms. The current bid for fuel will expire on July 31, 2005. A copy of the summation and tabulation is attached for your review.

Mr. Terry Slemmons, Transportation Director, requested that the bid be renewed. The awarded vendor agreed to renew the bid as awarded.

The following is the recommendation of Mr. Terry Slemmons, Transportation Director.

RECOMMENDATION:

It is recommended that the Board extend the Fuel Bid 2003-18 with Petroleum Traders for the period of August 1, 2005 to July 31, 2006. This is the final renewal for this bid.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Terry Slemmons

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 16, 2003 **Bid Number**: 2003-18

1. **Item, material or service (specific or classification):** Vehicle Fuel

2. **Brief description:** A bid was let to provide a vendor to supply unleaded and diesel fuel for the transportation department.

3. **Period of time bid covers:** August 1, 2003 through July 31, 2004 with the option to renew for two additional years

4. **Person and title responsible for the expenditure:**

   Terry Slemmons – Transportation Director

5. **Number of bids sent to vendors:** 8

6. **Number of bids received from vendors:** 1

7. **Listing of recommended vendors and total prices:** Recommendation for award is to Petroleum Traders. All fuel is purchased on an as needed basis from budgeted funds for fuel.
   A total expenditure cannot be identified at this time.

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 7/11/00

10. **Percentage increase or decrease from last bid:**

    Unleaded – increase of 576.27%

    Diesel – increase of 44.13%

11. **Budget information:** Expense will come from budgeted funds in account code 199.34.6311.00.800.3(or 4).99.0.00 with a budgeted amount of $142,200.

12. **Other comments:** N/A

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Grounds Supplies Bid No. 2003-28-Renewal

SUMMARY:

A bid was awarded August 25, 2003 to vendors of grounds supplies for the period of award to July 31, 2004 with the option to renew for two additional one-year terms. The current bid will expire on July 31, 2005. A copy of the summation and tabulation is attached for your review.

Mr. Larry Gehrke, Maintenance Director, requested that the award be extended as allowed by the bid. All vendors were contacted. All vendors, except for Ewing Irrigation and Austin Turf & Tractor, agreed to extend the bid as awarded. There was nothing purchased from Ewing last year and any equipment can be purchased from a TCPN vendor or Lake Lawn. The following is Mr. Gehrke's recommendation.

RECOMMENDATION:

It is recommended that the Board extend the award to the following vendors for the purchase of grounds supplies for the period from August 1, 2005 to July 31, 2006.

Cost Comparison:	John Deere, Lake Lawn, Lesco
Soil, Road Base, Sand	LO's Dirt Work
Grounds Equipment	Lake Lawn

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Mr. Larry Gehrke

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: August 25, 2003 **Bid Number:** 2003-28

1. **Item, material or service (specific or classification):** Grounds Supplies

2. **Brief description:** A bid was let to provide vendors for the purchase of grounds supplies. The bid was divided into several sections including a cost comparison section and two sections where the vendors were asked to quote prices that would remain firm for the duration of the contract.

3. **Period of time bid covers:** From written notification of award through July 31, 2004

4. **Person and title responsible for the expenditure:** Larry Gehrke – Maintenance Director

5. **Number of bids sent to vendors:** 32

6. **Number of bids received from vendors:** 12 (includes 1 no bid)

7. **Listing of recommended vendors and total prices:** Recommendation for award in each category is below. Under Section I, several vendors were selected because of the different areas of need in grounds supplies, including grass seed, fertilizers, tools and irrigation supplies. Approximate expenditures for Grounds Supplies: All campuses - $30,000; Athletic - $30,000; Irrigation - $7,000 for total of $67,000.

Section I:	Cost comparison	John Deere, Lake Lawn, Ewing, BWI, Lesco
Section II:	Soil, Road Base, Sand	LO's Dirt Work
Section III:	Grounds Equipment	Austin Turf, Lake Lawn

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 6/18/02

10. **Percentage increase or decrease from last bid**: Due to the size of the bid and a change in some of the items and brand names, a cost comparison was not made.

11. **Budget information:** Expenditures for these supplies will be from account codes:
199.51.6317.00.951.4.99.0.00 - All Campuses estimated expenditure $30,000
199.51.6317.00.951.4.99.0.01 – Athletic estimated expenditure $30,000
199.51.6317.00.951.4.99.0.58 – Irrigation estimated expenditure $7,000

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton, Finance Director
DATE: June 1, 2005
RE: Plumbing Supplies Bid No. 2004-12 Renewal

SUMMARY:

Plumbing supplies for the district are purchased on an as needed basis. A bid was let to provide vendors for plumbing supplies for the 2004-2005 school year with the option to renew for two additional one-year terms if agreed to by all parties. The Board awarded this bid July 19, 2004. The current bid will expire July 31, 2005.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Larry Gehrke, Maintenance Director, was consulted regarding the renewing of the bid. It was his recommendation to renew. Awarded vendors, Mark's Plumbing and Granbury Winnelson, were contacted regarding their desire to renew the bid. They both have agreed to the renewal. The following is the recommendation of Mr. Gehrke.

RECOMMENDATION:

It is recommended that the Board renew the award to purchase plumbing supplies for the 2005-06 school year to Mark's Plumbing and Granbury Winnelson for the period of August 1, 2005 to July 31, 2006.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Mr. Larry Gehrke

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: July 19, 2004 **Bid Number:** 2004-12

1. **Item, material or service (specific or classification):** Plumbing Supplies

2. **Brief description:** A bid was let to provide vendors for plumbing supplies.

3. **Period of time bid covers:** August 1, 2004 through July 31, 2005

4. **Person and title responsible for the expenditure:** Larry Gehrke – Maintenance Director

5. **Number of bids sent to vendors:** 22

6. **Number of bids received from vendors:** 8 (includes 1 no bid, 1 late bid and 1 bid disqualified)

7. **Listing of recommended vendors and total prices:** Recommendation for award is to Mark's Plumbing and Granbury Winnelson. Supplies are purchased on an as needed basis so an exact amount of expenditures cannot be identified at this time.

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 5/16/02

10. **Percentage increase or decrease from last bid**: Due to the size of the bid and a change to some of the line items or brands, an accurate comparison could not be made.

11. **Budget information:** Expenditures for plumbing supplies will be from account code 199.51.6316.00.951.5.99.0.56 with a proposed budget of $26,000.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: General Maintenance & Glass Supplies
Bid No. 2004-18 - Renewal

SUMMARY:

A bid was let to provide vendors for general maintenance and glass supplies for the 2004-2005 school year. The responses were received on August 4, 2004. The period of award was through July 31, 2005 with the option to renew two additional one-year terms.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Larry Gehrke, Maintenance Director, was contacted regarding the renewal of this bid. In his opinion, it would be in the best interest of the District to renew this bid. The vendors were contacted and have agreed to renew the bid. The following is the recommendation of Mr. Gehrke.

RECOMMENDATION:

I recommend the Board approve the items and the related vendors as identified below for the period of August 1, 2005 to July 31, 2006.

Section I: Nuts & Bolts	Hardt Sales
Section II: Belts	Grainger
Section III: Replacement Glass	Granbury Glass
Section IV: Misc. General Supplies	Grainger & Home Depot

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Larry Gehrke

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: September 13, 2004 **Bid Number:** 2004-18

1. **Item, material or service (specific or classification):** General Maintenance & Glass Supplies

2. **Brief description:** A bid was let to provide vendors for general maintenance and glass supplies for the 2004-2005 school year.

3. **Period of time bid covers:** From written notification of award through July 31, 2005

4. **Person and title responsible for the expenditure:** Larry Gehrke – Maintenance Director

5. **Number of bids sent to vendors:** 19

6. **Number of bids received from vendors:** 5

7. **Listing of recommended vendors and total prices:** This bid was divided into 4 categories. Recommendation for award in each category is below. Approximate expenditure on general maintenance and glass supplies will be $30,000.

Section I: Nuts & Bolts	Hardt Sales
Section II: Belts	Grainger
Section III: Replacement Glass	Granbury Glass
Section IV: Misc. General Supplies	Grainger & Home Depot

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 5/14/02

10. **Percentage increase or decrease from last bid**: Due to the number of items on the bid, a comparison was not made.

11. **Budget information:** Expenditures for these supplies will be from account code 199.51.6316.00.951.5.99.0.58 with a proposed budgeted amount of $30,000.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 3, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Fencing Services Bid No. 2004-21 - Renewal

SUMMARY:

Fencing services, both chain link and pipe, for the district are purchased on an as needed basis. A bid was let to provide vendors for fencing services for the 2004-2005 school year with the option to renew for two additional one-year terms if agreed to by all parties. The award was made on August 23, 2004. The current award period will expire July 31, 2005.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Larry Gehrke, Maintenance Director, was contacted regarding the renewal of this bid. It is his opinion that it would be in the best interest of the District to renew the bid. SLF, Inc. dba Custom Fence Company, current vendor, was contacted regarding their intention to renew. They have responded that they will renew bid as awarded. The following is the recommendation of Mr. Gehrke.

RECOMMENDATION:

It is recommended that the Board award the purchase of fencing services for the 2005-06 school year to SLF, Inc. dba Custom Fence for the period of August 1, 2005 to July 31, 2006.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Mr. Larry Gehrke

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: August 23, 2004 **Bid Number**: 2004-21

1. Item, material or service (specific or classification): Fencing Services - Chain Link and Pipe

2. Brief description: A bid was let to provide a vendor for fencing services, mainly chain link and pipe fencing, at various locations throughout the district on an as needed basis.

3. Period of time bid covers: From written notification of award through July 31, 2005

4. Person and title responsible for the expenditure:

Larry Gehrke, Maintenance Director

5. Number of bids sent to vendors: 9

6. Number of bids received from vendors: 2

7. Listing of recommended vendors and total prices: It is recommended that award be made to Custom Fence. Exact cost of fencing cannot be identified at this time since the priority for the fencing projects is still under review. Anticipated expenses will be $5,000.

8. Explanation of other than low recommendations: N/A

9. Last bid date (bid of comparable nature within last 5 years): 9/22/02

10. Increase or decrease from last bid:

4' chain link	-	increase of 16.00%
5' chain link	-	increase of 86.41%
6' chain link	-	increase of 12.50%
36 x 2-7/8 pipe	-	increase of 28.22%

11. Budget information: Funds for the fencing projects will come from general operating funds depending on the project and timing.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Athletic Jackets & Athletic Letter Awards
RFP 2005-02 - Renewal

SUMMARY:

A proposal was let to provide a vendor for athletic letter jackets and athletic letter awards in December 2004. The award was made for current year with the option to renew two one-year terms. Current award period will expire July 31, 2005.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Randy Leach, Director of Athletics, was contacted about renewing this bid. It was his opinion that it would be in the best interest of the District to renew the bid if the awarded vendor agreed. Neff Motivation, awarded vendor, was contacted and they have agreed to renew the bid. The following is the recommendation of Mr. Leach.

RECOMMENDATION:

That Neff Motivation be awarded for the purchase of Award Jackets and Letters for the time period of notice of award July 31, 2006.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Deborah Johnson
Randy Leach

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: December 13, 2004 **Bid Number:** 2005-02

1. **Item, material or service (specific or classification):** Athletic Jackets & Athletic Letter Awards

2. **Brief description:** A proposal was let to provide a vendor for athletic letter jackets and athletic letter awards. The district will standardize to one letter jacket for all programs where the district will purchase the jackets and awards.

3. **Period of time bid covers:** From written notification of award through July 31, 2005 with the option to renew for two additional years in one year increments.

4. **Person and title responsible for the expenditure:**

   Randy Leach – Athletic Director
   Cathy Butler – GHS Principal

5. **Number of bids sent to vendors:** 4

6. **Number of bids received from vendors:** 2

7. **Listing of recommended vendors and total prices:** It is recommended award be made to Neff Motivation as low bidder. Total cost of the jackets cannot be identified at this time, as we do not have an accurate count on the number of students that will letter.

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** This is the first bid of this type.

10. **Percentage increase or decrease from last bid**: N/A

11. **Budget information:** Expense for these awards will come from funds budgeted under account code 6498 for awards.

12. **Other Comments:** E-mail on file where Mrs. Butler has agreed to the recommendation.

Sharay Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Athletic Supplies Bid No. 2005-17
Basketball Section

SUMMARY:

A bid was let to provide athletic supplies for the 2005-2006 school year. Vendors were asked to quote firm pricing on line items that would remain the same through March 31, 2006. They were also asked to quote a percentage discount from their catalog/shelf prices for additional needs not identified in the bid. Due to the size of the bid and the number of vendors responding, the entire bid could not be processed for award at this meeting. A portion of it was processed the last meeting.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The following is the recommendation of Patrick Gaines,GHS Basketball Coach, James Pinnell , GMS Basketball Coach, Leta Andrews, GHS Basketball Coach, Wade Glandon, GMS Basketball Coach, Corey Baird, AMS Basketball Coach, Randy Leach, Facilities Director, Scott Carpenter, AMS Basketball Coach, Marsha Grissom, Athletic Director.

RECOMMENDATION:

That the Board award the shaded items on the attached tabulation to the vendors indicated. It is also recommended that all of the companies submitting a response to the catalog/list price discount portion of the bid be awarded for additional purchases of basketball supplies.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Randy Leach
Marsha Grissom

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number:** 2005-17 Athletic Supplies Basketball Section

1. **Item, material or service (specific or classification):** Basketball Supplies

2. **Brief description:** A bid was let to provide supplies for the athletic programs at the secondary campuses.

3. **Period of time bid covers:** From written notification of award through March 31, 2006

4. **Person and title responsible for the expenditure:**

   Patrick Gaines – GHS Basketball Coach
   Leta Andrews – GHS Basketball Coach
   Corey Baird – AMS Basketball Coach
   Scott Carpenter – AMS Basketball Coach
   James Pinnell – GMS Basketball Coach
   Wade Glandon – GMS Basketball Coach
   Randy Leach – Facilities Director
   Marsha Grissom – Athletic Director

5. **Number of bids sent to vendors:** 101 (included all sports)

6. **Number of bids received from vendors:** 19 (for the basketball portion)

7. **Listing of recommended vendors and total prices:** The recommendation for award of the line items is shaded in the column under the vendor name for a total expenditure of $17,615.14. Additional supplies will be purchased on an as needed basis from the catalog discount bid.

8. **Explanation of other than low recommendations:**

   F-4, F-21, F-48: The Wilson Evolution ball is the one used for district play.

   F-5, F-22, F-35: Low bidder is not the ball used as spec.

   F-16: Need Russell not Jerzee to match existing due to quality.

   F-17 & F-18: Need Champion brand to match existing.

   The following items will not be awarded:
   F-10, F-24, F-29, F-38, F-58

9. **Last bid date (bid of comparable nature within last 5 years):** 03/03/04

10. **Percentage increase or decrease from last bid:** Due to the size of the bid and a change in brands on some items, a comparison was not made.

11. **Budget information:** Expense for basketball supplies will come from the following account codes:

181.36.6395.00.001.5 (or 6).91.0.03	$6,000
181.36.6395.00.001.5 (or 6).91.0.04	6,000

181.36.6395.00.041.5 (or 6).91.0.03	2,000
181.36.6395.00.041.5 (or 6).91.0.04	2,000
181.36.6395.00.042.5 (or 6).91.0.03	2,000
181.36.6395.00.042.5 (or 6).91.0.04	2,000

12. **Other comments:** The Athletic Booster Club and the Athletic Activity Club will make donations to cover the additional expense if the items purchased for the program exceed the allotted budget.

A disclosure was made that the owner of Advanced Embroidery is the spouse of a Granbury ISD coach. The coach was not involved in the evaluation of this bid.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Athletic Supplies Bid No. 2005-17
Cross Country Section

SUMMARY:

A bid was let to provide athletic supplies for the 2005-2006 school year. Vendors were asked to quote firm pricing on line items that would remain the same through March 31, 2006. They were also asked to quote a percentage discount from their catalog/shelf prices for additional needs not identified in the bid. Due to the size of the bid and the number of vendors responding, the entire bid could not be processed for award at this meeting. A portion of it was processed the last meeting.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The following is the recommendation of Amber Ward, GHS Coach, Randy Leach, Facilities Director, and Marsha Grissom, Athletic Director.

RECOMMENDATION:

That the Board award the shaded items on the attached tabulation to the vendors indicated. It is also recommended that all of the companies submitting a response to the catalog/list price discount portion of the bid be awarded for additional purchases of cross country supplies.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Randy Leach
Marsha Grissom

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number**: 2005-17 Athletic Supplies Cross-Country Portion

1. **Item, material or service (specific or classification):** Cross-Country Supplies

2. **Brief description:** A bid was let to provide supplies for the athletic programs at the secondary campuses.

3. **Period of time bid covers:** From written award notification through March 31, 2006

4. **Person and title responsible for the expenditure:**

   Amber Ward – Granbury High School Coach
   Randy Leach – Facilities Director
   Marsha Grissom – Athletic Director

5. **Number of bids sent to vendors:** 101 (included all sports)

6. **Number of bids received from vendors:** 8 (for cross-country portion)

7. **Listing of recommended vendors and total prices:** The recommendation for award is shaded in the column under the vendor name for a total expenditure of $2,691.58. Additional purchases for supplies on an as needed basis will be made through the catalog discount bid.

8. **Explanation of other than low recommendations:**

   B-1: This item will not be awarded

   B-3 & B-4: As specified in the bid, we need the GTM brand to match existing in the program.

9. **Last bid date (bid of comparable nature within last 5 years):** 03/04/03

10. **Percentage increase or decrease from last bid:** Due to the size of the bid and some changes to the items or brands, a comparison was not made.

11. **Budget information:** Expense for cross-country supplies will come from account code 181.36.6395.00.001.5(or 6) 91.0.09 with a budget of $3,000.

12. **Other Comments:** The Athletic Booster Club and the Athletic Activity Club will make donations to cover the additional expense if the items purchased for the program exceed the allotted budget.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Athletic Supplies Bid No. 2005-17
Girl's Track Section

SUMMARY:

A bid was let to provide athletic supplies for the 2005-2006 school year. Vendors were asked to quote firm pricing on line items that would remain the same through March 31, 2006. They were also asked to quote a percentage discount from their catalog/shelf prices for additional needs not identified in the bid. Due to the size of the bid and the number of vendors responding, the entire bid could not be processed for award at this meeting. A portion of it was processed the last meeting.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The following is the recommendation of Renvy Smith, GHS Track Coach, Randy Leach, Facilities Director, and Marsha Grissom, Athletic Director.

RECOMMENDATION:

That the Board award the shaded items on the attached tabulation to the vendors indicated. It is also recommended that all of the companies submitting a response to the catalog/list price discount portion of the bid be awarded for additional purchases of girl's track supplies.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Randy Leach
Marsha Grissom

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number:** 2005-17 Athletic Supplies
Girls Track Section

1. **Item, material or service (specific or classification):** Track Supplies

2. **Brief description:** A bid was let to provide supplies for the athletic programs at the secondary campuses.

3. **Period of time bid covers:** From written notification of award through March 31, 2006

4. **Person and title responsible for the expenditure:**

   Renvy Smith – GHS Track Coach
   Randy Leach – Facilities Director
   Marsha Grissom – Athletic Director

5. **Number of bids sent to vendors:** 101 (included all sports)

6. **Number of bids received from vendors:** 15 (for the track portion)

7. **Listing of recommended vendors and total prices:** The recommendation for award of the line items is shaded in the column under the vendor name for a total expenditure of $3,857.46. Additional supplies will be purchased on an as needed basis from the catalog discount bid.

8. **Explanation of other than low recommendations:**

   E-3: Low bidder was a waffle sole and not the spikes as requested.

   E-4, E-6, E-7: These items will not be awarded.

9. **Last bid date (bid of comparable nature within last 5 years):** 03/03/04

10. **Percentage increase or decrease from last bid:** Due to the size of the bid and a change in brands on some items, a comparison was not made.

11. **Budget information:** Expense for track supplies for the girls' program will come from account code 181.36.6395.00.001.5 (or 6) 91.0.07 with a budget of $5,000.

12. **Other comments:** The Athletic Booster Club and the Athletic Activity Club will make donations to cover the additional expense if the items purchased for the program exceed the allotted budget.

    A disclosure was made that the owner of Advanced Embroidery is the spouse of a Granbury ISD coach. The coach that is related was not involved in the evaluation of this bid.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: 3/4 Ton Pick Up Truck
CSP 2005-21

SUMMARY:

A request for proposals was let for the purchase of one (1) 3/4-ton pick up trucks for the Granbury High School Ag Program in April and responses were received May 10, 2005. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mr. Terry Slemmons, Transportation Director, and Ms. Barbara Calhoun, Career and Technology Program Coordinator, reviewed the responses. The following is their recommendation.

RECOMMENDATION:

It is recommended that the award be made to Columbus Country as indicated on the tabulation by shading under the vendor name.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Terry Slemmons
Barbara Calhoun

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number:** 2005-21

1. **Item, material or service (specific or classification):** 3/4 Ton Pick Up Truck

2. **Brief description:** A bid was let for the purchase of one ¾ ton pick up truck for the Granbury High School Ag Program

3. **Period of time bid covers:** Single purchase

4. **Person and title responsible for the expenditure:**

   Terry Slemmons – Transportation Director
   Barbara Calhoun – Career and Technology Program Coordinator

5. **Number of bids sent to vendors:** 15

6. **Number of bids received from vendors:** 6

7. **Listing of recommended vendors and total prices:** Recommendation for award is to Columbus Country in Columbus, Texas for a total expenditure of $22,887.

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 12/15/04

10. **Percentage increase or decrease from last bid:** Increase of 14.47%

11. **Budget information:** Purchase of the truck for the career tech program will come from funds budgeted in account 199.11.6631.00.001.5.22.0.00.

12. **Other Comments:**

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Music, Band & Choir Supplies
Bid No. 2005-22

SUMMARY:

Music, Band and Choir Supplies for the district are purchased using catalogs and shelf items. The majority of supplies purchased are proprietary in nature. Thus line item bids are not effective.

The request for catalog bids for music, band and choir supplies was let in April 2005 for the period of notice of award to May 31, 2006 with two one-year extensions if agreed to in writing by all parties. Bids were received May 2, 2005. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Ms. Sharon Whitefield, Director of Curriculum, reviewed all responses. The following is the recommendation of Ms. Whitefield.

RECOMMENDATION:

That the Board award the following vendors for the purchase of Music, Band, and Choir Supplies for the period of notice of award to May 31, 2006.

Vendor	% Disc
Brook Mays Music	0
Southern Music Company	10
Johnny Paul's Music	30
Rhythm Band	5
Mr. E's Music	10 – 40
Music is Elementary	5
Washington Music	30

Respectfully submitted,

Sharay S. Boynton

Staff Person Responsible: Debbie Johnson
Sharon Whitfield

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number:** 2005-22

1. **Item, material or service (specific or classification):** Music, Band and Choir Supplies and Equipment

2. **Brief description:** A catalog/price list discount bid was let to provide supplies for the band, choir and elementary music programs throughout the district. Vendors were asked to quote a percentage discount off their catalog or list prices. Vendors were also evaluated on questions asked in the bid regarding services provided by the companies, items available in the catalogs, minimum order amounts, free shipping, etc.

3. **Period of time bid covers:** From written notification of award through May 31, 2006

4. **Person and title responsible for the expenditure:**

   Sharon Whitefield – Curriculum Director
   Campus personnel with principal approval

5. **Number of bids sent to vendors:** 40

6. **Number of bids received from vendors:** 16 (also received 4 no bids)

7. **Listing of recommended vendors and total prices:** Recommendation for award is to the following vendors based on the three different programs to be covered under this award. Expenditures will be approximately $30,000 to $50,000. All supplies are to be purchased on an as needed basis.

   Brook Mays Music Group
   Johnny Paul's Music
   Mr. E's Music
   Music Is Elementary
   Pender's Music
   Rhythm Band
   Southern Music
   Washington Music
   Suzuki Music

8. **Explanation of other than low recommendations:** N/A

9. **Last bid date (bid of comparable nature within last 5 years):** 4/22/2003

10. **Percentage increase or decrease from last bid**: This was not a line item bid so a comparison was not made.

11. **Budget information:** All purchases will be made from funds budgeted in various accounts to include the following. Below are the accounts for expenses under this contract.

181.36.6395.00.001.5(6).99.0.30
199.11.6395.00.001.5(6).11.0.30
199.11.6395.00.041.5(6).11.0.30
199.11.6395.00.042.5(6).11.0.30

181.36.6395.00.001.5(6).99.0.31
199.11.6395.00.001.5(6).11.0.31
181.36.6395.00.042.5(6).99.0.31
181.36.6395.09.042.5(6).99.0.31
199.11.6395.00.041.5(6).11.0.31
199.11.6395.00.042.5(6).11.0.31

199.11.6649.00.001.5(6).11.0.30
199.11.6649.00.041.5(6).11.0.30
199.11.6649.00.042.5(6).11.0.30
199.11.6649.00.042.5(6).11.0.31

Purchases for the elementary program will come from funds budgeted in various instructional supply accounts.

12. **Other comments:** None

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Disposal of Surplus Furniture and Equipment

SUMMARY:

According to Board Policy CI(LEGAL), "The Board may, in an appropriate manner, dispose of property that is no longer necessary for District operations."

There is surplus furniture and equipment stored throughout the district. These items have been determined to be inoperable or no longer needed by the District. A partial listing of such equipment and furniture is attached. One method for disposal is to have an auction.

Mr. Gehrke have contacted an auctioneer and tentatively scheduled a sale for July 23, 2005. Funds generated by the sale will be placed in the general fund miscellaneous revenue account.

RECOMMENDATION:

It is recommended that the Board approve the sale of surplus furniture and equipment by auction on July 23, 2005.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Mr. Larry Gehrke

Date Submitted: June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Buy Board Purchase – Portion of Brawner Intermediate Roof Replacement

SUMMARY:
A portion of the roof at Brawner Intermediate has been included on the roof replacement schedule. It has experienced deterioration at a faster rate than originally planned. Water leaks are being experienced in the portion of the building being covered by the existing roof. Mr. Jack McGovern of ARMKO Industries, GISD roofing consultant, prepared specifications for the replacement of the damaged portion. Specifications were shared with several vendors. John A. Walker Roofing, Inc. has submitted a bid of $121,612 through the Buy Board Contract. This company has performed work within the District and has performed well. Mr. Larry Gehrke has reviewed the response and feels it would be in the best interest of the District to accept this bid through the Buy Board process. The acceptance would allow the work to be done during the summer whereas a bid process would require more time and delay the replacement.

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

This project is a year-end project will be funded with funds already budgeted in function 51 and not projected to be expended.

The following recommendation is that of Mr. Larry Gehrke, Maintenance Director, Mr. Randy Leach, Facilities Director, and Mrs. Sharay Boynton, Executive Director of Finance.

RECOMMENDATION:
It is recommended that the above project be purchased through the Buy Board contract from John A. Walker Roofing, Inc.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Larry Gehrke
Randy Leach

Date Submitted: June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Riverside Publishing Purchase

SUMMARY:
The ITBS test is currently used in the GISD testing program. It is mandated that these standardized tests be updated every three (3) years. The 2005-06 school year will be the fourth year for the use of the current tests, therefore, GISD will need to purchase new tests prior to the testing period of next school year. Mrs. Sharon Whitefield, Director of Curriculum, is recommending that these be purchased this summer so that they can be ready for next year's testing period. These tests are proprietary in nature and only available from Riverside Publishing. The cost to replace needed tests will be approximately $26,000.

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

This project is a year-end project. The funds needed to purchase these tests will be amended from function 51, maintenance contingency not needed for other projects, and function 81, land contingency not needed for other projects.

The following recommendation is that of Mrs. Sharon Whitefield, Director of Curriculum, and Mrs. Sharay Boynton, Executive Director of Finance.

RECOMMENDATION:
It is recommended that the ITBS tests be purchased from Riverside Publishing as addressed above.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Sharon Whitefield

Date Submitted: June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: TCPN Purchase –Grainger – Security Cameras and Accessories

SUMMARY:
Cameras are used throughout the GHS, GMS and AMS campuses for security purposes. The current budget has funds that were allocated for the enhancement and replacement of various equipment and accessories throughout these three campuses. The cameras and related accessories are available from Grainger through the TCPN contracts. The projected cost of needed equipment and accessories is approximately $45,000. Mr. Randy Leach, Facilities Director, and Mr. Larry Gehrke, Maintenance Director, recommend the purchase from Grainger. Since the cumulative cost of this project exceeds $25,000, the Board will need to approve.

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

This project is to be funded with funds already budgeted in function 52.

The following recommendation is that of Mr. Larry Gehrke, Maintenance Director, Mr. Randy Leach, Facilities Director, and Mrs. Sharay Boynton, Executive Director of Finance.

RECOMMENDATION:
It is recommended that the above project be purchased through the TCPN contract from Grainger.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Larry Gehrke
Randy Leach

Date Submitted: June 6, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 6, 2005
RE: TCPN Purchase – TRANE – Tracer Summit Building Automation Systems for Crossland & AES

SUMMARY:

Crossland Intermediate does not currently have an HVAC control system in place. With the replacement project scheduled for this summer, all of the HVAC equipment at that campus will have been replaced within the last three years. The Tracer Building Automation System is the current HVAC control system being used throughout the District. Not all campuses have an HVAC control system. A placement schedule has been established for those campuses not currently covered. As funds become available, these systems are being installed. Since the HVAC system is being addressed this summer, it was recommended that the Tracer System be installed at the same time. The projected cost of the system and necessary installation is approximately $48,500.

Acton Elementary has the Tracer System on the majority of the HVAC equipment in the building. However, there is a portion that is not connected to the system. It is recommended to go ahead and connect all units to the system. The projected cost of the equipment and installation for the Acton Elementary campus will be approximately $16,000.

The Tracer Building Automation System is available from the TRANE TCPN contract. Mr. Randy Leach, Facilities Director and Mr. Larry Gehrke, Maintenance Director recommend that the purchase be made through this contract.

The combination of these two projects has an approximate cost of $64,500. Since it is in excess of $25,000, the Board will need to approve.

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

These projects are listed on the year-end project list and will be funded with funds already budgeted in function 51 and not projected to be expended.

The following recommendation is that of Mr. Larry Gehrke, Maintenance Director, Mr. Randy Leach, Facilities Director, and Mrs. Sharay Boynton, Executive Director of Finance.

RECOMMENDATION:
It is recommended that the above project be purchased through the TCPN contract from TRANE.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible:	Sharay Boynton Larry Gehrke Randy Leach
Date Submitted:	June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 6, 2005
RE: Technology Purchase – Dell SAN – DIR Pricing

SUMMARY:

Board Policy CH(LOCAL) requires board approval on purchases in excess of $25,000. The policy states "The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases. However, any purchase that costs or aggregates to a cost of $25,000 or more shall require Board approval before a transaction may take place".

Technology purchases are all purchased using the DIR and TBPC interlocal agreements the District has entered into. DIR and TBPC award contracts via an approved purchasing method. GISD is able to purchase directly from their contracts without going through the formal bid process.

The Dell Storage Area Network has been considered for year-end project funding. The DIR pricing for this project is $120, 520.93. Since this purchase exceeds the $25,000 amount, the Board will need to approve the purchase.

The following recommendation is that of Mr. Ton Potappel, Director of Technology.

RECOMMENDATION:

It is recommended that the above purchase be made from Dell through the DIR pricing as it is in the best interest of the District.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Ton Potappel

Date Submitted: June 6, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Athletic Supplies Bid No. 2005-17
Soccer Section

SUMMARY:

A bid was let to provide athletic supplies for the 2005-2006 school year. Vendors were asked to quote firm pricing on line items that would remain the same through March 31, 2006. They were also asked to quote a percentage discount from their catalog/shelf prices for additional needs not identified in the bid. Due to the size of the bid and the number of vendors responding, the entire bid could not be processed for award at this meeting. A portion of it was processed the last meeting.

A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The following is the recommendation of David Winkleman, GHS Coach, Jamie Martin, GHS Coach, Randy Leach, Facilities Director, and Marsha Grissom, Athletic Director.

RECOMMENDATION:

That the Board award the shaded items on the attached tabulation to the vendors indicated. Item H-28 is a tied bid and will need to be decided by casting of lots prior to award. It is also recommended that all of the companies submitting a response to the catalog/list price discount portion of the bid be awarded for additional purchases of soccer supplies.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Randy Leach
Marsha Grissom

Date Submitted: June 3, 2005

BID FOR BOARD APPROVAL

Board Meeting Date: June 13, 2005 **Bid Number:** 2005-17 Athletic Supplies Soccer Portion

1. **Item, material or service (specific or classification):** Soccer Supplies

2. **Brief description:** A bid was let to provide supplies for the athletic programs at the secondary campuses.

3. **Period of time bid covers:** From written notification of award through March 31, 2006

4. **Person and title responsible for the expenditure:**

   David Winkleman – GHS Soccer Coach
   Jamie Martin – GHS Soccer Coach
   Marsha Grissom – Athletic Director
   Randy Leach – Facilities Director

5. **Number of bids sent to vendors:** 101 (included all sports)

6. **Number of bids received from vendors:** 16 (for the soccer portion)

7. **Listing of recommended vendors and total prices:** The recommendation for award is shaded on the tabulation in the column under the vendor name for a total expenditure of $10,958.84. H-28: Tie bid will need to be decided by the Board. Additional supplies will be purchased on an as needed basis from the catalog discount bid.

8. **Explanation of other than low recommendations:**

   H-1 to H-3: These items need to match existing uniforms. The Adidas uniform has thicker material for durability.

   H-3: Low bid by Caps N' Jackets was not the color specified.

   H-4: Low bidder did not have the color needed.

   H-7 & H8: Need the Adidas Copa brand to match existing in the program.

   H-15: Need the champion brand to match existing.

   H-25: Needs to be the Nike Dri-Fit to be injury free and wick away moisture.

   H-27: Need Cosmos jerseys to match existing in the program.

   H-30 & H-31: Need the Adidas Copa to match existing in the program.

   H-56: Low bid was not the color specified.

   The following items will not be awarded:
   H-11, H-14, H-18, H-26, H-33, H-34, H-35, H-36, H-37, H-40, H-42, H-43, H-50, H-52, H-54, H-55, H-58, H-59, H-60

9. **Last bid date (bid of comparable nature within last 5 years):** 03/03/04

10. **Percentage increase or decrease from last bid:** Due to the size of the bid and a change to some of the items and brands, a comparison was not made.

11. **Budget information:** Expenditures for soccer supplies will come from the following codes:

181.36.6395.00.001.5(or 6).91.0.13 with a budget of $6,000
181.36.9395.00.001.5(or 6).91.0.11 with a budget of $6,000

12. **Other comments:** The Pirate Booster Club and the Athletic Activity Fund will make donations to cover the additional expense if the items purchased for the program exceed the budgeted amount.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

HUMAN RESOURCES, FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Troy K. Green
DATE: June 13, 2005
RE: Policy DEA (LOCAL)

SUMMARY:

Attached is a copy of the revised Policy DEA (LOCAL).

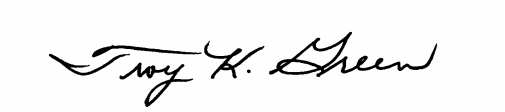
The change that is noted on the Policy revision will change the District official workweek from Saturday morning to Friday, Midnight back to Sunday morning to Saturday, Midnight.

This provision was inadvertently changed in the Policy Update 73, which the Board adopted in September 2004.

RECOMMENDATION:

It is recommended that the Board approve the Policy DEA (LOCAL) as presented

Respectfully submitted,



Troy K. Green, Executive Director of Human Resources

Staff Person Responsible: Troy Green, Executive Director of Human Resources
Mrs. Sharay Boynton, Executive Director of Finance

Date Submitted: June 7, 2005

The Superintendent shall recommend to the Board for approval pay structures and compensation plans for all District employees. Pay structures shall be designed and administered for the purpose of attracting and retaining qualified employees to achieve District goals. The Superintendent shall administer and maintain pay systems in accordance with administrative procedures for the District compensation plan.

PAY SYSTEMS DESCRIPTION

The Superintendent shall assign positions to pay ranges that define the minimum and maximum base pay for the positions.

All employees shall be paid within the assigned pay ranges unless exceptions are granted by the Board.

PAY INCREASE BUDGET

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. Pay increases beyond the budgeted amount for individuals or positions shall be subject to Board approval.

CLASSIFICATION OF POSITIONS

The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act.

EXEMPT

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

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

NONEXEMPT

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

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the Fair Labor Standards Act.

COMPENSATORY TIME

Compensation for overtime hours shall be awarded at one and a half times the employee’s regular rate of pay or by time and a half

earned in compensatory time. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay. Compensatory time earned by nonexempt employees may not accumulate beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to take compensatory time or, at the District's option, will receive overtime pay.

Compensatory time shall be used within the duty year in which it is earned. The District shall pay an employee overtime for all unused compensatory time remaining at the end of the fiscal year. Use of compensatory time may be at the employee's request or as determined by the employee's supervisor to protect the District's schedules and activities.

WORKWEEK DEFINED

For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. ~~Saturday~~ **Sunday** until 11:59 p.m. ~~Friday~~ **Saturday**.

SUPPLEMENTAL DUTIES

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act, as needed. The employee shall be compensated for these assignments according to the supplemental duty pay schedule established by the Board. These assignments may be discontinued at any time for any reason or no reason, by either party. The assignment of these duties shall not create any expectation of continued assignment to that same duty or any other duty.

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

HUMAN RESOURCES, FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Troy K. Green
DATE: June 13, 2005
RE: Catastrophic Sick Leave Bank Provisions in Policy DEC (LOCAL)

SUMMARY:

Attached is a copy of the revised Policy DEC (LOCAL).

After this policy was revised last fall, it became apparent that some further changes needed to be made to deal with the issues involved when employees chose not to join the Bank voluntarily. During the development of the wording for the new provisions of this policy, some additional new ideas emerged that could possibly solve the problems in a better way.

A "Concept Paper" was presented to the DAC containing the following ideas:

1. Every employee will automatically be enrolled in the Bank upon employment. Membership will no longer be optional. Each subsequent year, every employee will earn five (5) workdays of local sick leave.
2. Beginning on July 1, 2005, upon initial employment, each new employee will earn three (3) workdays of local sick leave. Additionally, two (2) workdays of local sick leave would be placed in the Catastrophic Sick Leave Bank in each new employee's name. In subsequent year of employment, employees will earn five (5) workdays of local sick leave.
3. For the 2005-2006 School term ***only*****,** returning/continuing employees who have not previously joined the bank would earn three (3) workdays of local sick leave. Additionally, two (2) workdays of local sick leave would be placed in the Catastrophic Sick Leave Bank in each of these returning/continuing employees' name.
4. Also for the 2005-2006 School term ***only*****,** returning/continuing employees who joined the bank during the 2004-2005 school term would earn four (4) workdays of local sick leave. Additionally, one (1) workday of local sick leave would be placed in the Catastrophic Sick Leave Bank in each of these returning/continuing employees's name.
5. All returning/continuing employees who joined the Bank prior to the 2004-2005 school year will earn five (5) workdays of local sick leave. The District will not need to place any days in the Bank in the name of these employees.

Subsequent to DAC approval of the "Concept paper", the proposed, revised policy was sent to the TASB Policy Service for legal review and compliance with existing DEC (LOCAL) policy.

These changes will accomplish the following:

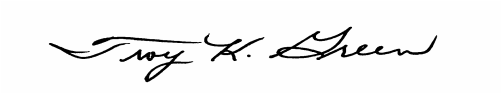
1 Help all employees in a positive way;
2 End any need for exceptions to the policy;
3 End calls to the entire District for help for any one person;
4 Put an end to fund raising activities that distract from employee regular duties.

The policy should go into effect on July 1, 2005 in order to cover all new and continuing employees for the 2005-2006 School Term.

RECOMMENDATION:

It is recommended that the Board approve Policy DEC (LOCAL) as presented.

Respectfully submitted,



Troy K. Green, Executive Director of Human Resources

Staff Person Responsible: Troy Green, Executive Director of Human Resources
Mrs. Sharay Boynton, Executive Director of Finance

Date Submitted: June 7, 2005

DEFINITIONS
FAMILY

The term “immediate family” shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, sibling-in-law.
5. Grandparent and grandchild.
6. Any person who may be residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act, the definition of “family” includes only spouse, parent, and child.

FAMILY EMERGENCY

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

WORKDAY

A workday” for purposes of accumulation, use, or recording shall mean the number of hours per day equivalent to the employee’s work assignment, whether full-time or part-time.

STATE PERSONAL LEAVE — RATE OF ACCRUAL

Each employee shall earn state personal leave, in equivalent workdays, at the rate of one-half a workday for each 18 workdays of employment, up to the statutory maximum of five workdays annually per the following chart:

Number of Days Employed	Days Earned
0— 17	0
18— 35	0.5
36— 53	1.0
54— 71	1.5
72— 89	2.0
90—107	2.5
108—125	3.0
126—143	3.5
144—161	4.0
162—179	4.5
180 +	5.0

TYPES OF STATE PERSONAL LEAVE

The Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY

1. To be taken at the individual employee's discretion, subject to limitations set out below.

NON–DISCRETIONARY

2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL)]

USE OF DISCRETIONARY LEAVE

REQUEST FOR LEAVE

A written request for discretionary personal leave shall be submitted to the immediate supervisor or designee in advance in accordance with administrative regulations. The reasons for which personal leave may be used shall not be limited by the District. In deciding to approve personal leave, however, the supervisor or designee shall consider the effect of the employee's absence on the educational program, as well as the availability of substitutes. [See DEC(LEGAL)]

DURATION OF LEAVE

Discretionary personal leave may not be taken for more than five consecutive days, except in extenuating circumstances as determined by the Superintendent.

SCHEDULE LIMITATIONS

Discretionary leave shall not be allowed on the day before or after a school holiday, days scheduled for end-of-semester or end-of-year exams, days scheduled for applicable state-mandated assessment tests, professional or staff development days or workdays, and the first or last day of a grading period, except in extenuating circumstances as determined by the Superintendent.

ADDITIONAL LOCAL LEAVE

Except for bus drivers and bus attendants, all **new** employees, shall earn ~~five~~ **three** workdays of local leave per school year~~, concurrently with state personal leave~~ *(moved below)*. **Additionally, two days of local leave shall be contributed to the Catastrophic Sick Leave Bank (Bank) in the name of each new employee.** ~~[See STATE PERSONAL LEAVE—RATE OF ACCRUAL]~~

All continuing or returning employees who did not join the Bank prior to the 2004–05 school year, shall earn three days of local leave for the 2005–06 school year. Additionally, two days of local leave shall be contributed to the Bank in the name of each of these employees.

All employees who joined the Bank in the 2004–05 school year shall earn four days of local leave for the 2005–06 school year. Additionally, one day of local leave shall be contributed to the Bank in the name of each of these employees.

Employees who have been members of the Bank for at least two years shall earn five workdays of local leave per school year.

Local leave shall be earned at the same rate as state personal leave, ~~Local eave~~ shall be accumulated without limit**,** and shall be taken with no loss of pay.

Local leave shall be used under the terms and conditions applicable to state sick leave accumulated prior to the 1995–96 school year, except as otherwise provided by this policy.

Local sick leave may also be used for first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care.

USE AND RECORDING

Available leave shall be used in the following order, as applicable:

1. Local sick leave.
2. State sick leave accumulated prior to the 1995–96 school year.
3. Current year state personal leave.
4. State personal leave.
5. Catastrophic sick leave

Leave shall be recorded in increments of half days. Employees shall be charged leave as used even if a substitute is not employed.

OTHER ABSENCES

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.

AVAILABILITY

Paid leave for the current year shall be available for use at the beginning of the school year. Paid leave shall not be approved for more workdays than have been accumulated in prior years plus those earned during the current year.

When an employee who has used more leave than he or she had accumulated ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.

MEDICAL CERTIFICATION

An employee absent more than five consecutive workdays because of personal illness shall submit, upon return to work, a medical certification of illness and of his or her fitness to return to work. An employee absent more than three consecutive workdays because of illness in the immediate family shall present, upon return to work, medical certification of the family member's illness. Medical certifications shall continue to be required at 30-day intervals.

HEALTH CARE PROVIDER	Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act. [See DEC(LEGAL)]
TEMPORARY DISABILITY	Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days.
COURT APPEARANCES	Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.
FAMILY AND MEDICAL LEAVE	For purposes **of** an employee's entitlement to family and medical leave, the 12-month period shall be July 1 through June 30.
CONCURRENT USE OF LEAVE	The District shall require employees to use family and medical leave concurrently with paid leave and with temporary disability leave if applicable.
COMBINED LEAVE FOR SPOUSES	If both spouses are employed by the District, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the District.
INTERMITTENT LEAVE	Intermittent leave shall not be permitted for the birth of the employee's child or the adoption or placement of a child with the employee.
CERTIFICATION OF ILLNESS	Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, the employee shall provide medical certification of the illness or disability.
MEDICAL RELEASE	The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.
TEACHER REINSTATEMENT	A teacher desiring to return to work at or near the conclusion of a semester may be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL).
RESIGNATION	If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.
WORKERS' COMPENSATION	An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable.

An employee eligible for workers' compensation wage benefits, and not on assault leave, shall indicate whether he or she chooses to:

1. Receive workers' compensation wage benefits; or
2. Use available paid leave. Workers' compensation wage benefits shall begin when:
   a. Paid leave is exhausted; or
   b. The employee elects to discontinue use of paid leave; or
   c. Leave payments are less than the employee's pre-injury average weekly wage.

CATASTROPHIC SICK LEAVE BANK

PURPOSE

The purpose of the Catastrophic Sick Leave Bank (Bank) is to provide additional paid sick leave days to members of the Bank who have experienced catastrophic illness or injury, including a pregnancy-related complication; who have exhausted all accumulated vacation days and state and local leave days; and who have taken five days of leave without pay.

DEFINITIONS

For purposes of this policy, catastrophic illness shall be defined as a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces an employee to exhaust all leave time earned by that employee and to lose compensation from the District.

For Bank purposes, the school year shall begin on the first official day of work for ten-month employees. (moved)

ELIGIBILITY

~~Full-time~~ **E**mployees ~~of the District who have completed one year of creditable service immediately preceding the enrollment period shall be eligible for~~ w**ho are eligible to receive local sick leave shall also be granted** membership **in the Bank**. ~~For purposes of the Bank, full-time shall be defined as a minimum of 30 hours a week. Participation shall be voluntary, but requires contribution to the Bank. [See below]~~

GOVERNING COMMITTEE (DAC)

The governing committee that approves or disapproves requests for Bank days shall be the District Advisory Council (DAC) and shall be composed of members of the Bank. The Superintendent shall vote only if necessary to break a tie.

~~JOINING THE BANK~~

~~An employee who is eligible to join the Bank may do so by contributing one day of accrued local sick leave from a previous school year.~~

~~All eligible personnel who join or renew membership in the Bank within the enrollment period each year shall be eligible for benefits beginning with the first official day of work for ten-month employees.~~

~~For Bank purposes, the school year shall begin on the first official day of work for ten-month employees.~~

~~Employees desiring to join the Bank shall complete the membership application form and submit it to the human resources office. The human resources office shall verify the employee's eligibility and enter the membership.~~

CONTRIBUTION OF DAYS

~~To become a new member of the Bank during the second and third year of employment, an employee shall contribute one day from his or her prior years' accrued local sick leave for two consecutive years. Each day shall be subtracted from the member's accrued local sick leave in the year it is contributed.~~

At the beginning of each school year, the District shall contribute days to the Bank for each eligible employee. [See LOCAL LEAVE above]

The days donated ~~become~~ **remain** the property of the District. ~~All donations shall remain in force and shall not be returned even upon cancellation of a membership.~~

Each person who leaves the employment of the District shall be given the opportunity to contribute to the Bank one half of his or her unused accrued local sick leave days. Such days shall be set aside and contributed to the Bank only if it should become insolvent. The Bank ~~shall~~ **may** be considered insolvent if the number of days are fewer than twice the number of members. **[see SOLVENCY below]**

~~Contributions for renewal of membership shall be accepted beginning July 1. In no event shall the annual contribution be more than one day per Bank year. For contributing members who did not use the Bank during the prior year, the annual rate of contribution shall be one day of sick leave per year until the Bank is solvent.~~

~~If a member uses one or more days from the Bank during a Bank year, he or she shall be required to donate one additional day the following Bank year in order to have continuing membership in the Bank.~~

~~If a member cancels his or her membership in the Bank, the days contributed for membership remain the property of the Bank. If, in a subsequent Bank year, the member wishes to rejoin the Bank, he or she may do so during the enrollment period by again donating two days.~~

GRANTING OF DAYS

Requests for Bank days shall be made within 30 days of the absence to be considered.

Days from the Bank shall be granted based on the following:

1. Bank days shall be granted only for absences from working days and shall not be granted for holidays, vacation days, or noncontract days.

2. Pre-existing conditions shall include, but shall not be limited to, any condition for which the member received treatment during the 12-month period preceding the member's enrollment in the Bank. Charter members shall be exempt from meeting these conditions.

3. Unless there is a related complication, pregnancy shall not be covered. Complications arising from childbirth shall be considered on an individual basis, provided the recovery period requires longer than six weeks.

4. Bank days shall not be authorized for illness or disability resulting from substance abuse rehabilitation (including injuries resulting from substance abuse), self-inflicted injury, or act of war.

5. The DAC shall be authorized to approve up to 40 days per Bank year for a member's personal illness or injury or for the care of a spouse or a dependent child. Additional days shall require the recommendation of the DAC and Superintendent, and the approval of the Board.

6. The DAC may consider a request by a member for up to ten days to assist other critically or terminally ill immediate family members per Bank year. [See DEFINITIONS/FAMILY above]

7. The Bank shall not grant more days than ~~its members have collectively~~ **the District has** contributed.

8. The DAC may request a medical review by a physician of the committee's choice at the member's expense.

9. At the end of the Bank year, all unused sick leave days in the Bank shall be carried over to the next Bank year.

10. A member shall lose the right to use the benefits of the Bank by:

    a. Termination or suspension of employment in the District.

    b. ~~Cancellation of participation by the member (in writing) at any time.~~

c. Attempted abuse of the Bank and/or its policies.

d. ~~Refusal to continue regular contributions.~~

PROCEDURES

The application procedure shall be as follows:

1. The DAC shall review individually all requests for Bank days.
2. The DAC may request that a member appear before the committee to substantiate the validity of the request.
3. The DAC shall determine the number of days approved and shall reserve the right to approve, deny, or modify the days requested.
4. No member of the DAC shall participate on the committee when making a personal request for Bank days or when the committee is considering a request made by a family member.
5. The Superintendent shall ensure that the human resources office is notified of the outcome of all requests for Bank days. The human resources office shall notify the member of the outcome.

[See DEC(REGULATION) for application guidelines]

SOLVENCY

If the District should ever declare the Bank to be insolvent, the Superintendent shall recommend to the Board a procedure for funding the Bank in subsequent years.

INDIVIDUAL CATASTROPHIC LEAVE FUND

PURPOSE

~~The purpose of the Individual Catastrophic Leave Fund (Fund) is to provide additional paid sick leave days to an employee who is eligible to join the Bank, but has not been able to do so because all available leave has been used for continuing catastrophic circumstances as defined at CATASTROPHIC SICK LEAVE BANK above.~~

DEFINITIONS

~~The definitions used for purposes of the Bank shall also apply to the Fund.~~

ELIGIBILITY

~~An employee must meet the same eligibility requirements as for participation in the Bank and shall:~~

1. ~~Have exhausted all accumulated state and local leave for reasons that qualify for Bank days.~~
2. ~~Have taken five days' leave without pay.~~
3. ~~Have completed one year of employment prior to the enrollment period for the Bank.~~

APPROVAL

~~The DAC for Bank days shall also be the governing committee that approves or disapproves requests for Fund days. [See GOVERNING COMMITTEE above]~~

FUND PROCEDURES

~~Requests for Fund days shall be processed as follows:~~

1. ~~All requests shall be submitted to the Superintendent in writing.~~

2. ~~Upon receipt of the request, the Superintendent shall appoint a subcommittee of at least three DAC members to consider the request. At least one of the three shall be from the requestor's campus/department.~~

3. ~~Approvals shall be based on the same criteria as those for granting days from the Bank except that preexisting conditions shall be considered on an individual basis.~~

4. ~~The subcommittee shall determine if the requested days are for absences taken for the purposes approved for Bank days and then report its findings and recommendation to the DAC.~~

5. ~~The DAC shall then make a recommendation to the Superintendent.~~

6. ~~If the Superintendent approves the request, the Superintendent or designee shall issue a call in the name of the Superintendent to all eligible employees asking for donations of local sick leave days.~~

7. ~~A Fund shall then be established for the requestor with a maximum of 40 days.~~

RESTRICTIONS

~~In order to make contributions to a Fund, an employee must have a balance of accrued local sick leave. An employee may contribute up to ten percent of his or her balance in increments of whole days.~~

~~Donated days shall be entered into the account in the order received and shall become the property of the District. Donated days over 40 shall be returned to the original donor.~~

~~An eligible employee may draw from the Fund until he or she has used up to 40 days. A request for a second Fund for an individual shall require the recommendation of the DAC and the Superintendent and the approval of the Board.~~

~~Ten days may be activated at any one time for any specific employee, until the maximum of 40 days is reached.~~

CONFIDENTIALITY

~~All contributions to Funds 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).~~

BUYBACK AT RETIREMENT

The Board shall determine annually whether funds are available for a retirement reimbursement program. Upon approval of the program, employees who have at least 15 years continuous service in the District immediately preceding retirement and who meet the requirements for retirement with the Texas Teacher Retirement System shall be reimbursed upon retirement for half of any unused local sick leave. Payment shall be at the rate of one half of the employee's regular daily rate of pay up to a maximum of $15,000 per employee.

To be eligible for reimbursement, the employee must notify the District of his or her retirement no later than February 1, of the school year in which the retirement will occur.

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: June 3, 2005
RE: Bond Refunding

SUMMARY:

Mr. Bill Gumbert of RBC Dain Rauscher met with Mr. Harris and myself last week to discuss the possibility of issuing new bonds to pay off existing higher interest bonds. The attached memo provides details of the discussion.

Current market does not meet the parameters that Mr. Gumbert would advise for a refunding. However, he also discussed with us recent legislation that allows the Board of Trustees to designate the ability to approve the issuance of bonds to District Administration as long as certain parameters are met. This is pursuant Section 1207.007 of the Texas Government Code, as amended. This process will allow the flexibility to take advantage of market conditions promptly without taking the time to get board action.

The parameters that Mr. Gumbert would advise are identified on page 4 of the memorandum.

If the Board chooses to take advantage of this process, the attached order will have to be adopted.

RECOMMENDATION:

I recommend the Board adopt the order with the parameters set forth by Mr. Gumbert.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
William Harris

Date Submitted: June 3, 2005

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: June 13, 2005
For: Approval

TO: Mr. William Harris, Superintendent **FROM**: Sharay Boynton
DATE: June 3, 2005
RE: External Auditor

SUMMARY:

According to Board Policy CFC(LEGAL), "The Board shall have the District's fiscal accounts audited annually at District expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy." We retained Snow, Garrett & Company in the Spring of 2000 as external auditor after a RFP process for a period of annual renewal for up to five years. Work has been good and reporting has been timely. I feel that it would be in the best interest to continue this relationship.

It is my recommendation that we engage Snow, Garrett & Company as the external auditors for the fiscal year ended August 31, 2005. A copy of the engagement letter is attached for your review.

RECOMMENDATION:

That the Board authorize Mr. Harris to execute the engagement letter as prepared by Snow, Garrett & Company for the fiscal year ended August 31, 2005.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay S. Boynton

Date Submitted: June 3, 2005

Granbury Independent School District

Boys & Girls Club of Hood County

Mission

- Provide role models for students
- Provide an opportunity and an environment for development and growth
- Encourage and Assist in improved grades
  - GISD – Classroom & Homework
  - BGC – Study Hall (Power Hour)

Boys & Girls Club of Hood County Membership

Year	Members
2002	633
2003	667
2004	975
2005	1000+

Statistics on Power Hour

- 150 participants in Power Hour (2003-04)
- 36% improved grades
- Of those, 74% improved by more than 5 pts.
- Those improvements included:
  - English 22%
  - Reading 17%
  - Math 13%
  - Social Studies 14%
  - Science 17%

Statistics on Power Hour

- 167 participants in Power Hour-(2004-05)
- 22% Classified as “at risk”
- 70% of “at risk” improved from one six week period to the next

Power Hour

- Currently monitored but not staffed to tutor
- Valuable as a discipline for study but not tied to curriculum of GISD
- Needs to be staffed to provide specific help in student studies with knowledge of topics being reviewed

Opportunity

- Work closer together
- Align Power Hour more closely to curriculum of GISD
- Add one or more rooms for Power Hour to reduce confusion and improve overall quality
- Upgrade Power Hour by staffing with GISD Teachers
  - Decker and Rancho Brazos
  - Augment with volunteers from GISD and community

Recommendation

- GISD provide BGC space at Decker at no cost
- BGC hire teachers as Power Hour Directors
- GISD place a member on the Board of BGC
- GISD School Board place a member on the Board of BGC

Result – We are a team!

Granbury Independent School District

Boys & Girls Club of Hood County

Summary

Better for Granbury Independent School District

Better for the Boys and Girls Club of Hood County

But best of all The Kids Win!