Regular

Monday, January 22, 2007 5:00 PM
Granbury ISD Board Room, 600 West Pearl St., Granbury, TX 76048, W Pearl St, Granbury, TX 76048

1. **Call to order**
2. **Superintendent's Evaluation**
3. **Convene in closed session under the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq.**

a. Chapter 551.074 - Personnel
1. Consider staff appointments
2. Review Superintendent Evaluation

b. Chapter 551.072 - Purchase, exchange, lease or value of real property
1. Consider sale of property at 205 E Pearl Street

4. **Reconvene in open session**
5. **Opening Comments/Invocation**
6. **Pledges - U.S. Flag & Texas Flag**
7. **Reports**

a. Reports by the Executive Director of Finance - Sharay Boynton
1. November 2006 financial statements
2. November 30, 2006 investment report

b. Reports by Assistant Superintendent's Office
1. Common scope, sequence and assessments report
2. High School Allotment report

c. Reports by the Superintendent - William Harris
1. Academic Excellence Indicator System (AEIS) follow up report
2. Update on facility improvements
3. Update on mineral rights process
4. Update 79
5. Hood County Appraisal District Board of Directors Election Results
6. Schedule board candidate workshop
7. School Board recognition

8. **Board members special reports**

a. Announce school board member training hours

9. **Consider consent agenda items**

a. Minutes of the December 11, 2006 regular board meeting and January 154, 2007 special board meeting minutes
b. Budget amendments
c. Modified schedule/TAKS testing days waiver
d. Construction Procurement method
e. Administrative furniture 2005-14 (renewal)
f. Computer and copy paoper bid no. 2006-27
g. Technology purchases
h. Waste management services

10. **Consider semester/tri-mester scheduling for grades 9-12**
11. **Review Aramark Food Service Contract**
12. **Consider calling May 12, 2007 Board of Trustee election for the purpose of filling places 5, 6 and 7**
13. **Public comments/audience participation**
14. **Consider action on items discussed in closed session**

a. Personnel - staff appointments
b. Purchase, exchange, lease or value of real property

1. Consider sale of property at 205 E Pearl Street
15. **Adjourn**

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Information

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: January 15, 2007
RE: 11/30/06 Financial Statements

SUMMARY:

Attached are the financial statements for the period ended November 30, 2006 for the general operating fund.

The statements for the period ended November 30, 2006 include only those transactions that occurred between the period of September 1, 2006 and November 30, 2006. Revenue collected to date equal 21.17% of the budgeted amount compared to 11.45% last year. Expenditures to date represent 24.43% of the budget compared to 24.75% last year.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Sharay Boynton
Emmett Whitefield

Date Submitted: January 15, 2007

Sharay Boynton, CPA
Executive Director of Finance

January 15, 2007

Granbury Independent School District Board of Trustees:

The Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) requires the investment officer of each local government to submit to its governing body a report, not less than quarterly, of investment transactions.

The **Portfolio Summary Report** identifies all areas that are required to be reported to the governing body. The report summarized the information for all six groups of funds that the District invests funds. The report shows that all six funds are being invested at a rate similar to the average benchmark yield. The benchmark used is the 90-day T-Bill.

The total book value of investments held by the District on November 30, 2006 was $20,812,936. The General Fund holds the majority of the investments.

The District invested in the pools and the interest bearing checking accounts during the last quarter. During this time, the market started realizing a rise in interest rate on long term monies. The yield between the pools and the interest bearing checking accounts is consistent with that of individual Treasuries and Agencies. Term investments were researched and will be purchased as feasible. Funds will be reallocated to take advantage of the higher yield associated with the long-term investments as the opportunities become available.

Throughout most of last quarter, TEXPOOL maintained a higher yield than LOGIC, TexasTerm Daily and TASB-Lone Star. TexasTerm I, investments with set maturities, yield was slightly lower than the TEXPOOL fund and funds are not as liquid as they are in the pools and with the interest rate steadily rising, it may not serve well to limit interest income for a period of time. These rates are being watched and investments being made as feasible. The interest yield on the checking accounts is lower than TEXPOOL. The new depository agreement entered into effective 9/1/05, realizes a floating interest rate depending on 90-day t-bill adjusted quarterly and should allow for a more competitive rate with the rising interest rate market. Further, the new depository has set up an investment account that maintains a rate consistent with TexPool's prior month average yield adjusted monthly. Funds were invested in this account and allows for more earnings while maintaining the diversity needed for public funds. Due to collateral and diversity issues, funds are invested in the pools, TexasTerm I and the bank depending on the needs of the individual funds.

Funds are invested to yield the highest return and security at the time of investment or withdrawal. Graphs showing the percentage breakdown of investments as well as transactions for all funds are attached for your review.

The information presented above and the attached are submitted to you as the quarterly report of investment transactions for Granbury Independent School District.

William Harris
Superintendent

Sharay S. Boynton, CPA
Executive Director of Finance

William Harris, Superintendent
600 West Bridge • Granbury, Texas 76048 • Phone (817) 408-4015 • Fax (817) 408-4033
sharay_boynton@granbury.k12.tx.us

PORTFOLIO SUMMARY REPORT
PERIOD ENDING 11/30/06

GRANBURY ISD – GENERAL OPERATING INVESTMENT FUNDS

Beginning Book Value	$18,768,451
Beginning Market Value	$18,768,451
WAM at Beginning of Period	1 Days
Change to Market Value	$ 0
Ending Book Value	$18,768,451
Ending Market Value	$18,768,451
Gain/Loss	$ 0
WAM at Ending Date	1 Days
Period Yield to Maturity	5.24%
Period Average Benchmark Yield	5.03 %

GRANBURY ISD – FOOD SERVICE INVESTMENT FUNDS

Beginning Book Value	$ 386,248
Beginning Market Value	$ 386,248
WAM at Beginning of Period	1.0 Days
Change to Market Value	$ 0
Ending Book Value	$ 386,248
Ending Market Value	$ 386,248
Gain/Loss	$ 0
WAM at Ending Date	1.0 Days
Period Yield to Maturity	5.21%
Period Average Benchmark Yield	5.03%

GRANBURY ISD – SCHOLARSHIP/TRUST INVESTMENT FUNDS

Beginning Book Value	$ 83,171
Beginning Market Value	$ 83,171
WAM at Beginning of Period	1.0 Days
Change to Market Value	$ 0
Ending Book Value	$ 83,171
Ending Market Value	$ 83,171
Gain/Loss	$ 0
WAM at Ending Date	1.0 Days
Period Yield to Maturity	4.62%
Period Average Benchmark Yield	5.03%

GRANBURY ISD – DEBT SERVICE INVESTMENT FUNDS

Beginning Book Value	$ 1,437,835
Beginning Market Value	$ 1,437,835
WAM at Beginning of Period	1 Day
Change to Market Value	$ 0
Ending Book Value	$ 1,437,835
Ending Market Value	$ 1,437,835
Gain/Loss	$ 0
WAM at Ending Date	1 Day
Period Yield to Maturity	5.23%
Period Average Benchmark Yield	5.03%

GRANBURY ISD – BUILDING FUND INVESTMENT FUNDS

Beginning Book Value	$ 13,670
Beginning Market Value	$ 13,670
WAM at Beginning of Period	1.0 Days
Change to Market Value	$ 0
Ending Book Value	$ 13,670
Ending Market Value	$ 13,670
Gain/Loss	$ 0
WAM at Ending Date	1.0 Days
Period Yield to Maturity	4.67%
Period Average Benchmark Yield	5.03 %

GRANBURY ISD –SELF INSURANCE INVESTMENT FUNDS

Beginning Book Value	$ 123,561
Beginning Market Value	$ 123,561
WAM at Beginning of Period	1.0 Days
Change to Market Value	$ 0
Ending Book Value	$ 123,561
Ending Market Value	$ 123,561
Gain/Loss	$ 0
WAM at Ending Date	1.0 Days
Period Yield to Maturity	4.64%
Period Average Benchmark Yield	5.03%

Prepared by: Finance Director

Superintendent

What must be taught in Texas?	Texas Essential Knowledge and Skills (TEKS)
	• Mandated by the state of Texas • Tell which knowledge and skills must be taught at each grade level • Tell the cognitive levels at which students must learn and be able to think about content • Build from year to year • Are tested on the TAKS Test in accordance with No Child Left Behind

↓

When should TEKS be taught?	GISD Scope and Sequence
	• Tells teachers which TEKS to teach each six weeks for every subject at every grade level • Ensures that all TEKS are taught at appropriate grade levels • Allows teachers to choose how they'll teach TEKS except for common lessons • Gets all teachers at a grade level teaching the same skills and content during the same week • Supports students who change schools in GISD • Helps teachers work together to plan and locate instructional resources • Teachers provide feedback on sequence, pacing, needed resources, etc. to be considered in Scope & Sequence • Will be revised in the summer to change sequence & pacing, add resources, include common lessons, etc. as needed

↓

Which TEKS are students learning? Which TEKS need to be retaught?	Common Assessments
	• Includes 20-35 TAKS-type questions • Test the TEKS that were specified in the Scope and Sequence for the grading period • Read by ISs & content specialists to ensure match with TEKS and high quality questions • When test is complete, a blueprint is sent to the teacher more than a week & a half before test; teacher plans reviews & supplies study guide • Identify which TEKS need to be retaught to individual students and/or the whole class • Teachers complete Reflection Form with IS to identify ways to improve teaching of the TEKS • Used to revise Scope & Sequence • Tell when a common lesson might be needed

⇆

What does instruction look like in Granbury classrooms? What strategies, resources, and grouping strategies are we using? What do we need to do differently in terms of instruction?	Instructional Snapshots
	• Many 4-minute snapshots are done to collect data on what's happening in Granbury classroom (TEKS, materials, grouping strategies, instructional strategies) • No name of teacher—only subject & grade • Snapshot form is completed by an administrator, department head, teacher, counselor, IS or teacher • The data from all forms is tallied by subject, grade, and whole school at specific times • Used to engage teachers in thinking about how they need to improve • Used to plan professional development for teachers

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Preparation for the next school year	Preparation for the TAKS (tied in with state ratings & AYP)	Preparation for Life

Great Schools: What makes them great?

Great schools are thinking about different problems. They are always looking to see what works and what isn't working.

Great schools work because they're based on what works for kids.

Creating Change

We need to have a process in place that questions everything.

Systems don't get better when you agree to disagree. Create some healthy adversity. You have to have some adversity to grow.

If it "ain't" broke, break it. We are never "there"; we can always get better.

“Holy Trinity of Change”

1) Common Scope and Sequences

2) Short Term Common Assessments

3) Instructional Snapshots

Common Scope and Sequences

Districts must have a common scope and sequence among schools to be able to compare "apples to apples".

Common scope and sequences allow us to have a guaranteed and viable curriculum at all campuses.

Common Assessments

Great schools & organizations measure everything that matters.

Data make the invisible visible, by revealing strengths and weaknesses that are easily concealed.

-- Schmoker

Common Assessments give us the data we need.

The only way to get better is to be scientific.

Without common assessments, we're counting on luck. Assessments take out the luck and make it scientific.

We need to know what works. To find that out, we have to measure. To measure, we have to assess.

Assessments are more than giving a grade…they are telling us if students are mastering the material.

Instructional Snapshots

Instructional Snapshots are a way to gather data on what's happening in Granbury classrooms (TEKS, materials, grouping strategies, instructional strategies)

The business of school is instruction. If we're not doing the actual instruction, then we need to be monitoring the instruction in order to be effective.

Instructional Snapshots are about finding ways to improve instruction.

We must replace less effective practices with more effective practices.

We must collaborate as a district and share instructional ideas in order to help students achieve.

The most effective teachers are six times more effective than the least effective teachers.

It takes a semester of remedial classes and summer school to make up the learning lost from one semester of ineffective teaching.

Becoming Great

There is no "template". Every great district has to develop what works for it.

Leaders have to create a sense of urgency. We can't keep losing kids.

Schools have to create professional learning communities where everyone is in the business of learning and improving.

If you see teachers struggling, create networks. Send them to other classrooms to watch, or send effective teachers to their classrooms to teach.

To become experts in teaching, we have to see lots of teaching to see what works.

TEKS and Scope and Sequences

Bobby Mabery

TEKS

- Mandated by the state of Texas in 1997
- Tell which knowledge and skills must be taught at each grade level
- Tell the cognitive levels at which students must learn and be able to think about content
- Build from year to year
- Are tested on the TAKS Test in accordance with the federal "No Child Left Behind" law

Scope and Sequence

- Outlines **when** the TEKS will be taught each six weeks for every subject at every grade level
- Ensures that all TEKS are taught at appropriate grade levels
- Ensures that all teachers at each grade level teach the same skills and content during the same week

Scope and Sequence

- Supports students who change schools in GISD
- Helps teachers work together to plan and locate instructional resources
- Will be revised in the summer to change sequence & pacing, add resources, include common lessons, etc.

- S&S allows teachers to provide feedback each six weeks on the sequence, pacing, resources and activities to be considered in Scope & Sequence

GISD Scope & Sequence Reflection Form

Campus_____
Grade Level_____Subject_____
Six Weeks Period (Highlight/Circle One): 1st 2nd 3rd 4th 5th 6th
Date_____
Teachers Present_____

Scope and Sequence Issues:
TEKS that present challenges according to the common assessment data.
Why? Suggestions for addressing these challenges.

Pacing issues: (Be specific)

Resources:
Additional **resources** not listed in the Scope and Sequence that you found useful for teaching the TEKS:

Additional **activities** not listed in the Scope and Sequence that you found useful for teaching the TEKS: (See attached)

Challenges of correlational resources listed in the Scope and Sequence (FOSS, GEMS, Common Lessons, etc.)

TEKS / Scope and Sequence Example

- (1) In Grade 6, students study people and places of the contemporary world. Societies selected for study are chosen from the following regions of the world: Europe, Russia and the Eurasian republics, North America, Middle America, South America, Southwest Asia-North Africa, Sub-Saharan Africa, South Asia, East Asia, Southeast Asia, Australia, and the Pacific Realm. Students describe the influence of individuals and groups on historical and contemporary events in those societies and identify the locations and geographic characteristics of selected societies. Students identify different ways of organizing economic and governmental systems. The concepts of limited and unlimited government are introduced, and students describe the nature of citizenship in various societies. Students compare institutions common to all societies such as government, education, and religious institutions. Students explain how the level of technology affects the development of the selected societies and identify different points of view about selected events.

TEKS / Scope and Sequence Example

For regions of the world: Europe, Russia and the Eurasian republics, North America, Middle America, South America, Southwest Asia-North Africa, Sub-Saharan Africa, South Asia, East Asia, Southeast Asia, Australia, and the Pacific Realm, students will learn:

- History
- Geography
- Economics
- Government
- Citizenship
- Culture
- Science, technology, and society

TEKS / Scope and Sequence Example

- The TEKS require that students be taught all of these strands, not just history
- The focus of the TEKS is on the contemporary world
- The textbook focuses on history of these regions
- The teachers are required by law to teach all of these TEKS
- The teachers must use additional resources to teach the TEKS; the textbook is inadequate

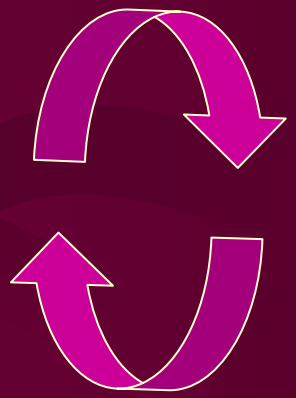
Common Assessments

Dr. Joyce Melton Pages

- *Use TAKS-like questions from a variety of quality sources such as internet databases, regional service center, GISD teachers, etc.*
- *Test the TEKS that were specified in the Scope and Sequence for the grading period*
- *Reviewed by Instructional Specialists & content specialists to ensure they are high quality questions and match the TEKS in the Scope and Sequence*
- *When assessments are written, a blueprint is sent to teachers weeks in advance of the test date so teachers can plan reviews & supply students with study guides*
- *Data are used to through the CARA process to identify which TEKS need to be retaught to individual students and/or the whole class*

CARA Process

- Collect
- Analyze
- Reflect
- Act



Teachers complete Reflection Forms with Instructional Specialists to identify ways to improve assessment of the TEKS as outlined in the Scope and Sequence

GISD Common Assessment Reflection Form

Campus_____Grade Level_____Subject_____
Six Weeks Period Tested (Highlight/Circle One): 1st 2nd 3rd 4th 5th 6th
Date_____Teachers Present_____

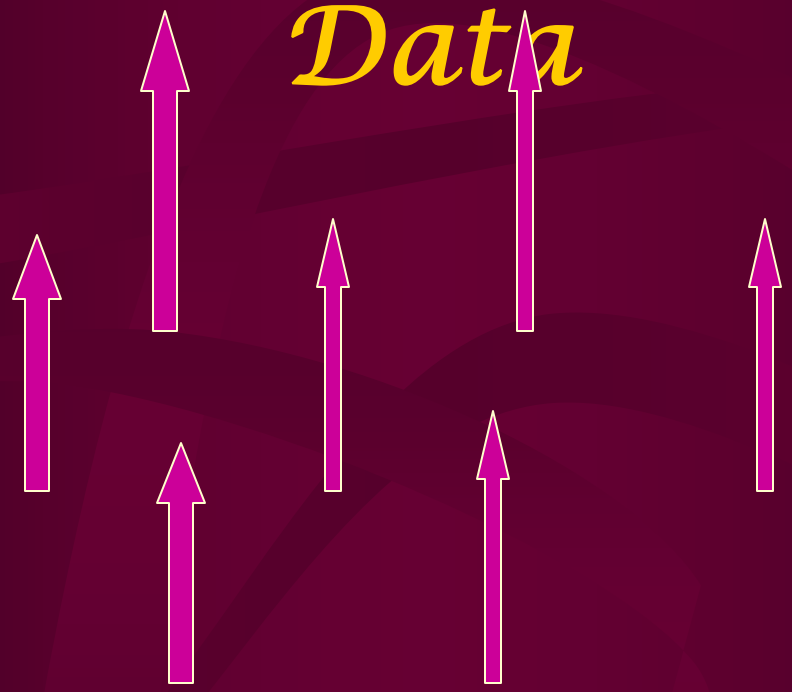
Common Assessment Question Please type in number and question wording	TEKS # Please type (cut and paste) in actual TEKS Student Expectation wording from http://www.tea.state.tx.us/teks/index.html	Does question align with all 4 parts of the TEKS? (Verb and topic)	If not, suggested question to address TEKS verb and topic.
		❑ Verb ❑ Topic	
		❑ Verb ❑ Topic	
		❑ Verb ❑ Topic	
		❑ Verb ❑ Topic	
		❑ Verb ❑ Topic	
		❑ Verb ❑ Topic	

Other Comments, Observations, Suggestions:_____
_____
_____
_____

Random Acts of Improvement

I think….

Deliberate Acts of Improvement based on Data



I Know…….

Instructional Snapshots

Jimmy Dawson

- *Snapshot forms are completed by district and building administrators, department heads, counselors, Instructional Specialists and teachers*

- *The data from all forms are tallied by subject, grade, and whole school at specific times*

- *Data are used through the CARA process to engage teachers in thinking about how they may improve instruction and to plan professional development for teachers*

- *Approximately four minutes per classroom—a "snapshot"*

- *Used to collect data on what's happening in GISD classrooms (TEKS, materials, grouping strategies, instructional strategies, Bloom's level of instruction, etc.)*

- *Not evaluative—no teacher names—only subject & grade*

Creating a Professional Learning Community

Becky Strain

Principal is the Instructional Leader of the school . Instructional Specialist is an extension of the principal & duties include:

- *Assisting the GISD Curriculum Department and the building principal in improving instruction at the school level.*
- *Meeting weekly with GISD Curriculum Department*
- *Meeting at least weekly with the Principal*

- *Meeting monthly with departments to analyze Common Assessment and Instructional Snapshot data and set instructional goals through the CARA process*

- *Meeting monthly with the campus leadership team to assist with school goals and policies*

- *Introducing GISD programs to teachers and assisting with implementation*
- *Helping teachers analyze TAKS data for their students*
- *Assisting teachers with instructional needs, including planning lessons and activities, gathering resources, identifying students for intervention, etc.*
- *Demonstrating lesson in classrooms*

- *Meeting horizontally with AMS and GMS departments to analyze Scope and Sequence and introduce new teaching strategies*
- *Tutoring dyslexic students*
- *Overseeing GMS Tutoring Program*
- *Organizing classroom walkthroughs with GMS teachers—teachers have said this is the best professional development they have ever received!*

High School Allotment: High School Completion and College Readiness

Board Meeting

January 22, 2007

How may districts use High School Allotment funds?

- Section 39.114 High School Allotment states that school districts and campuses must use funds under 42.2516(b)(3) to:
  - Implement college readiness programs to prepare underachieving students for college
  - Implement programs that encourage students toward advanced academic opportunities, such as dual credit and AP
  - Implement programs that give students opportunities to take academically rigorous course work, including four years of math and science
  - Implement programs that align the curriculum for grades 6-12 with postsecondary curriculum
  - Implement other high school completion and success initiatives in grades 6 through 12 as approved by the commissioner

School District Annual Performance Review

- TAC 61.1099:
  - Percentage of students graduating from high school
  - Enrollment in advanced courses, including College board advanced placement, International Baccalaureate course, and dual or college credit courses
  - Percentage of students successfully graduating on the Recommended High School Program or Distinguished Achievement Program described in Chapter 74
  - Percentage of students who achieve the high education readiness component qualifying scores on the ELA of the exit-level TAKS
  - Percentage of students who achieve the higher education readiness component qualifying scores on the math exit-level TAKS

GISD Goals

- Goal #1
  - The completion rate at Granbury High School will increase to 94% for all students, 94% for White students, 90% for Hispanic Students, and 90% for Low SES students in the 2006-07 school year. AEIS report will supply the findings.

GISD Goals

- Goal #2
  - Enrollment in advanced courses, including College Board advanced placement courses, International Baccalaureate course, and dual or college credit courses will increase to 28% for all students, 29% for White students, 27% for Hispanic students, and 20% for Low SES students. AEIS report will supply the findings.

GISD Goals

- Goal #3
  - Percentage of students successfully graduating on the Recommended High School Program or Distinguished Achievement Program described in Chapter 74, Subchapter E, of this title (relating to Graduation requirements, Beginning with school year 2004-05), or Chapter 74, Subchapter F, of this title (relating to Graduation requirements, Beginning with school year 2007-08) will increase to 70% in the 2006-07 school year. AEIS report will supply the findings.

GISD Goals

- Goal #4
  - Percentage of students who achieve the higher education readiness component qualifying scores on the English language arts section of the exit-level Texas Assessment of Knowledge and Skills (TAKS) will increase to 45% for all students, 46% for White students, 25% for Hispanic students, and 40% for Low SES students. AEIS report will supply the findings.

GISD Goals

- Goal #5
  - Percentage of students who achieve the higher education readiness component qualifying scores on the mathematics section of the exit-level TAKS will increase to 47% for all students, 50% for White students, 35% for Hispanic students, and 34% for Low SES students. AEIS report will supply the findings.

High School Allotment Program Plans

- Instructional Specialists
  - GHS, CNG, AMS, GMS
- Lynn Pool, Principal CNG
  - 9th Grade Academy
- Marsha Grissom, Principal GHS

High School Allotment Committee Members

- Special thanks to the following for serving on this committee
  - CNG
    - Lynn Pool, Kelly Been, Kay Bartley, Kim Spencer, Elizabeth Ward, Leslie Cowden
  - GHS
    - Marsha Grissom, Ann Schmidt, Barbara Calhoun, Jana Reid, Sheila McKamy, Tammy Burns
  - STARS
    - Edwin Young
  - Central
    - Sharay Boynton and Sharon Whitefield

Academic Excellence Indicator System
GISD 2005-06
Other Indicators

Annual Dropout Rate

Completion Rate

College Readiness Indicators

Annual Dropout Rate

Two annual dropout rates indicators are shown:

1. Annual dropout rate **(Gr 7-8)** this shows the number of students in grades 7-8 designated as **official dropouts** divided by the number of students in grades 7-8 who were in attendance at any time during the school year.
2. Annual dropout rate **(Gr 7-12)** this shows the number of students in grades 7-12 designated as **official dropouts** divided by the number of students in grades 7-12 who were in attendance at any time during the school year.

Shown for 2004-05 and 2003-04 school years.

Annual Dropout Rate (Gr 7-12)

This is the rate used in determining campus accountability rating

	TX	Region XI	GISD	CAMPUS GHS
04-05	0.9%	.6%	1.0%	2.1%
03-04	0.9%	.5%	1.0%	1.9%

Annual Dropout Reasons

- Academic performance
- Job
- Age
- Marriage
- Pregnancy
- Homelessness
- Drug Abuse

Source: Texas Education Agency

- Lack of connection to the school environment
- Perception that school is boring
- Lack of motivation
- Academic challenges
- Weight of real world events.

Source: The Silent Epidemic
Perspective of High School Dropouts

Dropouts: No single reason-No single solution

PREVENTION STRATEGIES

- Coordinated effort of teachers, counselors, assistant principals, and parents/guardians.
- Tutorials/Library Evenings
- TAKS Prep classes
- SOAR Lab
- Credit by Exams
- ELS/At-Risk/SAT/504 support
- Flexible/Abbreviated scheduling
- Attendance calling system
- Truant Officer
- STARS Referrals
- Social Services

Current GHS Programs

- Improve teaching and curricula to make school more relevant and engaging
- Improve instruction and assess to supports
- Provide smaller classes with more individualized instruction
- Increase supervision to foster academics
- Foster relationships
- Improve communication between parents and school

Source: The Silent Epidemic *Perspective of High School Dropouts*

Dropouts: *Future Predictions*

- The use of a common definition for calculating dropout rates is now mandated in Texas by SB 186 (National Center for Educational Statistics)
- More accurate data from states and schools means dropout rates will likely go up in the short term
- More accurate national data from federal departments will help track across state lines
- Because the financial cost of not graduating runs high, efforts across the state are focused on programs that reduce dropouts and encourage post high school education. (High School Allotment)

Completion/Student Status Rate

This indicator shows the status of a group of students after four years in high school. The group consists of students who first attended 9th grade in 2001-02 and are the Class of 2005. Any student who transferred into the group is added to it and any student who transfers out of the group is subtracted from it. Students do not change groups otherwise, even if they repeat a grade or graduate early. Students who graduate with an IEP are counted. Students who complete all requirements but failed part of the exit-level TAKS are taken out of the group.

Completion Rate

Four Possible Student Outcomes

1. **Graduated-**Received diploma on time or earlier
2. **Received GED-**Before March 1, 2006
3. **Continued High School-**Enrolled for 2005-06
4. **Dropped Out-**Left school before fall 2005-06

Completion Rate

Class of 2005

	TX	XI	GISD	GHS
Graduated	84%	86.8%	81.9%	86.7%
GED	3.8%	3.6%	6.0%	3.6%
Enrolled	7.9%	6.3%	7.7%	5.6%
Dropped Out	4.3%	3.3%	4.4%	4.1%

Class of 2004

	TX	XI	GISD	GHS
Graduated	84.6%	86.2%	80.6%	83.5%
GED	4.2%	4.3%	9.1%	7.1%
Enrolled	7.3%	6.3%	5.8%	4.9%
Dropped Out	3.9%	3.2%	4.5%	4.5%

Completion Rate

Completion Rate II (with GED)

Alternative Education Accountability Indicator

	State	Region XI	GISD	GHS
2005	95.7%	96.7%	95.6%	95.9%
2004	96.1%	96.8%	95.5%	95.5%

Completion Rate I (without GED)

Standard Accountability Indicator

	State	Region XI	GISD	GHS
2005	91.9%	93.1%	89.6%	92.3%
2004	91.9%	92.5%	86.4%	88.4%

College Readiness Indicators

- Advanced Course/Dual Enrollment Completion
- Recommended High School /Distinguished Achievement Program Graduates
- AP Results
- Texas Success Initiative-Higher Education Readiness Component
- SAT/ACT

Advanced Course/Dual Enrollment

This indicator is based on a count of students who complete and receive credit for at least one advanced course in grades 9-12.

	State	XI	GISD	GHS
2005	20.5%	21.6%	18.3%	25.4%
2004	19.9%	20.6%	18.7%	26.3%

Recommended/Distinguished Graduates

This indicator is based on a count of all students who complete the RHSP/DAP as a percentage of total graduates.

	State	XI	GISD	GHS
2005	72.3%	73.8%	66.0%	67.7%
2004	68.4%	69.1%	63.9%	66.5%

Advanced Placement Indicator

Tested	State	Region XI	GISD	GHS
2005	18.4%	19.7%	21.5%	22.9%
2004	17.4%	18.6	25.1%	26.7%

Examinees At/Above Criterion
Score of 3 or better

	State	XI	GISD	GHS
2005	51.8%	56.0%	44.2%	44.2%
2004	53.9%	57.1%	59.6%	59.6%

Scores At/Above Criterion
Score of 3 or better

	State	XI	GISD	GHS
2005	47.4%	50.3%	40.3%	40.3%
2004	49.3%	50.4%	46.3%	46.3%

Texas Success Initiative

Higher Education Readiness Component

Students who score 2200 on ELA with a 3 or better on the Writing and 2200 Math

English Language Arts

	State	XI	GISD	GHS
2006	40%	42%	39%	39%
2005	39%	41%	15%	16%

Mathematics

	State	XI	GISD	GHS
2006	51%	53%	42%	43%
2005	48%	51%	43%	43%

SAT/ACT Results

Tested	State	Region XI	GISD	GHS
2005	65.5%	66.4%	58.4%	59.2%
2004	61.9%	62.5%	57.1%	58.2%

At/Above Criterion (1100 SAT or 24 ACT)

2005	27.4%	33.2%	31.5%	31.9%
2004	27.0%	33.2%	36.2%	35.9%

Mean SAT Scores

	State	Region XI	District	GHS
2005	992	1029	1026	1026
2004	987	1023	1046	1045

Mean ACT Scores

	State	Region XI	GISD	GHS
2005	20.0	21.0	22.1	22.1
2004	20.1	21.1	22.4	22.4

Strategies for Improvement

- Increased Academic Focus
- Instructional Improvements through Staff Development
- Instructional Specialist
- System Changes (Semester system, Implementation of 4x4 Graduation Requirements, Curriculum Alignment.)
- Structural Changes (Academies, Common Assessments, Departmental Communication and Planning)

Our focus for the future is increasing the percentage of students who graduate from high school ready for college and the workforce .

The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn.

Alvin Toffler

Localized Policy Manual

Update 79

Granbury ISD

Your Localized Update 79 addresses School FIRST rules and other recent statutory and regulatory changes as well as (LOCAL) policy revisions regarding the superintendent's job description and performance evaluation, the establishment of board committees, the delegation of purchasing authority, and term contract nonrenewal.

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

To better focus board attention and expedite its review, your Localized Update 79 packet contains:

- ***Vantage Points—A Board Member's Guide to Update 79***, 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 79 materials can be identified by the DATE ISSUED—11/07/2006—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 79 . . .

- Board action on Localized Update 79 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as "Policy Update 79, 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 added, revised, or deleted **and the titles/subtitles of those policies**. BoardBook compilers should use "Policy Update 79, affecting (LOCAL) policies" as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.

- An appropriate motion for board action on Localized Update 79 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 79 [with the following changes:]"

- The board's action on Localized Update 79 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board's actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.

- In maintaining the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the ***Policy Administrator's Guide*** at https://www.tasb.org/docs–mytasb/gov_svcs/policy_svc/adminguide/policy_admin_guide.pdf.cfm.

Regarding manual maintenance and administrative regulations . . .

- **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.**

- The update should be incorporated into each of the district's Localized Policy Manuals as soon as practicable. If the district uses *Policy On Line*, you will need to notify us of the board's action on Update 79 so that your district's Localized Policy Manual as it appears on TASB's Web server can be updated. *Policy On Line* staff may be reached by phone (800–580–7529 or 512–467–0222), fax (512–467–3618, using 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 79 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 packet and the Update 79 ***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 79

District Granbury ISD

Code		Action To Be Taken	Note
BBB	(LEGAL)	Replace policy	Revised policy
BBC	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BDAA	(LOCAL)	Replace policy	Revised policy
BDAF	(LEGAL)	Replace policy	Revised policy
BDB	(LOCAL)	Replace policy	Revised policy
BF	(LEGAL)	Replace policy	Revised policy
BJA	(LEGAL)	Replace policy	Revised policy
BJA	(LOCAL)	Replace policy	Revised policy
BJCD	(LOCAL)	Replace policy	Revised policy
BR	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CH	(LOCAL)	Replace policy	Revised policy
CPAB	(LEGAL)	Replace policy	Revised policy
DEA	(LEGAL)	Replace policy	Revised policy
DEE	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DFBB	(LOCAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EB	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAB	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHAC	(LOCAL)	ADD policy	See explanatory note
EHB	(LEGAL)	Replace policy	Revised policy
EHBL	(LEGAL)	ADD policy	See explanatory note
EIF	(LEGAL)	Replace policy	Revised policy
EIF	(EXHIBIT)	DELETE policy	See explanatory note
EK	(LEGAL)	Replace policy	Revised policy

Instruction Sheet

TASB Localized Policy Manual Update 79

Code		Action To Be Taken	Note
FFAD	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FP	(LEGAL)	Replace policy	Revised policy
GNB	(LEGAL)	Replace policy	Revised policy
GND	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 79

District: Granbury ISD

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

On page 2, JOINT ELECTIONS REQUIRED has been added in accordance with a HB 1 requirement from the third called session of the 79th Legislature. While school districts previously had the option of holding regular trustee elections in May or November, that option is now qualified by a coordination requirement. Under the new law and in accordance with information provided by the Texas Secretary of State, a school district that customarily elects its trustees in May can continue to do so IF an incorporated municipality within the district holds its election on that date, and the concurrent elections must be held jointly and with common polling places. If such an election partner does not exist, the district must move its board member elections to the November uniform election date. In even numbered years, this will coincide with the general election for state, county, and national offices. Guidance regarding transitions, terms of office, and the interplay with court-ordered plans may be found on the Secretary of State's Web site at http://www.sos.state.tx.us/elections/laws/hb1faq.shtml.

Obsolete provisions pertaining to VOTERS WITH DISABILITIES have been deleted from page 4. The Secretary of State has determined that the 2002 Federal "Help America Vote Act" supersedes Texas law, the basis of these Texas Administrative Code rules, and therefore renders these sections obsolete. Also, the Secretary of State's certification that federal voting requirements apply to all forms of voting at a polling place allows for tightening of the policy to reflect only currently applicable law.

In addition, a provision prohibiting the district from changing its board election dates after December 31, 2005, has been deleted to avoid confusion resulting from the coordination of elections required by HB 1. This law remains in force, however, and would prevent the district from changing previously established election dates unless required by law or court order.

BBC (LEGAL) BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

The HOLDOVER DOCTRINE section, on page 1, replaces EFFECT OF TRUSTEE RESIGNATION to make clear that the doctrine applies whenever a trustee yields his or her seat. This provision also appears, within the context of nepotism, at DBE(LEGAL).

According to the doctrine, a board member essentially continues in office until his or her successor is sworn in; until that point, the board member continues to exercise all the duties and powers of office (except voting on the appointment of a successor). This exception is drawn from the Attorney General Opinions cited.

BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

On page 3—at SPECIFIC OPEN MEETINGS TRAINING and at SPECIFIC OPEN RECORDS TRAINING—the language has been revised to clarify that only training received after the trustee is sworn in will fulfill the requirement.

BDAA (LOCAL) OFFICERS AND OFFICIALS
DUTIES AND REQUIREMENTS OF BOARD OFFICERS

The listing of officer duties in this policy is intended as a "bare bones" statement of essential responsibilities not otherwise prescribed by specific policies. Previously the policy included—under specific duties of the board president—"appoint all Board committees, unless otherwise provided by policy or Board consensus." Since this function is more fully addressed at BDB(LOCAL), we have deleted it from this policy.

We have retained unaltered the district's locally developed provision allowing the president to succeed himself for no more than two consecutive terms.

BDAF (LEGAL) OFFICERS AND OFFICIALS
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

At item 2 under the DUTIES of the ASSESSOR may be found language added by HB 1 from the third called session of the 79th Legislature: tax bills subsequently prepared and mailed by the assessor must now contain even more detail than the eighteen items previously prescribed by statute. Rather than recite this lengthy requirement in policy, we point to the Tax Code provision in which it is found; a similar approach—referencing rather than reciting statutory detail—is taken in the Comptroller's *2006 Truth in Taxation Guide* at http://www.window.state.tx.us/taxinfo/proptax/tnt06schools.

Tax bills must now define (within the bill or in a separate statement):

- The maintenance and operations rate of the district;
- The district's outstanding debt rate;
- The preceding tax year's M&O rate;
- The debt rate for the current tax year, under Section 26.012;
- The debt rate for the previous tax year, under Section 26.012; and
- The total tax rate of the district for the preceding tax year.

BDB (LOCAL) BOARD INTERNAL ORGANIZATION
INTERNAL COMMITTEES

The first sentence of this policy has been revised to clarify that:

- The board approves the creation of special committees; and
- Members of each committee are appointed by the board president, unless the board specifies otherwise.

BF (LEGAL) BOARD POLICIES

With HB 1 (from the third called session of the 79th Legislature), the authority of the Commissioner of Education to grant waivers to the mandated school start date was rescinded. As a result, a new item 14 has been added to the list of requirements for which campuses or districts cannot receive waivers. The rescission becomes effective with the 2007–08 school year and voids any waivers that the Commissioner previously might have granted for that or subsequent years.

By law, the instructional year for students cannot begin earlier than the fourth Monday in August (except for districts operating a year-round system).

BJA (LEGAL) SUPERINTENDENT
QUALIFICATIONS AND DUTIES

The Education Code includes innumerable duties and responsibilities of the superintendent, both general and specific. Where appropriate, we have addressed those circumstance-specific responsibilities at the appropriate (LEGAL) policy—for example, the superintendent's responsibilities regarding dissemination of information on students convicted of a felony offense are addressed in GRA(LEGAL).

Because these circumstantial responsibilities are found throughout the manual, we have deleted them from BJA(LEGAL), while retaining here only the 11 global responsibilities Education Code 11.201 lays out for the superintendent as the "educational leader and chief executive officer" of the district.

BJA (LOCAL) SUPERINTENDENT
QUALIFICATIONS AND DUTIES

The job description of the superintendent has long followed the usual path of listing specific activities for which the employee is to be held responsible. While this approach may work well for other positions within the district, such an activity-specific approach does not promote a view of the superintendent's position as the "chief executive officer of the district" and tends to give all listed items—whether strategic or not—the same importance.

An increasing number of districts now follow TASB's view of the board's oversight role—that is, making sure the superintendent has appropriate systems in place for the effective management of major district functions—and are using TASB's corresponding sample superintendent evaluation instrument (available under "Resources" on Leadership Team Services' Web site at http://www.lts.tasb.org). These districts have a need to define the job of the superintendent in strategic terms. Within that context, we have completely redeveloped the superintendent's job description. In place of the list of three dozen or so activities are three significant domains (educational leadership, district management, and board and community relations) and an array of management responsibilities within each. The superintendent is responsible for ensuring appropriate management systems are in place and functioning in each of these areas.

BJCD (LOCAL) SUPERINTENDENT
EVALUATION

Refinements in BJA(LOCAL) prompted changes in BJCD(LOCAL) as well:

- EVALUATION INSTRUMENT has been added to reflect Texas Administrative Code provisions regarding the link between the superintendent's job description and performance goals and the appraisal instrument.
- WRITTEN EVALUATION keys to the evaluation instrument adopted by the board.

BR (LEGAL) REPORTS

School "FIRST" rules enacted by the Commissioner and effective August 13, 2006, detail the scope of reporting on a district's "financial management performance under each indicator for the current and previous year's financial accountability rate."

As found on pages 3–5, REPORT REQUIREMENTS include:

- A copy of the superintendent's employment contract, published either within the report itself or on the district's Web site.
- A categorical summary of any expense reimbursements to the superintendent and board members for the previous fiscal year.
- A summary of any compensation the superintendent may have received during the previous fiscal year for consulting or other personal services.
- A summary of gifts—in excess of $250 (aggregating)—received by "executive officers and board members" (and their immediate families) from school district vendors or vendor candidates.
- A summary of the amount of money received by a board member during the fiscal year for business transactions (other than reimbursements) with the district.

- "Any other information the board of trustees of the district determines to be useful."

As before, the board must hold a public hearing, with appropriate notice, on the report. The structure of the policy has been refined to clarify the publishing requirement when there is not a newspaper of general circulation in the county where the district's administrative offices are located: the notice must be published in the county closest to the county seat of the county in which the district's central administration office is located.

Further information regarding FIRST rules may be found in a new TASB Legal Services FAQ found at https://www.tasb.org/apps/icen/icenSynopsis.cfm?dk=242 or the new Legal Services publication ***Financial Accountability for School Officials***. Copies of the publication, which also addresses "the 65% rule" and newly expanded financial disclosure requirements, are available through the TASB online store at http://www.tasb.org/store.

CH (LEGAL) PURCHASING AND ACQUISITION

At INTERLOCAL AGREEMENTS, on page 7, provisions from the Government Code have been added to clarify that such agreements must be authorized by the board, as well as the governing body of other participating parties. Furthermore, the agreement—subject to annual renewal—must:

- Address the purpose, terms, rights, and duties of each party; and
- Specify that current revenues must be used to pay for governmental functions or services performed by a party and that payments fairly compensate the performing party.

CH (LOCAL) PURCHASING AND ACQUISITION

PURCHASING AUTHORITY more clearly expresses the superintendent's authority to make **budgeted** purchases within a limit established by the board and requires board approval of a **single** purchase at or beyond that amount. PURCHASING METHOD reflects the board's delegation to the superintendent of the authority to select the method of purchasing, as outlined in law.

The dollar threshold shown in this policy at or above which board approval of a purchase is required remains unchanged from your current policy; please contact your Policy Consultant/Analyst if your board desires to change the specified threshold amount or wishes to include certain categorical exceptions from the procedures delineated. Such exceptions might include a board-approved interlocal contract, a cooperative or state purchasing program for purchases of produce or fuel, or a continuing or periodic purchase under a board-approved contract or bid.

Please note: This policy no longer addresses aggregate purchases. Board approval is required only of single purchases above the dollar limit shown in this policy.

CPAB (LEGAL) OFFICE COMMUNICATIONS
MAIL AND DELIVERY

A new item 3 at POLITICAL ADVERTISING reflects Texas Ethics Commission rules updated to conform to statute. Also added from Ethics Commission rules is an exclusion of e-mail from the definition of "political advertising."

DEA (LEGAL) COMPENSATION AND BENEFITS
SALARIES, WAGES, AND STIPENDS

On page 6, the now-obsolete transition provision—phasing out the 90-day waiting period before a new employee could participate in TRS Care—has been eliminated: all "new members," as defined in the policy, are immediately eligible to participate.

Please note: DEA(LEGAL) is an "employment policy"—as we construe Education Code 21.204(d)—that must be posted on the district's Web site, if the district has a Web site, and a copy must be made available for inspection by requesting employees. Further information on required and recommended postings may be found in the *2006–07 School Year Employee Notification* ***Policy Alert*** at http://www.tasb.org/services/policy/publications/alerts/emp_notification.aspx.

DEE (LEGAL) COMPENSATION AND BENEFITS
EXPENSE REIMBURSEMENT

With the 2006 Appropriations Act providing the necessary funds for the current biennium, TEA has amended Commissioner's rules to extend the Teacher Supply Reimbursement Grant Program to include campus library media specialists. That change and other refinements are reflected throughout the policy.

Restyled as the Classroom Supply Reimbursement Grant Program, the program continues to require at least matching funds from participating districts, continues to cap reimbursements at $200, and continues on an annual basis with districts applying or reapplying each year. Rule revisions remove the requirement that grant monies be deposited and accounted for in a dedicated account; the rules now require that the district "account for funds in accordance with applicable state and federal requirements."

Further changes include:

- Easing the requirement that funds be expended by July 31 of the school year in which the grant is received.
- Allowing for local funding through donations "by community groups, parent/teacher organizations, businesses, professional organizations, and others."
- No longer specifically requiring the district to retain receipts for audit purposes.

DF (LEGAL) TERMINATION OF CONTRACT

Language throughout has been refined to more closely track statute and reordered for clarity. Added to the policy is the CRIMINAL OFFENSES section, on page 1. That section, from current law but not previously reflected at this policy, recites an Education Code provision permitting the district to discharge an employee upon learning of the employee's conviction of a felony or of a misdemeanor involving moral turpitude not previously disclosed to the State Board for Educator Certification or the district.

Deleted from this policy is a section on abandonment of contract, material already and more appropriately found at DFE—TERMINATION OF CONTRACT/RESIGNATION.

DFBB (LOCAL) TERM CONTRACTS
NONRENEWAL

We have updated the list of REASONS for nonrenewal to include, at item 10, a decision by the campus intervention team.

This reason arises from HB 1 (from the third called session of the 79th Legislature), which calls for the "reconstitution" of a campus that has been identified as academically unacceptable for two consecutive school years. Under this mandatory sanction at Education Code 39.1324, a "campus intervention team" is empowered to:

- Develop a school improvement plan and execute the plan, upon approval of the Commissioner.
- Decide which educators may be retained on the reconstituted campus.

A principal who has been at that campus for the duration of that period may not be retained; a teacher of a subject assessed by the statewide assessment instrument developed by TEA may be retained only if the team finds a pattern of significant academic improvement by students taught by the teacher. The law further provides that an educator who is not retained may be assigned to another position in the district.

Item 10 has been added to address nonrenewal of the displaced principal or teacher when no vacancy exists for which the displaced individual is qualified.

Please note: DFBB(LOCAL) is an "employment policy"—as we construe Education Code 21.204(d)—that must be posted on the district's Web site, if the district has a Web site, and a copy must be made available for inspection by requesting employees. Further information on required and recommended postings may be found in the *2006–07 School Year Employee Notification* ***Policy Alert*** at http://www.tasb.org/services/policy/publications/alerts/emp_notification.aspx.

DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

The policy text enclosed reflects several major changes:

- At EMPLOYEE FREE SPEECH is the recent decision of the U.S. Supreme Court in *Garcetti v. Ceballos*: a public employee making statements pursuant to his or her official duties is not protected by the United States Constitution from employer discipline. This case leaves undisturbed the law according "Whistleblower Protection" to a public employee who reports in good faith a violation of law by a district or another employee.
- Recitations of various laws limiting or shielding specific employees from liability have been added to this policy at:
  - ATTENDANCE COMMITTEE MEMBERSHIP, on page 3.
  - ADMINISTRATION OF MEDICATION, on page 4.
  - PROTECTION OF NURSES, on page 4.
- At REPORT TO LOCAL LAW ENFORCEMENT, also on page 4, the itemized list of reportable offenses has been deleted as redundant. The list is recited in its entirety at GRA(LEGAL), referenced by this policy.

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Substantive changes are as follows:

- The policy now includes—at EDUCATOR ETHICS—language from the Education Code and State Board for Educator Certification rule imposing on educators an affirmative responsibility to comply with the Code of Ethics and Standard Practices for Texas Educators and charges SBEC with enforcement. The Code, last revised in 2003, may be found in policy manuals at DH(EXHIBIT).
- Provisions regarding drug abuse have been reorganized and expanded to address alcohol abuse as well. The additional material at DRUG AND ALCOHOL ABUSE PROGRAM is drawn from the federal Drug-Free Workplace Act.
- All provisions regarding statutory immunity previously at this policy have been deleted here and added to DG(LEGAL) in this update.

E (LEGAL) INSTRUCTION

A new policy code—EHBL—has been established to house provisions relating to the high school equivalency program and General Education Development (GED) testing.

Explanatory Notes

TASB Localized Policy Manual Update 79

EB (LEGAL) SCHOOL YEAR

At SCHOOL START DATE appears language prohibiting districts from starting classes before the fourth Monday in August. Drawn from HB 1 (from the third called session of the 79th Legislature), the prohibition is effective with the 2007–2008 school year. Unlike previous law that permitted waivers, the only exception permitted is for year-round schools as provided by statute. Accordingly, we have deleted from this policy the section regarding waivers.

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

Provisions regarding required instruction at all levels have been collected from other codes as appropriate:

- At COORDINATED HEALTH PROGRAMS, on page 2, the Education Code provision defining the scope of the coordinated health programs to be offered by TEA has been moved here from EHAB(LEGAL). These courses must be designed to prevent obesity, cardiovascular disease, and type 2 diabetes in students at all levels.

  Also incorporated in this section are new Commissioner's rules, effective November 9, 2006, that allow the district to use, with TEA approval, a district-developed program. All such programs must provide for the coordination of health education, physical education and activity, nutrition services, and parental involvement. Additionally, districts must use TEA-approved textbooks or materials developed by nationally recognized or government-approved entities.

- Implementation of coordinated health programs at the elementary, middle, and junior high levels is now required, and legislative language delaying implementation until the beginning of this school year has been deleted. Thus far, however (and as noted in the second paragraph of the section), program implementation is not yet required at the high school level.

- State Board of Education rules regarding CLASSIFICATION FOR PHYSICAL EDUCATION, on page 3, have been moved—without change—from EIF since those rules apply at all grade levels.

In addition, text regarding the extension districts could request for implementing the ENRICHMENT CURRICULUM, a provision which expired in September 2005, has been deleted.

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

Provisions addressing coordinated health programs apply to all instructional levels and have been moved, at this update, to EHAA(LEGAL).

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

As noted at EHAA(LEGAL) and EHAB(LEGAL), provisions addressing coordinated health programs apply to all instructional levels and have been moved, at this update, to EHAA(LEGAL).

Further changes are as follows:

- On page 1, PHYSICAL ACTIVITY REQUIREMENTS reflects new State Board of Education rules. SB 42—from the regular session of the 79 Legislature and amending Education Code 28.002—empowered the State Board to require physical activity at the middle school/junior high school level. After weighing options, the State Board adopted the language shown deferring to local boards to adopt policy in that regard. [See the explanatory note at EHAC(LOCAL), below.]

Effective August 8, 2006, the SBOE rules also extend to middle school/junior high the exemption allowed ninth graders and beyond to substitute approved private or commercially sponsored physical activity programs, on or off campus. Also exempt are students classified by the district as "restricted" from physical activity or as "adapted or remedial" by a "member of the healing arts licensed to practice in Texas."

- Item 5 (Economics), under GRADES 9–12 COURSE OFFERINGS on page 2, reflects the new State Board rules, also effective August 8, 2006, setting forth elements of the financial literacy curriculum and permits the district to add other elements at its discretion. While this curriculum requirement is effective for the current school year, the rules permit districts to seek an extension.
- Item 10 (Languages other than English), on page 3, has been revised to reflect a new amendment to State Board rules. Also effective August 8, 2006, the rule allows proficient students to complete their foreign language requirement through classes at a higher level than Level III.

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

As noted at EHAC(LEGAL), State Board of Education rules newly require districts to adopt a policy declaring "the extent to which students enrolled in middle and junior high school settings are allowed to meet physical activity requirements throughout the school year" and to provide for exemptions as noted in EHAC(LEGAL).

Policy Service has drafted the enclosed EHAC(LOCAL) policy to fulfill that requirement. If your district does NOT require a program of physical activity at the middle school or junior high school level, please advise your Policy Consultant/Analyst so that our records can be adjusted for accuracy.

Likewise, if the district imposes a requirement and the provisions of the enclosed policy need to be revised, please contact your Policy Consultant/Analyst for assistance.

EHB (LEGAL) CURRICULUM DESIGN
SPECIAL PROGRAMS

The key change in this policy may be found at PARENT EDUCATION: permissive State Board of Education rules regarding parent education programs for parents/guardians of students with dyslexia and related disorders have been replaced with a mandate to provide such programs.

Apart from this substantive change, the policy has been reorganized and refined throughout to more closely track current statute and rule.

EHBL (LEGAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY

Provisions regarding the High School Equivalency Program (HSEP) and General Education Development (GED) testing have been moved to this new policy code from EK(LEGAL), where they were found previously.

Throughout, the policy has been refined to more closely track statute and rules. Of note are two provisions on page 1 that were not previously included:

- The requirement—found at AUTHORIZATION FOR PROGRAM—that the district conduct a public hearing prior to applying to TEA for approval to offer an "HSEP."
- The six-hour daily limit on the time that a student may receive HSEP instruction, as reflected at OPERATION OF PROGRAM.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

ALTERNATIVE ASSESSMENTS, beginning on page 1, reflects selected provisions of new Commissioner's rules concerning exit-level assessments. The rules, effective April 3, 2006, are intended to fulfill the require-

ments of HB 25, from the 79th regular session. That bill authorizes the Commissioner to adopt by rule one or more alternative nationally recognized norm-referenced assessment instruments by which students—either new to Texas public schools or not having attended a Texas public school within the last four years—can earn a diploma.

An eligible student will be exempt from the exit-level TAKS assessments in each subject area in which the student has met the passing standard established by the Commissioner on an approved alternative exit-level assessment. The new rules identify the Scholastic Aptitude Test (SAT) verbal/critical reading tests and the American College Test (ACT) English and mathematics tests as approved alternative exit-level assessments. The performance standard for the SAT English language arts assessment is at least 472 and for mathematics, at least 461. The adopted passing standard for the ACT alternative assessment for English language arts is at least 17.7 and for mathematics, at least 19.5. Once a district or charter school has verified that the student is eligible for and has satisfied the requirements under this subchapter and satisfied the coursework requirements to be eligible for a high school diploma in Texas, the district or charter school is authorized to grant a diploma to the student.

At STATE GRADUATION REQUIREMENTS on page 4, we have added a ***Note*** pointing to current State Board of Education rules laying out the various state graduation requirements. The level of detail and the difficulty of keeping up to date a recitation of those rules in localized policy manuals favors this approach.

EIF (EXHIBIT) ACADEMIC ACHIEVEMENT
GRADUATION

Frequent revisions to the state graduation plans tend to rapidly render this series of exhibits out of date, and the "fine print" of the various plans is increasingly difficult to capture in a user-friendly format. Our experience suggests that instructional supervisors rely on TEA Web resources for this information, while high school students and their parents look to curriculum information disseminated directly to students by their school's counseling staff.

For these reasons, we recommend deletion of this exhibit in favor of these other resources. For your convenience, we have included in EIF(LEGAL), also in this update, the Web address of the various state graduation plans.

EK (LEGAL) TESTING PROGRAMS

Provisions regarding LOCAL ACHIEVEMENT TESTING have been revised to incorporate more detail from State Board of Education rules adopted in 2003, including:

- The definition of "assessment instruments" subject to these rules.
- The requirement that the results be verified and reported to the board within 90 days and, if a district-developed test, to TEA as well.

Other changes in this policy include the deletion of all material pertaining to the High School Equivalency Program and GED testing, material now found at the newly created EHBL policy code.

FFAD (LEGAL) WELLNESS AND HEALTH SERVICES
COMMUNICABLE DISEASES

At SEXUALLY TRANSMITTED DISEASES appears Texas Department of State Health Services rules excluding principals (and certain others) who are not also "medical directors" from the reporting requirement for such diseases.

At BACTERIAL MENINGITIS is an additional provision from the Education Code allowing districts, with TEA approval, to undertake alternative notification procedures to those specified by the agency.

FFC (LEGAL) STUDENT WELFARE
STUDENT SUPPORT SERVICES

This policy has been redeveloped and expanded to more fully present statutory and regulatory requirements and options regarding student support services.

The text enclosed now includes:

- An option provided by Chapter 37 of the Education Code for districts to establish a SCHOOL–COMMUNITY GUIDANCE CENTER, if appropriate. The center may be set up and financed jointly with a governmental agency that is concerned with children and has jurisdiction in the district.
- An additional option allowing the district to establish a cooperative with other districts to locate and assist children with severe behavioral problems that interfere with their education.
- A definition of "school-age" at PUBLIC SCHOOL CHILD CARE, on page 4. As indicated in the ***Note***, that provision is relevant only to districts that have 5,000 or more students AND do not already provide child care services for district students before and after the school day and during vacations.

FP (LEGAL) STUDENT FEES, FINES, AND CHARGES

The policy has been refined throughout to more closely track current statutory language.

GNB (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES
REGIONAL EDUCATION SERVICE CENTERS

HB 1 from the third called session of the 79th Legislature prompts the addition of item 7—addressing shared services arrangements—to the list of CORE SERVICES each education service center is required to provide.

GND (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES
STATE EDUCATION AGENCY

HB 1 from the third called session of the 79th Legislature adds two new ACADEMIC EXCELLENCE INDICATORS, both of which are found on page 2:

- Item 13: the measure of progress toward preparation for postsecondary success.
- Item 14: the measure of progress toward dual language proficiency under Education Code Section 39.034(b) for students of limited English proficiency.

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*

NOTICE TO VOTER REGISTRAR

A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

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, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 67th day before election day. 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, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 70th day before election day. 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), (c), 11.056(b), (e); 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*

JOINT ELECTIONS REQUIRED

A District Trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the District; or
2. The general election for state and county officers.

Elections held on the same date as the election for the members of the governing body of a municipality located in the District or the same date as the general election for state and county officers shall be held as a joint election under Election Code Chapter 271.

The voters of a joint election under this section shall be served by common polling places consistent with Election Code 271.003(b).

The Board shall adjust the terms of office of its members to conform to the new election date if the election date is changed to comply with Education Code 11.0581.

Education Code 11.0581

NOTICE

A call for an election shall be made not later than the 62nd day before election day, except that for an election to be held on the date of the general election for state and county officers, the election shall be called not later than the 70th day before the 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 a district's boundaries or in a newspaper of general circulation in a 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. A 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 at least 22 months after election day. *Election Code 4.004, 4.005, 66.058(a)*

The Board shall also deliver notice of the election to the county clerk of each county in which the district is located not later than the 60th day before election day. *Election Code 4.008*

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, AND 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)*

If a district not located in a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million holds an election on the November uniform election date, the district shall follow procedures from the secretary of state and designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), 42.0621, 43.004(b)*

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 of voter's rights, in the form prescribed by the secretary of state and including information required by the secretary of state, shall be publicized as provided by the secretary of state. The notice shall, in part, inform 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. *Election Code 31.0055, 62.0115*

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

Each polling place in an election of the District that is held jointly with another election in which a federal office appears on the ballot 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.

The requirement imposed above does not apply to any other election of Trustees of the District held before January 1, 2008.

Election Code 61.012

The District may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. *1 TAC 81.55*
[See GA]

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

A board may declare each unopposed candidate elected to the office if:

1. Each candidate for an office that 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 a 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 for an office that 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 if the election were held, only the votes cast for that candidate in the election for that office may be counted. 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

Except as provided below, 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.

For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;

2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

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

Election Code 67.003, 67.004

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.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

Election Code 67.016, 67.017, 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)*

VACANCY

Any vacancy or vacancies occurring on the Board, whether by death, resignation, forfeiture, lack of qualifications, or removal, shall be filled with citizens having the same qualifications as candidates for election. If a vacancy occurs on the Board, the remaining members of the Board may fill the vacancy by appointment until the next regular Board election or may order a special election to fill the vacancy for the unexpired term. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the vacancy occurs. *Tex. Const. Art. XVI, Sec. 27; Education Code 11.060; Atty. Gen. Ops. WW–1387 (1962), M–402 (1969)*

OPTIONAL APPOINTMENT CONSIDERATION

An appointment to the Board shall be made as required by applicable law and may be made with the intent to ensure that the Board is representative of the constituency served by the Board. A Board that chooses this optional appointment consideration shall adopt procedures for its implementation. *Local Gov't Code 180.005(b), (c)*

SPECIAL ELECTION

A special election shall be conducted in the same manner as the general election on the next uniform election date that will afford enough time to hold the election in the manner required by law. *Education Code 11.060(c); Election Code 41.001(a), 41.004(a)* [See BBB]

PRECLEARANCE REQUIRED

A special election is subject to federal preclearance requirements to the extent that the District makes changes in the practices or procedures to be followed. Any discretionary setting of the date for a special election or scheduling of events leading up to or following a special election is subject to the preclearance requirement. *28 CFR 51.17* [See BBB]

RESIGNATION

To be effective, a Board member's resignation must be in writing and signed by the officer and must be delivered to the Board for action on the resignation. The Board may not refuse to accept a resignation. If a Trustee submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the Board or on the eighth day after the date of its receipt by the Board, whichever is earlier. *Election Code 201.001(a), 201.023*

HOLDOVER DOCTRINE

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a Trustee's resignation is filled by a successor, the Trustee continues to serve and have the duties and powers of office, except that a Trustee may not vote on the appointment of the Trustee's successor. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM–636 (1987), DM–2 (1991), O–6259 (1945)* [See DBE]

FORMER TRUSTEE EMPLOYMENT

A Trustee is prohibited from accepting employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

NONRESIDENCE

A person elected to serve as a Board member must remain a resident of the District throughout the term of office. A Board member who ceases to reside in the District vacates his or her office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (1955); Whitmarsh v. Buckley, 324 S.W.2d 298 (1959)*

'RESIDENCE' DEFINED

"Residence" shall mean domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving to go to another place for temporary purposes only. *Election Code 1.015*

REMOVAL FROM OFFICE

Board members may be removed from office for:

1. "Incompetency," which means:

   a. Gross ignorance of official duties;

   b. Gross carelessness in the discharge of those duties; or

   c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.

2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a Trustee entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a Trustee to perform a duty imposed on the Trustee by law and conviction of an offense relating to violation of purchase procedures. [See CH]

3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician;

4. Conviction of a Trustee by a jury for any felony or for misdemeanor official misconduct.

Actions for removal of Board members must be brought before the judge of the district court holding jurisdiction, except that any court convicting a Trustee of a felony or official misconduct shall order immediate removal.

Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, 87.012, 87.013, 87.031; Education Code 44.032(e); Hendricks v. State, 49

S.W. 705 (1899), Tovar v. Somerset ISD, 994 S.W.2d 756 (Tex. App.–Corpus Christi 1999)

TEMPORARY REPLACEMENT OF BOARD MEMBER ON MILITARY ACTIVE DUTY

A Board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the Board may appoint a replacement to serve as a temporary Board member if the elected or appointed Board member will be on active duty for longer than 30 days.

The Board member who is temporarily replaced may recommend to the Board the name of a person to temporarily fill the office. The Board shall appoint the temporary Board member to begin service on the date specified in writing by the Board member being temporarily replaced as the date the Board member will enter active military service.

A temporary Board member has all the powers, privileges, and duties of the office as the Board member who is temporarily replaced. A temporary Board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the Board member who is temporarily replaced; or

2. The term of office of the Board member who is temporarily replaced.

"Armed forces of the United States" means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

Tex. Const., Art. XVI, Sec. 72

REQUIRED TRAINING

Each Trustee must complete any training required by the State Board of Education. *Education Code 11.159*

Continuing education for Board members includes orientation sessions, an annual team building session with the Board and the Superintendent, and specified hours of continuing education based on identified needs.

LOCAL ORIENTATION

All Board members shall receive a local District orientation and an orientation to the Texas Education Code.

NEW MEMBERS

New Board members shall participate in a local orientation session within 60 days before or after their election or appointment. The purpose of this orientation is to familiarize new Board members with local Board policies and procedures and District goals and priorities.

All newly elected Board members shall receive the orientation to the Texas Education Code within the first year of service. The orientation shall be delivered by regional education services centers and shall be three hours in length.

SITTING MEMBERS

All sitting Board members shall receive a basic orientation to the Texas Education Code and relevant legal obligations. The orientation will have special but not exclusive emphasis on statutory provisions related to Texas school district governance. The orientation shall be delivered by regional education services centers and shall be three hours in length. Topics shall include, but not be limited to, Texas Education Code, Chapter 26 (Parental Rights and Responsibilities), and Texas Education Code, Section 28.004 (Local School Health Education Advisory Council and Health Education Instruction). [See BDF, EHAA, and FNG]

LEGISLATIVE UPDATES

After each session of the Texas Legislature, each Board member shall receive an updated session from a regional education service center or any registered provider to the basic orientation to the Texas Education Code. The update session shall be of sufficient length to familiarize Board members with major changes in the Education Code and other relevant legal developments related to school governance. A Board member who has attended a basic orientation session given by a service center that incorporates the most recent legislative changes is not required to attend an additional legislative update.

TEAM BUILDING

The entire Board, including all Board members, shall annually participate with the Superintendent in a team building session facilitated by the regional education service center or any registered provider. The team building session shall be of a length deemed appropriate by the Board, but generally at least three hours. The

purpose of the team building session is to enhance the effectiveness of the Board-Superintendent team and to assess the continuing education needs of the Board-Superintendent team. The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the governance leadership team for the upcoming year.

CONTINUING EDUCATION

In addition to the orientation and team building training, all Board members shall receive additional continuing education on an annual basis, in fulfillment of assessed needs and based on the framework for governance leadership. [See BBD(EXHIBIT)] The continuing education sessions may be provided by the regional education service centers or other registered providers.

To the extent possible, the entire Board shall participate in continuing education programs together.

FIRST YEAR

In their first year of service, Board members shall receive at least ten hours of continuing education in fulfillment of assessed needs. Board members may fulfill up to five of the required ten hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

SUBSEQUENT YEARS

Following the first year of service, Board members shall receive at least five hours of continuing education annually in fulfillment of assessed needs. Board members may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

PRESIDENTS

The Board President shall receive continuing education related to leadership duties of the Board President as some portion of the annual requirement.

LOCAL TRAINING

At least 50 percent of the annual continuing education shall be designed and delivered by persons not employed or affiliated with a Board member's local District. No more than one hour of the required continuing education that is delivered by the local District may use self instructional materials.

19 TAC 61.1

SPECIFIC OPEN MEETINGS TRAINING

Within 90 days after taking the oath of office, each Board member shall complete a course of training regarding the responsibilities of the Board and its members under Chapter 551 of the Texas Government Code. The office of the attorney general may provide the training and may also approve other acceptable sources of training.

Board members sworn in before January 1, 2006, must complete the training required by Government Code 551.005 before January 1, 2007.

Gov't Code 551.005

SPECIFIC OPEN RECORDS TRAINING

Within 90 days after taking the oath of office or assuming duties as a public official, each Board member and public information coordinator shall complete a course of training regarding the responsibilities of the District and District officers and employees under Chapter 552 of the Texas Government Code. The office of the attorney general may provide the training and may also approve other acceptable sources of training.

A Board member may designate a public information coordinator to satisfy the training requirements of Government Code 552.012 for the Board member if the public information coordinator is primarily responsible for administering the responsibilities of the Board member or District under Government Code Chapter 552.

Board members and public information coordinators who have been sworn in or assumed duties before January 1, 2006, must complete the training required by Government Code 552.012 before January 1, 2007.

Gov't Code 552.012

ANNUAL COMPLIANCE ANNOUNCEMENT

Annually, at the meeting at which the call for election of Board members is normally scheduled, the President shall announce the name of each Board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in the required continuing education. The President shall cause the minutes to reflect the information and shall make this information available to the local media.

TRAINING DURING MEETINGS

No continuing education shall take place during a Board meeting unless that meeting is called for the delivery of Board training. Continuing education may take place prior to or after a legally called Board meeting in accordance with the Government Code.

19 TAC 61.1

CONVENTIONS AND WORKSHOPS

Board members may attend regional, state, or national conventions or workshops without such gatherings being construed as “meetings” under the Open Meetings Act. However, no formal action shall be taken at such conventions or workshops concerning District business, and any discussion of public business shall be merely incidental to the convention or workshop. *Gov’t Code 551.001(4)*

COMMENDATION

Annually, the State Board shall commend those Board-Superintendent teams that receive at least eight hours of the continuing education in the local orientation and team-building sessions as an entire Board-Superintendent team. *19 TAC 61.1*

OFFICERS AND OFFICIALS: BDAA
DUTIES AND REQUIREMENTS OF BOARD OFFICERS (LOCAL)

BOARD OFFICERS

The Board shall elect a President, a Vice President, and a Secretary who shall be members of the Board. The Board may assign a District employee to provide clerical assistance to the Board. Officers shall be elected by majority vote of the members present and voting.

VACANCY

A vacancy among officers of the Board, other than the President, shall be filled by majority action of the Board.

TERM AND DUTIES

Board officers shall serve for a term of one year or until a successor is elected. The President may not succeed himself in office for more than two terms. Each officer shall perform any legal duties of the office and other duties, as required by the Board.

PRESIDENT

In addition to the duties required by law, the President of the Board shall:

1. Preside at all Board meetings unless unable to attend.
2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.

VICE PRESIDENT

The Vice President of the Board shall:

1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.
2. Automatically become President of the Board if a vacancy in that office occurs.

SECRETARY

The Secretary of the Board shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.
3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.
4. Sign or countersign documents as directed by action of the Board.

APPRAISAL FUNCTION

Appraisal of taxable property in the District shall be conducted by the countywide appraisal district(s). *Tax Code 6.01(b)*

REGISTRATION REQUIREMENTS

In accordance with the Property Taxation Professional Certification Act, the following District tax officials shall be registered with the Board of Tax Professional Examiners:

1. Tax assessor-collector.
2. Tax collector.
3. Chief administrator, as designated by the Board, of the District's assessment and/or collecting functions.
4. All persons engaged in appraisals of real or personal property for ad valorem tax purposes.
5. Other persons, as required by the chief administrator, who perform assessment or collection functions for the District.

Occupations Code 1151.151

SELECTION OF ASSESSOR AND COLLECTOR

The Board may, for a tax assessor or collector:

1. Require the county to assess and collect taxes for the District. *Tax Code 6.22(c)*
2. Contract with another taxing unit or the countywide appraisal district(s) to assess and/or collect. *Tax Code 6.24(a)*
3. Employ a person to assess or collect taxes. *Education Code 45.231*

DUTIES

The assessor and collector shall assess, collect, or assess and collect taxes as applicable. *Tax Code 6.23(b)*

ASSESSOR

The assessor or designated officer or employee shall calculate the effective tax rate and the rollback tax rate and submit these rates to the Board. *Tax Code 26.04(c), (e)*

The assessor shall:

1. Calculate the tax on each property by applying the adopted rates to the appraised value. *Tax Code 26.09*
2. Prepare and mail a tax bill, including school-specific requirements found in Tax Code 31.01(d–1), to each person, and authorized agent, in whose name property is listed on the tax roll. *Tax Code 31.01*
3. Perform other legal duties. *Tax Code 6.23, 26.15*

COLLECTOR

The collector shall:

1. Certify to the Board an estimate of the collection rate for the current year, the amount of debt taxes, if applicable, and other required information. *Tax Code 26.04(b)*

2. At the request of any person, issue a certificate showing the amount of delinquent taxes, penalties, and interest due the District on a property according to the District's current tax records. If the collector collects taxes for more than one taxing unit, the certificate must show the amount of delinquent taxes, penalties, and interest due to each of those taxing units. *Tax Code 31.08(a)*

3. At the request of a property owner, or his or her agent, issue a receipt showing the amount of taxes imposed by the District in the year(s) for which information is requested and the amount of taxes paid. *Tax Code 31.075*

4. Prepare and submit to the Board each month a written report made under oath accounting for all taxes collected for the District during the preceding month. *Tax Code 31.10(a)*

5. Prepare and submit to the Board by the 60th day following the last day of the fiscal year an annual report made under oath accounting for all taxes collected or delinquent on property taxed by the District during the preceding 12-month period. *Tax Code 31.10(b)*

6. At least monthly, deposit in the District's depository(ies) all taxes collected for the District. If taxes are collected by the collector or officer of another taxing unit or the appraisal district, deposits shall be made daily, unless the Board, by official action, provides that deposits may be made less often than daily. *Tax Code 31.10(c), (d)*

7. Refund overpayments or erroneous payments of taxes as provided by law. *Tax Code 31.11*

8. Refund duplicate payments of taxes as provided by law and inform the District's auditor monthly of refunds made during the preceding month. *Tax Code 31.111*

9. Prepare a current and cumulative delinquent tax roll each year. *Tax Code 33.03*

10. At least once each year deliver a delinquent tax notice to each person whose name appears on the delinquent tax rolls, unless the person's address is undetermined or a tax bill was not mailed because the collector did not send a tax bill for an amount less than $15. *Tax Code 31.01(f), 33.04*

11. Perform other legal duties. *Tax Code 6.23, 33.21–33.25*

COLLECTOR'S BOND

A tax collector who is a District employee shall give bond conditioned on the faithful performance of duties. The bond shall be made payable to and be approved by the Board in an amount determined by the Board.

If the District's taxes are collected by the collector of another taxing unit, by an officer or employee of another taxing unit or of an appraisal district, or by any other person, the Board may require the person to give bond conditioned on the faithful performance of duties. The bond shall be payable to, approved by, and paid for by the Board in an amount determined by the Board.

The District shall pay the premium for the required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

LIMIT ON CONTRACTING

The District may not enter into a contract relating to the performance of an activity governed by Title 1 of the Tax Code (i.e., the Property Tax Code) with a member of the board of directors of the appraisal district or districts in which the District participates or with a business entity in which a member of the appraisal board has a substantial interest.

An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or share of the business entity or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

Tax Code 6.036(c), (d)

SPECIAL COMMITTEES

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

The President of the Board and the Superintendent shall be ex officio members of all Board committees, unless otherwise provided by Board action.

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.

WAIVERS

Except as indicated below, the District or a campus may apply to the commissioner of education for a waiver of a requirement or prohibition imposed by law or rule of the State Board or commissioner. An application for a waiver must include a written plan approved by the Board that states the achievement objectives of the campus or District and the inhibition imposed on those objectives by the requirement or prohibition and contain written comments from the campus-level or District-level committee. *Education Code 7.056(a)(b)*

SUBMISSION AND APPROVAL

The application shall be submitted to the commissioner not later than the 31st day before the campus or District intends to take action. If the commissioner does not notify the campus or District of an objection within 30 days after receiving the application, the waiver is granted. *Education Code 7.056(b)(c)*

DURATION

A waiver is effective for the period stated in the application, which cannot exceed three years. *Education Code 7.056(d)*

RESTRICTIONS

A campus or the District may not receive an exemption or waiver from requirements imposed by federal law or rule, including requirements for special education or bilingual education programs, or from a requirement or prohibition imposed by state law or rule relating to:

1. A prohibition on conduct that constitutes a criminal offense.
2. Essential knowledge or skills or minimum graduation requirements.
3. Public school accountability.
4. Extracurricular activities.
5. Health and safety.
6. Purchasing.
7. Elementary school class size limits, except as provided by Education Code 25.112.
8. Removal of a disruptive student from the classroom.
9. At-risk programs.
10. Prekindergarten programs.
11. Educator rights and benefits.
12. Special education programs.
13. Bilingual education programs.

14. First day of instruction requirements under Education Code 25.0811.

Education Code 7.056(e)

SUPERINTENDENT: QUALIFICATIONS AND DUTIES

BJA (LEGAL)

QUALIFICATIONS

The qualifications for Superintendent must permit a candidate for certification to substitute management training or experience for educational experience. *Education Code 21.046*

DUTIES

The Superintendent shall be the educational leader and chief executive officer of the District. *Education Code 11.201(a)*

The duties of the Superintendent include:

1. Assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of the education programs, services, and facilities of the District and for the annual performance appraisal of the District's staff.

2. Assuming administrative authority and responsibility for the assignment and evaluation of all personnel of the District other than the Superintendent.

3. Making recommendations regarding the selection of personnel, as provided by Education Code 11.163. [See DC and DBE]

4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]

5. Managing the day-to-day operations of the District as its administrative manager.

6. Preparing and submitting to the Board a proposed budget.

7. Preparing recommendations for policies to be adopted by the Board and overseeing the implementation of adopted policies.

8. Developing or causing to be developed appropriate administrative regulations to implement policies established by the Board.

9. Providing leadership for the attainment of student performance in the District based on the state's academic excellence indicators and other indicators as may be adopted by the State Board of Education or the Board.

10. Organizing the District's central administration.

11. Performing any other duties assigned by action of the Board.

Education Code 11.201(d)

DUTIES

In addition to responsibilities specifically provided by law or in the Superintendent's contract, the Superintendent shall:

EDUCATIONAL LEADERSHIP

1. Provide leadership and direction for the development of an educational system that is based on the needs of students, on standards of excellence and equity, and on community goals. Toward that end, the Superintendent shall:

INSTRUCTIONAL MANAGEMENT

a. Establish effective mechanisms for communication to and from staff in instructional evaluation, planning, and decision making.

b. Oversee annual planning for instructional improvement and monitor for effectiveness.

c. Ensure that goals and objectives form the basis of curricular decision making and instruction and communicate expectations for high achievement.

d. Ensure that appropriate data are used in developing recommendations and making decisions regarding the instructional program and resources.

e. Oversee a system for regular evaluation of instructional programs, including identifying areas for improvement, to attain desired student achievement.

STUDENT SERVICES MANAGEMENT

f. Oversee student services, including health and safety services, counseling services, and extracurricular programs, and monitor for effectiveness.

g. Oversee a discipline management program and monitor for equity and effectiveness.

h. Encourage, oversee, and participate in activities for recognition of student efforts and accomplishments.

STAFF DEVELOPMENT AND PROFESSIONAL GROWTH

i. Oversee a program of staff development and monitor staff development for effectiveness in improving district performance.

j. Stay abreast of developments in educational leadership and administration.

DISTRICT MANAGEMENT

2. Demonstrate effective planning and management of District administration, finances, operations, and personnel. To accomplish this, the Superintendent shall:

FACILITIES AND OPERATIONS MANAGEMENT

a. Implement and oversee a planning process that results in goals, targets, or priorities for all major areas of District operations, including facilities maintenance and operations, transportation, and food services.

b. Monitor effectiveness of District operations against appropriate benchmarks.

c. Oversee procedures to ensure effective and timely compliance with all legal obligations, reporting requirements, and policies.

d. Ensure that key planning activities within the District are coordinated and are consistent with Board policy and applicable law and that goals and results are communicated to staff, students, and the public as appropriate.

FISCAL MANAGEMENT

e. Oversee a budget development process that results in recommendations based on District priorities, available resources, and anticipated changes to district finances.

f. Oversee budget implementation to ensure appropriate expenditure of budgeted funds, to provide for clear and timely budget reports, and to monitor for effectiveness of the process.

g. Ensure that District investment strategies, risk management activities, and purchasing practices are sound, cost-effective, and consistent with District policy and law.

h. Maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

HUMAN RESOURCES MANAGEMENT

i. Ensure that the system for recruiting and selection results in personnel recommendations based on defined needs, goals, and priorities.

j. Organize District staff in a manner consistent with District priorities and resources and monitor administrative organization at all levels for effectiveness and efficiency.

k. Oversee a performance appraisal process for all staff that reinforces a standard of excellence and assesses deficiencies; ensure that results are used in planning for improvement.

l. Administer a compensation and benefits plan for employees based on clearly defined goals and priorities.

m. Encourage, oversee, and participate in staff recognition and support activities.

n. Oversee a program for staff retention and monitor for effectiveness.

BOARD AND COMMUNITY RELATIONS

3. Maintain positive and professional working relationships with the Board and the community. The responsibilities in this regard shall encompass the following:

BOARD

a. Keep the Board informed of significant issues as they arise, using agreed upon criteria and procedures for information dissemination.

b. Respond in a timely and complete manner to Board requests for information that are consistent with Board policy and established procedures.

c. Provide recommendations and appropriate supporting materials to the Board on matters for Board decision.

d. Articulate and support Board policy and decisions to staff and community.

COMMUNITY

e. Direct a proactive program of internal and external communication at all levels designed to improve staff and community understanding and support of the District.

f. Establish mechanisms for community and business involvement in the schools and encourage participation.

g. Work with other governmental entities and community organizations to meet the needs of students and the community in a coordinated way.

DELEGATION

To the extent permitted by law, the Superintendent may delegate responsibilities to other employees of the District but shall remain accountable to the Board for the performance of all duties, delegated or otherwise.

SUPERINTENDENT: EVALUATION

BJCD (LOCAL)

EVALUATION INSTRUMENT

The instrument used to evaluate the Superintendent shall be based on the Superintendent's job description [see BJA(LOCAL)] and performance goals and shall be adopted by the Board.

WRITTEN EVALUATION

The Board shall prepare a written evaluation of the Superintendent at annual or more frequent intervals.

The Board shall furnish the Superintendent with a copy of the completed evaluation and shall discuss its conclusions with the Superintendent in closed meeting.

OBJECTIVES

The Board shall strive to accomplish the following objectives in conducting the Superintendent's written evaluation:

1. Clarify to the Superintendent his or her role, as seen by the Board.
2. Clarify to Board members the Superintendent's role, according to the Board's written criteria, as expressed in the Superintendent's job description and the District's goals and objectives.
3. Foster an early understanding among new Board members of the evaluation process and the Superintendent's current performance objectives and priorities.
4. Develop and sustain a harmonious working relationship between the Board and the Superintendent.
5. Ensure administrative leadership for excellence in the District.

INFORMAL EVALUATION

The Board may at any time conduct and communicate oral evaluations to augment its written evaluations.

PERFORMANCE / AEIS REPORT

The Board shall publish an annual report describing the educational performance of the District and of each campus in the District. This report is provided by TEA and is termed the Academic Excellence Indicator System (AEIS) report. It is intended to inform the public about the educational performance of the District and of each campus in relation to the District, the state, and a comparable group of schools. The report shall include:

1. Uniform student performance and descriptive information as required by rules of the Commissioner.

2. Campus performance objectives and the progress of each campus toward those objectives.

3. The District's performance rating and the performance rating for each campus.

4. A comparison provided by TEA of:

   a. The performance of each campus to its previous performance and to state-established standards;

   b. The performance of the District to its previous performance and to state-established standards; and

   c. The performance of each campus or district to comparable improvement.

5. The District's current special education compliance status with TEA.

6. A statement of the number, rate, and type of violent or criminal incidents that occurred on each District campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). [See FL]

7. Information concerning school violence prevention and violence intervention policies and procedures that the District is using to protect students.

8. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. Section 7101 et seq.).

9. A statement of the amount, if any, of the District's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents.

10. Information received from postsecondary institutions reporting student performance during the first year enrolled after gradu-

ating from high school for each high school campus in the District, presented in a form determined by the Commissioner.

ADDITIONAL INFORMATION

The District may not alter the report provided by TEA; however, it may concurrently provide additional information to the public that explains information in the report, such as:

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

PUBLIC HEARING

Within 90 days after the report is received from TEA, the Board shall hold a hearing for public discussion of the report and shall notify property owners and parents in the District of the hearing. The notification must include notice to a newspaper of general circulation in the District and notice to electronic media serving the District.

PUBLICATION

The report must be published within two weeks after the hearing, in the same format as it was received from TEA.

AEIS DISSEMINATION

After the hearing, the Board shall disseminate the report by posting it in public places, such as school offices, local businesses, and public libraries.

Education Code 39.053; 19 TAC 61.1022

AEIS INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent AEIS report available to the public on the Web site. *Education Code 39.252*

PRIMARY CONSIDERATION

The information required to be reported in Education Code 39.053 shall be a primary consideration in District and campus planning. *Education Code 39.054(2)*

SCHOOL REPORT CARD (SRC)

TEA is required to prepare a campus report card for every campus in the state. This report is called the school report card (SRC) and

is intended to inform each student's parents or guardians about the school's performance.

SRC DISSEMINATION

Each school campus must disseminate the school report card within six weeks after it is received from TEA. The campus may disseminate the school report card in the same manner it normally transmits official communications to parents and guardians. These methods may include:

1. Including the SRC in a weekly folder sent home with each student;
2. Mailing it to each student's residence;
3. Providing it at a parent-teacher conference; or
4. Enclosing it with the student report card.

On written request, the District shall provide a copy of a campus report card to any other party.

ADDITIONAL INFORMATION

A school may not alter the SRC, but it may include additional information with the report that explains or supplements information contained within the report.

Education Code 39.052; 19 TAC 61.1021

SRC INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent SRC for each campus available to the public on the Web site. *Education Code 39.252*

ANNUAL FINANCIAL MANAGEMENT REPORT

The Commissioner shall develop a reporting procedure under which the District is required to prepare and distribute an annual financial management report. The annual financial management report prepared by the District must include a description of the District's financial management performance based on a comparison, provided by TEA, of the District's performance on the indicators in Texas Administrative Code Title 19, Chapter 109.1002.

The public shall be given an opportunity to comment on the report at a hearing.

REPORT REQUIREMENTS

The report shall contain information on state-established standards and the District's financial management performance under each indicator for the current and previous years' financial accountability ratings, along with any descriptive information required by the Commissioner including:

1. A copy of the Superintendent's current employment contract. The District may publish the Superintendent's employment

contract on the District's Internet site in lieu of publication in the annual financial management report;

2. A summary schedule for the fiscal year (12-month period) of total reimbursements received by the Superintendent and each Board member, including transactions resulting from use of the District's credit card(s) to cover expenses incurred by the Superintendent and each Board member. The summary schedule shall separately report reimbursements for meals, lodging, transportation, motor fuel, and other items (the summary schedule of total reimbursements is not to include reimbursements for supplies and materials that were purchased for the operation of the District);

3. A summary schedule for the fiscal year of the dollar amount of compensation and/or fees received by the Superintendent from another school district or any other outside entity in exchange for professional consulting and/or other personal services. The schedule shall separately report the amount received from each entity;

4. A summary schedule for the fiscal year of the total dollar amount received by the executive officers and Board members of gifts that had an economic value of $250 or more in the aggregate in the fiscal year. This reporting requirement only applies to:

   a. Gifts received by the District's executive officers and Board members (and their immediate family as described by Government Code, Chapter 573, Subchapter B, as a person related to another person within the first degree by consanguinity or affinity) from an outside entity that received payments from the District in the prior fiscal year, and

   b. Gifts from competing vendors that were not awarded contracts in the prior fiscal year.

   This reporting requirement does not apply to reimbursement of travel-related expenses by an outside entity when the purpose of the travel is to investigate or explore matters directly related to the duties of an executive officer or Board member, or matters related to attendance at education-related conferences and seminars whose primary purpose is to provide continuing education (this exclusion does not apply to trips for entertainment-related purposes or pleasure trips). This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had an aggregate economic value of less than $250 per executive officer or Board member; and

5. A summary schedule for the fiscal year of the dollar amount by Board member for the aggregate amount of business transactions with the District. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by Board members; and

6. Any other information the Board of the District determines to be useful.

PUBLIC HEARING

The Board shall hold a public hearing on the report. The Board shall give notice of the hearing to property owners and to parents of District students.

The public hearing on the annual financial management report shall be held in the District's facilities within two months of receipt of a final financial accountability rating.

In addition to other notice required by law, notice of the hearing must be provided to a newspaper of general circulation in the District once a week for two weeks prior to holding the public meeting, providing the time and place where the hearing is to be held. The first notice in the newspaper may not be more than 30 days prior to or less than 14 days prior to the public meeting. If there is not a newspaper published in the county in which the District's central administration office is located, then the notice is to be published in the county nearest the county seat of the county in which the District's central administration office is located.

Notice of the hearing must also be provided through electronic mail to media serving the District.

At the hearing, the annual financial management report shall be disseminated to parents and taxpayers in attendance. The annual financial management report shall be retained in the District for at least a three-year period after the public hearing and shall be made available to parents and taxpayers upon request.

CORRECTIVE ACTION PLAN

A corrective action plan shall be filed with TEA by each school district that received a rating of Substandard Achievement or Suspended—Data Quality. The corrective action plan, prepared in accordance with the instructions from the Commissioner, is to be filed within one month after the District's public hearing.

DISSEMINATION

After the hearing, the report shall be disseminated in the District in the manner prescribed by the Commissioner.

Education Code 39.203; 19 TAC 109.1005

BOARD AUTHORITY

The Board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

DELEGATION OF AUTHORITY

The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B, to a designated person, representative, or committee.

The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.

Education Code 44.0312

INJUNCTION

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the District is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

PURCHASES VALUED AT OR ABOVE $25,000

All District contracts, except contracts for the purchase of produce or vehicle fuel, valued at $25,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District:

1. Competitive bidding.
2. Competitive sealed proposals.
3. A request for proposals for services other than construction services.
4. A catalog purchase as provided by Government Code Chapter 2157, Subchapter B.
5. An interlocal contract.
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001.

Note: Regarding construction of school facilities, see CV generally; CVA for competitive bidding; CVB for competitive sealed proposals; CVC for design/build contracts; CVD, CVE for contracts using a construction manager; and CVF for job order contracts for minor repairs/alterations.

Education Code 44.031(a)

FACTORS

In awarding a contract, the District may consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031(b), a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b–1)*

The factors listed above are the only criteria that may be considered by the District in its decision to award a contract. The District may apply one, some, or all of the criteria, but it may not completely ignore them. *R.G.V. Vending v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).*

CONTRACT WITH PERSON INDEBTED TO DISTRICT

The Board may, by resolution, establish regulations permitting the District to refuse to enter into a contract or other transaction with a person indebted to the District. The District may refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the District.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with the District requiring Board approval.

Education Code 44.044

NOTICE PUBLICATION

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in the county where the District's central administrative office is located, once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

PERSONAL PROPERTY PURCHASES VALUED $10,000 TO $25,000

When the District seeks to purchase personal property of a value of at least $10,000 but less than $25,000, in the aggregate, for a 12-month period, the District may either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described below. *Education Code 44.033(a)*

NOTICE

For each 12-month period, the District shall publish a notice in two successive issues of any newspaper of general circulation in the county in which the school is located. If there is no newspaper in the county in which the school is located, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the school is located, specifying the categories of personal property to be purchased and soliciting the names, addresses, and telephone numbers of vendors that are interested in supplying any of the categories to the District. *Education Code 44.033(b)*

VENDOR LIST

For each category, the District shall create a vendor list consisting of each vendor that responds to the published notice and any additional vendors the District elects to include. Before the District makes a purchase from a category of personal property, it must obtain written or telephone price quotations from at least three vendors from the list for that category. If fewer than three vendors are on the list, the District shall contact each vendor. Whenever possible, telephone quotes should be confirmed in writing by mail or facsimile. The bidding records shall be retained with the District's competitive bid records and are subject to audit. Purchases shall be made from the lowest responsible bidder, except as provided by Education Code 44.033(f). *Education Code 44.033(b), (c)*

LOCATION OF BIDDER

In awarding a contract by competitive sealed bid under Education Code 44.033(b) and (c), a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This sec-

tion does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.033(f)*

PRODUCE OR FUEL PURCHASES

When the District purchases produce or fuel valued at $10,000 or more in the aggregate, for a 12-month period, the District must either purchase those items in accordance with Education Code 44.031(a) and (b) described above or follow the vendor list procedures described immediately above. *Education Code 44.033(a), (d)*

PROFESSIONAL SERVICES

The purchasing requirements of Education Code Section 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agent.

The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, 2254.003(a)* [See also CV]

EMERGENCY DAMAGE OR DESTRUCTION

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

COMPUTERS

The District may acquire computers and computer-related equipment, including computer software, through the Texas Building and Procurement Commission (BPC) under contracts with the BPC in accordance with Government Code Chapter 2157. *Education Code 44.031(i)*

SOLE SOURCE

Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.

2. A film, manuscript, or book.

3. A utility service, including electricity, gas, or water.

4. A captive replacement part or component for equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of $15,000.

Education Code 44.031(j), (k)

IMPERMISSIBLE PRACTICES

A Trustee, employee, or agent shall not, with criminal negligence, make or authorize separate, sequential, or component purchases to avoid the purchasing requirements set out in Education Code 44.031. An officer or employee shall not knowingly violate Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, over a period, of items that in normal purchasing practices would be made in one purchase.

Violation of this provision is a Class B misdemeanor and an offense involving moral turpitude, conviction of which shall result in removal from office or dismissal from employment. A Trustee who is convicted of a violation of this provision is considered to have committed official misconduct and for four years after the date of final conviction, the removed person is ineligible to be appointed or elected to public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision, and is ineligible to receive any compensation through a contract with the state or a political subdivision. [See BBC]

Education Code 44.032

INSURANCE

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031 or 44.033. *Education Code 44.031, 44.033; Atty. Gen. Op. DM–347 (1995)*

MULTIYEAR CONTRACTS

The District may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at COMMITMENT OF CURRENT REVENUE, below. If the District executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the District will be executing a new insurance contract. *Atty. Gen. Op. DM–418 (1996)*

COMPETITIVE BIDDING

If the District receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical bids.

If only one of the bidders submitting identical bids is a resident of the District, that bidder shall be selected. If two or more such bidders are residents of the District, one shall be selected by the casting of lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

The Board shall prescribe the manner of casting lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

Local Gov't Code 271.901

REVERSE AUCTION

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the District and fair to vendors. *Local Gov't Code 271.906(b)*

Reverse auction procedure means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

OUT–OF–STATE BIDDERS

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001, 2252.002*

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the BPC in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003, 2252.004*

INTERLOCAL AGREEMENTS

To increase efficiency and effectiveness, the District may contract or agree with other local governments and with state agencies, including the BPC, to perform some of its purchasing functions. *Gov't Code 791.001, 791.011, 791.025*

An interlocal contract must be authorized by the Board and the governing body of each contracting party; must state the purpose, terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. The contract may be renewed annually.

Gov't Code 791.011(d)–(f)

The District may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the BPC, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. Such an agreement may not, however, apply to services provided by firefighters, police officers, or emergency medical personnel.

A district that purchases goods and services by agreement with another local government or with the state or state agency satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b), (c); Atty. Gen. Op. JC–37 (1999)

STATE PURCHASING PROGRAM

Purchasing services performed for the District by the BPC shall include:

1. The extension of state contract prices to the District when the BPC considers it feasible.

2. Solicitation of bids on items desired by the District if the solicitation is considered feasible by the BPC and is desired by the District.

3. Provision of information and technical assistance to the District about the purchasing program.

The BPC may charge the District its actual costs in providing purchasing services.

Local Gov't Code 271.082

DISTRICT REQUIREMENTS

The District may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the BPC a resolution adopted by the Board requesting that the District be allowed to participate on a voluntary basis, to the extent the BPC deems feasible, and stating that the Board shall:

1. Designate an official to act for the District in all matters relating to the program, including the purchase of items from the vendor under any contract.
2. Direct the decisions of its representative.
3. Be responsible for:
   a. Submitting requisitions to the commission under contract(s) and for payment directly to the vendor; and
   b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending the BPC reports on actual purchases.
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A purchase made through participation in this program meets any state requirement to seek competitive bids for the purchase of the item.

ELECTRONIC MARKETPLACE

If the District has the ability to electronically send purchase orders and information, it may participate in the Department of Information Resources' electronic procurement system, as described in Government Code Chapter 2177.

Local Gov't Code 271.083

MULTIPLE AWARD CONTRACT SCHEDULE

The BPC shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state.

The District may purchase goods or services directly from a vendor under a contract listed on a schedule. An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals and satisfies any applicable requirements of Government Code 2157 (catalog purchase method).

The price listed for a good or service under a multiple award contract is a maximum price. The District may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155, Subchapter I

COOPERATIVE PURCHASING PROGRAM

The District may participate in a cooperative purchasing program with another local government or a local cooperative organization. If the District does so, it may sign an agreement with another participating local government or a local cooperative stating that the District will:

1. Designate a person to act on behalf of the District in all matters relating to the program.
2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.
3. Be responsible for the vendor's compliance.

If the District participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

Local Gov't Code 271.102; Atty. Gen. Op. JC–37 (1999)

STATE COUNCIL ON COMPETITIVE GOVERNMENT

As approved by the State Council on Competitive Government, the District may voluntarily participate in a contract awarded by the council or a state agency under Government Code 2162. A district that purchases goods or services under this type of contract is considered to have satisfied any state law requiring competitive purchasing. *Gov't Code 2162.102(d)*

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

ENERGY OR WATER CONSERVATION MEASURES

The District may contract for energy or water conservation measures. Such a contract shall be let according to the procedures established for professional services by Government Code 2254.004. *Education Code 44.901* [See policy CL for legal requirements pertaining to such contracts]

RECYCLED PRODUCTS

The District shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. The District shall regularly review and revise its purchasing procedures and specifications for purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials.
2. Encourage the use of products made of recycled materials.
3. Ensure to the maximum extent economically feasible that the District purchase products that may be recycled when they have served their intended use.

The District may seek an exemption from compliance if it has a population of less than 5,000 within its geographic boundaries and demonstrates to the Water Commission that compliance would work a hardship on the District.

Health and Safety Code 361.426

AGRICULTURAL PRODUCTS

If the cost and quality are equal, the District shall give preference in purchasing to agricultural products, including textiles and other similar products, that are produced, processed, or grown in Texas. “Processed” means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If Texas agricultural products are not equal in cost and quality to other agricultural products, the District shall give preference in purchasing to agricultural products produced, processed, or grown in the United States, if the cost and quality of the U.S. and foreign products are equal.

The District may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

VEGETATION FOR LANDSCAPING

If cost is equal and the quality is not inferior, the District shall give preference to Texas vegetation when it purchases vegetation for landscaping purposes.

Education Code 44.042

BUS PURCHASE OR LEASE

Each contract proposed for the purchase or lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)* [See CNB]

CRIMINAL HISTORY

Before entering into a contract with the District, a person or business must give notice to the District if the person or an owner or operator of the business has been convicted of a felony. The District may terminate a contract with a person or business if the District determines that the person or business failed to give such notice or misrepresented the conduct resulting in the conviction. The District must compensate the person for services performed before the contract terminated. *Education Code 44.034*

The District may obtain criminal history record information that relates to an employee of or applicant for employment by a person that contracts with the District to provide services if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and

2. The duties are or will be performed on school property or at another location where students are regularly present.

Education Code 22.083(b)

RIGHT TO WORK

While engaged in procuring goods and services or awarding a contract, the District:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and

2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

LOBBYING RESTRICTION: TOBACCO EDUCATION GRANT FUNDS

The District may not spend grant funds it receives from the Permanent Fund for Tobacco Education and Enforcement to pay:

1. Lobbying expenses incurred by the District;

2. A person or entity that is required under Government Code Chapter 305 to register as a lobbyist with the Texas Ethics Commission.

3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity of a registered lobbyist (as described in item 2);

4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067

PURCHASING AUTHORITY

The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs $25,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

PURCHASING METHOD

The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL).

COMPETITIVE BIDDING

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of opening. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids.

COMPETITIVE SEALED PROPOSALS

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposer and the time of opening. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals.

RESPONSIBILITY FOR DEBTS

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

PURCHASE COMMITMENTS

All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, in accordance with administrative procedures.

PERSONAL PURCHASES

District employees shall not be permitted to purchase supplies or equipment for personal use through the District's business office.

USE OF DISTRICT MAIL SYSTEM

Unless it has been opened to the public, by policy or practice, a school mail system is not a public forum. The District may create a limited public forum in its campus mailboxes. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103 S. Ct. 948 (1983)* [See also GKD]

INTERCAMPUS MAIL DELIVERY

The District is prohibited by the Private Express Statutes from carrying unstamped letters over postal routes unless:

1. The letters relate to the current business of the District to an extent sufficient to satisfy the "letters of the carrier" exception; or

2. The carriage of the letters is without any compensation, direct or indirect, to the District so as to satisfy the "private hands" exception.

Regents of the Univ. of Cal. System v. Public Employee Relations Board, 485 U.S. 589, 108 S. Ct. 1404 (1988); 39 U.S.C. 601–606; 18 U.S.C. 1693–1699

POLITICAL ADVERTISING

No officer or employee of the District may knowingly use or authorize the use of an internal mail system for the distribution of political advertising unless the political advertising is delivered by the United States Postal Service. *Election Code 255.0031*

"Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

1. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television;

2. Appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

3. Appears on an Internet Web site.

Election Code 251.001(16); 1 TAC 20.1(13)(A)

"Political advertising" does not include a communication made by e-mail. *1 TAC 20.1(13)(B)*

STATE FUNDING

Subject to Education Code 42.2516(g) and (h) (regarding reduction in state aid for certain districts), the District is entitled to state revenue necessary to provide the District with an amount equal to $2,500 for each classroom teacher, full-time librarian, full-time counselor, and full-time school nurse employed by the District and entitled to the state minimum salary. *Education Code 42.2516(b)(2)*

The District is entitled to state aid in an amount equal to the sum of:

1. $500 for each full-time District employee, other than administrators or employees subject to the minimum salary schedule; and
2. $250 for each part-time District employee, other than administrators.

A determination by the Commissioner under this provision is final and may not be appealed.

Education Code 42.2513

MINIMUM SALARY SCHEDULE — EDUCATORS

The District shall pay each classroom teacher, full-time librarian, full-time counselor, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, specified in Education Code 21.402 and 19 TAC 153.1021.

DEFINITIONS

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

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

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

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

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

19 TAC 153.1022(a)

PLACEMENT ON SALARY SCHEDULE

The Commissioner's rules determine the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule. The District shall credit the teacher, librarian, counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.402(a), 21.403(c); 19 TAC 153.1022*

EDUCATOR COMPENSATION FOR 2006–07

For the 2006–07 school year, a classroom teacher, full-time librarian, full-time counselor, or full-time school nurse is entitled to a monthly salary that is at least equal to the sum of:

1. The monthly salary the employee would have received for the 2006–07 school year under the District's salary schedule for the 2005–06 school year, if that schedule had been in effect for the 2006–07 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006–07 school year; and

2. $250.

Education Code 21.402(c–1)

A classroom teacher, full-time librarian, full-time counselor, and full-time school nurse employed by a school district in the 2006–07 school year is, as long as the employee is employed by the same district, entitled to a salary that is at least equal to the salary the employee received for the 2006–07 school year. *Education Code 21.402(c–2)*

Education Code 21.402(c–1) and (c–2) expire September 1, 2007.

EMPLOYEES FORMERLY ON CAREER LADDER

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

"Gross monthly salary" includes the amount the teacher or librarian received as a career ladder supplement under Section 16.057, as that section existed January 1, 1993.

Education Code 21.402(f), 21.403(d)

In addition, a teacher or librarian who was on level two or three of the career ladder is entitled, as long as he or she is employed by the same district, to:

LEVEL TWO EDUCATORS

1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or

LEVEL THREE EDUCATORS

2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993.

Education Code 21.403(d)

SUPPORT STAFF COMPENSATION

The District shall pay each District employee, other than an administrator or an employee subject to the minimum salary schedule, an amount at least equal to:

1. $500, for full-time employees.

2. $250, for part-time employees.

Such payment is in addition to wages the District would otherwise pay the employee during the school year.

Education Code 22.107

PAY INCREASES

The District shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. *Tex. Const. Art. III, Sec. 53* [See CE(LEGAL)]

SALARY ADVANCES AND LOANS

The District shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.–Houston [1st Dist.] 1976, no writ)*

DESIGNATION OF COMPENSATION FOR BENEFITS

An employee who is covered by a cafeteria plan or who is eligible to pay health care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health care supplementation. The amount designated may not exceed the amount permitted under federal law. *Education Code 21.103*

USE

An employee may use the compensation designated for health care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the

employee is enrolled or using the designated amount for health care premiums through a premium conversion plan. *Education Code 21.106*

ANNUAL ELECTION

Each school year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health care supplementation. The election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 21.105*

DEFINITION

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

1. Is employed by the District;
2. Is not a retiree eligible for coverage under Insurance Code Chapter 1575 (retiree group health benefits);
3. Is not eligible for coverage by a group insurance plan under Insurance Code Chapter 1551 (state employee health insurance) or Chapter 1601 (state university employee health insurance); and
4. Is not an individual performing personal services for the District as an independent contractor.

Education Code 22.101(2)

FAIR LABOR STANDARDS ACT

Unless an exemption applies, the District shall pay each of its employees not less than minimum wage. *29 U.S.C. 206(a)(1)*

MINIMUM WAGE

Unless an exemption applies, the District shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours in excess of forty in any workweek. *29 U.S.C. 207(a)(1); 29 CFR part 778*

COMPENSATORY TIME

ACCRUAL

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory

time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

PAYMENT FOR ACCRUED TIME

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

USE

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the District.

The Fair Labor Standards Act does not prohibit the District from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

EXEMPT EMPLOYEES

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity, including academic administrative personnel or teachers in elementary or secondary schools. *29 U.S.C. 213(a)(1)*

SALARY BASIS

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the District did not intend to pay employees on a salary basis.

SAFE HARBOR POLICY

If the District has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism; reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the District will not lose the deduction unless the District willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the District's intranet.

29 CFR 541.600, .602(a), .603

WAGE AND HOUR RECORDS

The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. *29 CFR 516.2*

TRS CONTRIBUTIONS FOR NEW HIRES

During each fiscal year, the District shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.

"New member" means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, the District shall:

1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and

2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

The District must remit the amount required under this section to TRS at the same time the District remits the member's contribution. In computing the amount required to be remitted, the District shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

Gov't Code 825.4041

TRS SURCHARGE FOR REHIRED RETIREES

TRS FUND CONTRIBUTIONS

During each payroll period for which a retiree is reported, the District shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and

2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

HEALTH INSURANCE CONTRIBUTIONS

In addition, each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), the District shall contribute to the TRS Care trust fund any difference between the amount the retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program, as determined by TRS. If more than one employer reports the retiree to TRS during a month, the amount of the required payment shall be prorated among employers.

EXCEPTION

The District is not required to contribute these amounts for a retiree who was reported under retirement system rules in effect for the report month of January 2005 by:

1. The reporting employer; or

2. Another employer, if both employers are school districts that formed a consolidated school district on or before September 1, 2005.

Gov't Code 825.4092; Insurance Code 1575.204

RETIREMENT INCENTIVES

The District may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

ATTENDANCE SUPPLEMENT

The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

CLASSROOM SUPPLY REIMBURSEMENT

If funds are specifically appropriated or TEA identifies available funds, TEA shall establish a reimbursement program under which TEA provides funds to districts for the purpose of reimbursing classroom teachers and campus library media specialists who expend personal funds on classroom supplies.

USE OF FUNDS

The District shall allow each classroom teacher and campus library media specialist in the District who is reimbursed under the reimbursement program to use the funds at the teacher's or specialist's discretion, except that the funds must be used for the benefit of the District's students.

The District may allow, but not require, teachers and campus library media specialists to pool their respective supply monies for the purchase of an item, as long as the item meets the student benefit criteria established by the District.

Education Code 21.414; 19 TAC 61.1081(d)(3)

MAXIMUM REIMBURSEMENT

Total reimbursement to an individual teacher or campus library media specialist in a single year from the Classroom Supply Reimbursement Grant Program may not exceed $200. Reimbursements from local funds may exceed the matching requirement (see below).

UNEXPENDED FUNDS

Funds for each grant period must be expended by the end of the grant period.

ELIGIBILITY REQUIREMENTS

To be eligible to participate in the classroom supply reimbursement program, the District shall be required to:

1. Reapply to participate each year;
2. Account for funds in accordance with applicable state and federal requirements;
3. Match any funds provided to the District under the reimbursement program with local funds to be used for the same purpose. The District may not use funds received under the reimbursement program to replace local funds used by the District for the same purpose. Local funds may be donated or otherwise provided to the District by community groups, parent/teacher organizations, businesses, professional organizations, and others.
    a. "Local funds" are all funds over which the District exercises control or approval authority used to reimburse teachers for tangible items of direct benefit to students.
    b. Individual reimbursements from the Classroom Supply Reimbursement Grant Program must be matched with an equal amount of local funds.

4. Ensure that items purchased with grant funds are tangible items, of direct benefit to students. In order to participate in the classroom supply reimbursement program, the District's application must include a District policy that would ensure each teacher or campus library media specialist meets the requirement that an expenditure will benefit students;

5. Retain ownership of all durable goods purchased under this program. The District may develop a procedure allowing each teacher or campus library media specialist to retain ownership of goods of nominal value purchased with grant money; and

6. Return unexpended Classroom Supply Reimbursement Grant Program balances at the end of the state fiscal year for which they were awarded.

PENALTIES

A district found in noncompliance with TEA's rules regarding the Classroom Supply Reimbursement Grant Program must reimburse the state for funds unaccounted for or used for purposes not meeting with the requirements of the statute.

A district found to have reduced its local expenditures may be required to refund the entire grant to the state.

DISPUTE RESOLUTION AND APPEALS

A determination by the Board of any dispute involving teacher or campus library media specialist reimbursement is final and may not be appealed to TEA, except as provided in Education Code 7.057. Nothing in this provision precludes TEA from recovering funds from the District pursuant to an audit.

A determination by TEA in the administration of this program is final and may not be appealed.

Note: TEA regulations under Education Code 21.214 expire September 1, 2007.

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19 TAC 61.1081

TRAVEL SERVICES

An employee of the District who is engaged in official business may participate in the Texas Building and Procurement Commission's contract for travel services. *Gov't Code 2171.055(f)*

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), DFBA and DFBB (Term Contracts), and DFCA (Continuing Contracts).

WITHHOLDING INFORMATION

An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts), 21.156 (continuing contracts), and 21.211 (term contracts). *Education Code 26.008(b)*

CRIMINAL OFFENSES

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

CERTAIN OFFENSES AGAINST CHILDREN

A district that receives notice under Education Code Section 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and

2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

These removal and termination requirements apply 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, and only if the victim of the offense is under 18 years of age.

Education Code 21.058

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.

DISTRICT'S OPTIONS

After an employee receives notice that the employee's contract is void the District may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate; and

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

NO APPEAL OR CHAPTER 21 HEARING

A District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of this chapter do not apply to the decision.

APPLICABILITY

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

Education Code 21.0031; Nunez v. Simms, 341 F.3D 385 (5th Cir. 2003)

REPORT TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall promptly notify SBEC if the Superintendent has reasonable cause to believe that:

CRIMINAL RECORD

1. An educator employed by or seeking employment by the District has a criminal record;

RESIGNATION

2. The educator resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 3(a)–(e), below [see DFE]; or

TERMINATION

3. An educator's employment at the District was terminated based on a determination that the educator:
   a. Abused or otherwise committed an unlawful act with a student or minor;
   b. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;
   c. Illegally transferred, appropriated, or expended funds or other property of the District;

d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

e. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

"Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor.

REPORTS

The Superintendent must file a report with SBEC within seven calendar days after first learning about an alleged incident of misconduct described in items 1–3, above. The report must be in writing and in a form prescribed by SBEC.

A superintendent who is required to file a report, but fails to timely do so, is subject to sanctions.

The Superintendent shall notify the Board and the educator of the filing of the report.

IMMUNITY

A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.

Education Code 21.006, 19 TAC 249.14

REASONS

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

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. A decision by a campus intervention team under Education Code 39.1324 that the employee not be retained at a reconstituted campus.
11. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
12. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
13. Conviction of a felony or of any crime involving moral turpitude; conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony; or deferred adjudication for a felony or any crime involving moral turpitude. [See DH]

14. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]

15. Failure to meet the District's standards of professional conduct.

16. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

17. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.

18. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.

19. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.

20. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.

21. A significant lack of student progress attributable to the educator.

22. Behavior that presents a danger of physical harm to a student or to other individuals.

23. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

24. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

25. Falsification of records or other documents related to the District's activities.

26. Falsification or omission of required information on an employment application.

27. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.

28. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.

29. Failure to achieve or maintain “highly qualified” status as required for the employee’s assignment.

30. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.

31. Any attempt to encourage or coerce a child to withhold information from the child’s parent or from other District personnel.

32. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

33. Any reason constituting good cause for terminating the contract during its term.

RECOMMENDATIONS FROM ADMINISTRATION

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. The Superintendent shall require that each administrator’s recommendation for nonrenewal be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee’s contract rests with the Superintendent.

SUPERINTENDENT’S RECOMMENDATION

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

NOTICE OF PROPOSED RENEWAL OR NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR HEARING

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

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

HEARING PROCEDURE

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

The conduct of the hearing shall be under the Board President's control and in general shall follow the steps listed below:

1. After consultation with the parties, the Board President shall impose reasonable time limits for presentation of evidence and closing arguments.

2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.

3. The employee may cross-examine any witnesses for the administration.

4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.

5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

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

date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

EMPLOYEE FREE SPEECH

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 126 S.Ct. 1951 (2006); Tinker v. Des Moines Indep. Cmty. Sch. Dist,, 393 U.S. 503, 89 S. Ct. 733 (1969) [See also GKD]

WHISTLEBLOWER PROTECTION

The Board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by the District or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or

2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

DEFINITIONS

"Employee" means an employee or appointed officer who is paid to perform services for the District. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:

   a. Regulate under or enforce the law alleged to be violated in the report, or

   b. Investigate or prosecute a violation of criminal law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dept. of Trans. v. Needham, 82 S.W.3d 314 (Tex. 2002)

WHISTLEBLOWER COMPLAINTS

An employee who alleges a violation of whistleblower protection may sue the District for injunctive relief, actual damages, court costs, and attorneys fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

INITIATE GRIEVANCE

Before suing, an employee must initiate action under the District's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke the District's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

LEGAL ACTION

If the Board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust the District's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or

2. Terminate District grievance procedures and sue within the time lines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

NOTICE OF RIGHTS

The Board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

PROTECTION FOR REPORTING CHILD ABUSE

The Board or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who in good faith:

1. Reports child abuse or neglect to:
   a. The person's supervisor,
   b. An administrator of the facility where the person is employed,
   c. A state regulatory agency, or
   d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of the foregoing may sue for injunctive relief, damages, or both. A District employee who has a cause of action under WHISTLEBLOWER PROTECTION may not bring an action under PROTECTION FOR REPORTING CHILD ABUSE.

Family Code 261.110

ATTENDANCE COMMITTEE MEMBERSHIP

A member of an attendance committee is not personally liable for any act or omission arising out of duties as a member of an attendance committee. *Education Code 25.092(c)*

REPORT OF DRUG OFFENSES

A teacher, administrator, or other District employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property any of the following substances:

1. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act.
2. A dangerous drug, as defined by the Texas Dangerous Drug Act.
3. An abusable glue or aerosol paint, as defined by Health and Safety Code Chapter 485, or a volatile chemical, if the sub-

stance is used or sold for the purpose of inhaling its fumes or vapors.

4. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

Education Code 37.016

REPORT TO LOCAL LAW ENFORCEMENT

A principal or person designated by the principal is not liable in civil damages for making a good faith report to law enforcement, as required by law, of an activity specified at Education Code 37.015. *Education Code 37.015* [See GRA(LEGAL)]

ADMINISTRATION OF MEDICATION

The District, the Board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with Education Code 22.052. *Education Code 22.052(a), (b)* [See FFAC]

PROTECTION OF NURSES

The District may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;

2. Constitutes a minor incident, as defined at Occupations Code Section 301.419; or

3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the District at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

IMMUNITY FROM INDIVIDUAL LIABILITY

The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

'PROFESSIONAL EMPLOYEES'

A professional employee of the District is not personally liable for any act that is incident to or within the scope of the duties of the employee's position of employment and that involves the exercise of judgment or discretion, except in circumstances where, in disciplining a student, the employee uses excessive force or his or her negligence results in bodily injury to the student.

"Professional employee of the District" includes a superintendent; principal; teacher, including a substitute teacher or a teacher employed by a company that contracts with the District to provide

the teacher's services to the District; a supervisor; social worker; counselor; nurse; teacher's aide; a student in an education preparation program participating in a field experience or internship; a DPS-certified school bus driver, and any other person whose employment requires certification and the exercise of discretion.

MOTOR VEHICLE EXCEPTION

Education Code Section 22.0511 does not apply to the operation, use, or maintenance of any motor vehicle.

Education Code 22.0511(a)–(b), 22.051; Hopkins v. Spring ISD, 756 S.W.2d 617 (Tex. 1987); Barr v. Bernhard, 562 S.W.2d 844 (Tex. 1978)

'INDIVIDUALS'

In addition to the immunity described above [at PROFESSIONAL EMPLOYEES], and under other provisions of state law, an individual is entitled to any immunity and any other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001 (Coverdell Act). [See TEACHERS, below] Nothing in Education Code 22.0511(c) shall be construed to limit or abridge any immunity or protection afforded an individual under state law. *Education Code 22.0511(c)*

'TEACHERS' (COVERDELL ACT)

Except as provided in 20 U.S.C. Section 6736(b), no "teacher" in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if:

1. The teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;
2. The actions of the teacher were carried out in conformity with federal, state, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;
3. If appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the state in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;
4. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and
5. The harm was not caused by the teacher's operating a motor vehicle, vessel, aircraft, or other vehicle for which the state requires the operator or the owner of the vehicle, craft, or vessel to:

a. Possess an operator's license; or

b. Maintain insurance.

"Teacher" means:

1. A teacher, instructor, principal, or administrator;

2. Another educational professional who works in a school;

3. An individual member of a school board (as distinct from the Board); or

4. A professional or nonprofessional employee who works in a school, and:

   a. In the employee's job, maintains discipline or ensures safety; or

   b. In an emergency, is called on to maintain discipline or ensure safety.

20 U.S.C. Section 6733, 6736(a)

EDUCATOR ETHICS

Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom.

The State Board for Educator Certification (SBEC) shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(8); 19 TAC 247.1, 247.2

REPORT TO SBEC OF EDUCATOR MISCONDUCT

The Superintendent shall promptly notify SBEC in writing by filing a report with SBEC not later than the seventh day after the Superintendent first learns about a criminal record or an alleged incident of misconduct, as described at DF, involving a certified educator. *Education Code 21.006; 19 TAC 249.14*

PUBLIC SERVANTS

All District employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(41), Title VIII* [See DBD and BBFA]

TOBACCO USE PROHIBITED

The Board shall prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property.

ENFORCEMENT

The Board shall ensure that District personnel enforce the policies on school property.

Education Code 38.006(1)(3) [See also FNCD and GKA]

DRUG AND ALCOHOL ABUSE PROGRAM

The Board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

A district that receives a federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement [see DI(EXHIBIT)];
2. Establishing a drug-free awareness program for employees pursuant to the DFWA;
3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;

4. Imposing a sanction on an employee who is convicted of such a violation; and

5. Making a good faith effort to continue to maintain a drug-free workplace.

41 U.S.C. 702(a)(1); 49 CFR pt. 32

A district that has 15 or more employees shall adopt a policy for elimination of drug abuse and must provide their employees with a copy of the policy on or before the first day of employment. Districts that comply with the DFWA must amend their policies to include alcoholic beverages. *28 TAC 169.1, 169.2*

DIETARY SUPPLEMENTS

Except as provided at Education Code 38.011(b), a District employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or

2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

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

SECTION E: INSTRUCTION

EA INSTRUCTIONAL GOALS AND OBJECTIVES

EB SCHOOL YEAR

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

SECTION E: INSTRUCTION

EHBB Gifted and Talented Students
EHBC Compensatory/Accelerated Services
EHBD Federal Title I
EHBE Bilingual Education/ESL
EHBF Career and Technology Education
EHBG Prekindergarten
EHBH Other Special Populations
EHBI Adult and Community Education
EHBJ Dual Language
EHBK Other Instructional Initiatives
EHBL High School Equivalency
EHD Extended Instructional Programs
EHDA Summer School
EHDB Travel Study
EHDC Honors
EHDD College Course Work/Dual Credit
EHDE Distance Learning

EI ACADEMIC ACHIEVEMENT
EIA Grading/Progress Reports to Parents
EIAA Examinations
EIAB Makeup Work
EIB Homework
EIC Class Ranking
EID Honor Rolls
EIE Retention and Promotion
EIF Graduation

EJ ACADEMIC GUIDANCE PROGRAM

EK TESTING PROGRAMS
EKB State Assessment
EKC Reading Assessment
EKD Mathematics Assessment

EL CHARTER CAMPUS OR PROGRAM

EM MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA Academic Freedom
EMB Teaching About Controversial Issues
EMD Ceremonies and Observances
EMG Animals in the School
EMI Study of Religion

SCHOOL START DATE

The District may not begin instruction for students for a school year before the fourth Monday in August unless the District operates a year-round system (see below). The District may not receive a waiver of this requirement. *Education Code 25.0811*

LENGTH OF SCHOOL YEAR

The District shall operate so that it provides for at least 180 days of instruction each school year.

EXCEPTIONS

The Commissioner of Education may approve the operation of schools for less than the number of instructional days specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.

Education Code 25.081

OPTIONAL FLEXIBLE YEAR PROGRAM

To enable the District to provide additional instructional days for an optional extended year program [see EHBC], the District may, with the approval of the Commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. *Education Code 29.0821(b)(1)*

YEAR–ROUND SCHOOLS

The District may operate its schools year-round on a single or a multi-track system. If it adopts a year-round system, it may modify:

1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law.

2. Testing dates, data reporting, and related matters.

3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000–01 school year.

4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

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, with emphasis on the importance of proper nutrition and exercise;
   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)*

LOCAL INSTRUCTIONAL PLAN

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

COORDINATED HEALTH PROGRAMS

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

1. Health education;

2. Physical education and physical activity;

3. Nutrition services; and

4. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

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

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

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

SCHOOL HEALTH ADVISORY COUNCIL

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

DUTIES

The council's duties include recommending:

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

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

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

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

a. School health services;

b. Counseling and guidance services;

c. A safe and healthy school environment; and

d. School employee wellness.

Education Code 28.004(c)

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]

STEROID NOTICE AND EDUCATION

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

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

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

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. The 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)*

PHYSICAL ACTIVITY REQUIREMENTS

The Board shall adopt a policy that determines the extent to which students enrolled in middle and junior high school settings are allowed to meet physical activity requirements throughout the school year. The District must provide exemptions for:

1. Students in the health classifications specified in 19 TAC 74.31(2) and (3); or

2. Students participating in a TEKS-based physical education class or a TEKS-based structured activity.

The District may provide an exemption for students participating in private or commercially sponsored physical activities including those certified by the Superintendent to be of high quality and well supervised by appropriately trained instructors.

Education Code 28.002(l); 19 TAC 74.32(b)

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.

   The District shall incorporate instruction in personal financial literacy into any course meeting a requirement for an economics credit, using materials approved by the State Board of Education. The District may add elements at its discretion, but must include the areas of instruction listed at 19 TAC 74.34(b). *Education Code 28.0021; 19 TAC 74.34*

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 or higher 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)*

PHYSICAL ACTIVITY IN MIDDLE SCHOOL

Students in middle and junior high school may fulfill the District's requirement for physical activity by:

1. Taking a TEKS-based physical education class or a substitute approved by the District; or

2. Participating in a TEKS-based structured extracurricular activity or in an approved private or commercially sponsored physical activity program.

DYSLEXIA AND RELATED DISORDERS

The Board shall ensure that procedures are implemented for identifying and providing appropriate instructional services to students for dyslexia and related disorders, in accordance with the State Board of Education's Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook).

IDENTIFICATION AND TESTING

Screening should be done only by individuals who are trained to assess students for dyslexia and related disorders.

Before an identification or assessment procedure is used selectively with an individual student, the District shall notify the student's parent or guardian or another person standing in parental relation to the student.

A program for early identification, intervention, and support for students with dyslexia must be available, as outlined in the Dyslexia Handbook.

TREATMENT

Each school shall provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The District may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus.

READING PROGRAM

The District may purchase a reading program or develop its own reading program, as long as the program is characterized by the descriptors in the Dyslexia Handbook.

Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components in the State Board dyslexia guidelines and in the professional development activities specified by the District- and/or campus-level committees.

NOTICE TO PARENTS

The District shall inform parents and guardians of students eligible under Section 504 [see FB] of all services and options available to the student under that statute.

PARENT EDUCATION

The District shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modifications, especially modifications allowed on standardized testing.

Education Code 38.003; 19 TAC 74.28

A "High School Equivalency Program" (HSEP) is a program approved by TEA to prepare eligible students to take the high school equivalency exam (GED). *19 TAC 89.1401*

AUTHORIZATION FOR PROGRAM

The District may apply for authorization to operate an HSEP. The Board must hold a public hearing concerning the proposed application before applying to operate an HSEP. *Education Code 29.087(b), (k)(1); 19 TAC 89.1405(a), 89.1407*

A cooperative of districts may apply for permission to operate a cooperative HSEP if it operates pursuant to a written agreement. The fiscal agent of a cooperative HSEP is responsible for complying with the requirements of 19 TAC Chapter 89, Subchapter DD. *19 TAC 89.1405(b)*

A district authorized by the Commissioner on or before August 31, 2003, to operate an HSEP may continue to operate the program. *Education Code 29.087(b–1); 19 TAC 89.1417(b), (e)*

OPERATION OF PROGRAM

A student enrolled in an HSEP must be offered a seven-hour school day and a 180-day instructional year calendar. However, a student may attend the HSEP a maximum of six hours of instruction per day. A student may be enrolled only in an HSEP or may be enrolled in an HSEP in combination with regular attendance and/or special program attendance during the school day. *Education Code 29.087(c); 19 TAC 89.1411(a), (d), 89.1417(d)*

Enrollment in an HSEP may not exceed by more than five percent the total number of students enrolled in a similar program operated by the District during the 2000–01 school year. *19 TAC 89.1417(c)*

ANNUAL REVIEW

The Board must hold a public hearing annually to review the performance of the HSEP.

HSEPs shall be required to submit annually one progress report on a form to be provided by the General Educational Development Testing Service (GEDTS) to TEA. The data in the progress reports must be disaggregated by ethnicity, age, gender, and socioeconomic status.

Education Code 29.087(k)(2); 19 TAC 89.1407, 89.1417(a)

STUDENT ELIGIBILITY

A student is eligible to participate in the HSEP if:

COURT–ORDERED

1. The student has been ordered by a court under Code of Criminal Procedure 45.054, or by the Texas Youth Commission, to:

   a. Participate in a preparatory class for the high school equivalency examination; or

b. Take the high school equivalency examination administered under Education Code 7.111; or

STUDENT AT RISK

2. The following conditions are satisfied:

a. The student is at least 16 years of age at the beginning of the school year or semester;

b. The student is a student at risk of dropping out of school [see EHBC];

c. The student and the student's parent or guardian agree in writing to the student's participation; and

d. Either:

(1) At least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the District; or

(2) For students who left school before grade 9, at least three years have elapsed since the student last enrolled in grade 8, or four years since the student last enrolled in grade 7, or five years since the student last enrolled in grade 6.

Education Code 29.087(d); 19 TAC 89.1403

STATE ASSESSMENT

A student enrolling in an HSEP must take:

1. The assessment instruments specified by Education Code 39.023(a) for grade 9 before entering the program. If the student took a higher grade level assessment before enrollment, the student has met this requirement.

2. Each grade level assessment instrument administered during the student's enrollment in the HSEP.

3. The assessments listed above before taking the high school equivalency examination.

A student entering an HSEP by order of the court or the Texas Youth Commission is exempt from these assessment requirements.

Education Code 29.087(f); 19 TAC 89.1409(a), (b), (e) [See EKB]

GED TESTING

The District must inform each student who has completed the program of the time and place at which the student may take the high

school equivalency examination. A district wanting to serve as a General Education Development (GED) testing center must obtain authorization from TEA, pursuant to 19 TAC 89.42(a).

The District must present to the GED testing center, on a form provided by the TEA, proof that a student has been administered the assessment instruments.

19 TAC 89.1409(c), (d)

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); 19 TAC 101.4001(a)

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 74.41(a), 74.51(a), 74.61(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 TAKS exit-level assessment 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 101.5(e), 101.7

ALTERNATIVE ASSESSMENTS

An eligible student who has met the passing standard on a state-approved alternative assessment instrument, as set forth at 19 TAC 101.4001, in a particular area has satisfied the exit-level testing requirement in that subject area.

A student is eligible to substitute an alternative exit-level assessment for a TAKS exit-level assessment if the student, after January

1 of the year in which the student would otherwise be eligible to graduate:

1. Enrolls in a public school in Texas for the first time; or

2. Enrolls in a public school in Texas after an absence of at least four years from any public school in the state. A student meets this requirement if the student has not been enrolled for one or more days in a public school in Texas in the four years preceding the date on which the student enrolls.

VERIFICATION OF ELIGIBILITY

An eligible student is responsible for providing the District an official copy of the student's scores from the alternative assessment.

Each district shall be responsible for verifying a student's eligibility for the alternative exit-level assessment. Upon receipt of official results of an approved alternative exit-level assessment, the District must:

1. Verify the student's score on the alternative assessment; and

2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the Commissioner.

19 TAC 101.4001, 101.4003, 101.4005

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, 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.

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 74.41(b), 74.51(b), 74.61(b)*

Note: For current state graduation requirements, see http://www.tea.state.tx.us/rules/tac/chapter074/ch074b.html.

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 Distinguished/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); 19 TAC 74.51(d), 74.52.–.54, 74.61(c)*

MINIMUM HIGH SCHOOL PROGRAM

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 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, 74.63*

DISTINGUISHED ACHIEVEMENT PROGRAM

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, 74.64*

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 74.43(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 74.24(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 74.41(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 74.41(d), 74.51(e), 74.61(e)

PRIVATE OR COMMERCIALLY SPONSORED PHYSICAL ACTIVITY PROGRAMS

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 74.43(b)(7)(C), 74.52(b)(7)(C), 74.53(b)(7)(C), 74.54(b)(7)(C), 74.63(b)(7), 74.64(b)(7)*

TRANSFERS FROM OUT–OF–STATE OR NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all high school graduation requirements under 19 TAC 74.41, 74.51, or 74.61 as applicable. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 TAC 74.26. *19 TAC 74.11(f), 74.41(e), 74.51(f), 74.61(f)* [See EEJA, EEJB, EEJC, EHDE, and EI]

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

LOCAL ACHIEVEMENT TESTING

In addition to the state-administered assessment instruments, the District may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. A locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

For purposes of this provision, “assessment instrument” means a District-commissioned achievement test, either nationally normed or criterion-referenced, that is group administered and reported publicly (such as to the Board) in the aggregate.

A company or organization scoring an assessment instrument shall send test results to the District for verification. The District shall have 90 days to verify the accuracy of test data and report the results to the Board.

The company or organization shall provide test results in electronic form to the District and to TEA. If the District develops its own assessment instrument, it must report the results in electronic form to TEA.

The District shall follow procedures for test security and confidentiality set forth in 19 TAC Chapter 101 Subchapter C. [See EKB] The District may not use the same form of an assessment instrument for more than three years.

Education Code 39.026, 39.032; 19 TAC 101.101

REPORTS

School authorities, including the Superintendent, principal, teacher, school health official, or counselor, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Board of Health. If there is no local health authority appointed or if the District is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), 97.5(a); Health and Safety Code 81.041, 81.042*

SEXUALLY TRANSMITTED DISEASES

School administrators who are not medical directors are exempt from reporting AIDS, chancroid, Chlamydia trachomatis infection, gonorrhea, HIV infection, or syphilis to the local health authority or regional director. *25 TAC 97.132* [See FFG(LEGAL) regarding reports to the Department of Family and Protective Services]

"School administrator" means the city or county superintendent of schools or the principal of any school not under the jurisdiction of a city or county board of education. *25 TAC 97.1(24)*

EXCLUSION

The principal shall exclude from attendance any student suffering from a communicable condition, as defined by the Texas Board of Health, until one of the criteria for readmittance is fulfilled. *25 TAC 97.7(b)*

READMITTANCE

Students excluded for reason of communicable disease shall be readmitted by one or more of the following methods, as determined by the local health authority:

1. Certificate of the attending physician attesting to their recovery and noninfectiousness.
2. Permit for readmission issued by the local health authority.
3. After a period of time corresponding to the duration of the communicability of the disease, as established by the commissioner of health.

25 TAC 97.7(c)

BACTERIAL MENINGITIS

TEA shall prescribe procedures by which each district shall provide information relating to bacterial meningitis to its students and their parents each school year. The procedures must ensure that the information is reasonably likely to come to the attention of the parents of each student. The agency shall prescribe the form and content of the information.

With the written consent of TEA, the District may provide the information to its students and their parents by a method different from the method prescribed by the agency if the agency determines that method would be effective in bringing the information to the attention of the parents of each student.

Education Code 38.0025

LIAISONS FOR COURT–RELATED STUDENTS

The District shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students.

The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. The liaison shall assist students and teachers so that students have the opportunity to complete all assignments missed because of their status as court-related students.

Education Code 37.014; 19 TAC 129.22(c)

LIAISON FOR HOMELESS STUDENTS

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.

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through coordination activities with other entities and agencies;

2. Homeless children enroll in, and have a full and equal opportunity to succeed in, District schools;

3. Homeless families and children receive educational services for which they are eligible, including Head Start, Even Start, and District preschool programs, and referrals to health care, dental, mental health, and other appropriate services;

4. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;

5. Public notice of the educational rights of homeless children is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;

6. Enrollment disputes are mediated; and

7. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment.

42 U.S.C. 11432(g)(6)(A)

SCHOOL–COMMUNITY GUIDANCE CENTER

The District may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of District personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from the Superintendent, a governmental agency concerned with children that has jurisdiction in the District shall cooperate with the school-community guidance center and shall designate a liaison to work with the center in identifying and correcting problems affecting school-age children in the District. The governmental agency may establish or finance a school-community guidance center jointly with the District according to terms approved by the governing body of each participating entity.
Education Code 37.053

COOPERATIVE PROGRAMS

The Board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct.
Education Code 37.052

PARENTAL NOTICE AND ACCESS TO INFORMATION

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

PARENTAL INVOLVEMENT

On admitting a student to a school-community guidance center, a representative of the District, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the District, to aid student remediation.

The Superintendent may obtain a court order from a district court in the District requiring a parent to comply with such an agreement. A parent who violates such a court order may be punished for contempt of court.

COURT SUPERVISION

If the District, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055, 37.056

PUBLIC SCHOOL CHILD CARE

The District shall annually consider, during at least two public hearings, the need for and availability of child care before, after, or both before and after the school day and during school holidays and vacations for the District's school-age students. The District shall effectively publicize the hearings and hold all hearings before the start of the school year.

For purposes of this requirement, "school-age" means children enrolled as students in prekindergarten through grade 7.

By May 1 of each year, the Work and Family Policies Clearinghouse in the Texas Workforce Commission shall distribute to each affected district information that describes model prekindergarten and school-age child care programs and explains how the District may obtain federal or state funds to operate such programs. The District shall distribute the information to the public at the hearings.

Education Code 33.902; 40 TAC Ch. 809, Subch. J

Note: This section applies only to districts that: (1) on September 1 of a school year have a student membership of 5,000 or more; and (2) do not provide directly or by contract child care services before and after the school day and during school holidays and vacations for the District's school-age students.

AUTHORIZED FEES

The Board may require payment of:

1. Fees for materials used in any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of materials.

2. Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary.

3. Security deposits for the return of materials, supplies, or equipment.

4. Fees for personal physical education and athletic equipment and apparel. However, any student may provide his or her own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the Board.

5. Fees for items of personal use or products that a student may purchase at the student's option, such as student publications, class rings, annuals, and graduation announcements.

6. Fees specifically permitted by any other statute.

7. Fees for an authorized, voluntary student health and accident benefit plan.

8. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by the District.

9. Fees for personal apparel that become the property of the student and that are used in extracurricular activities.

10. Parking fees [see CLC] and fees for identification cards.

11. Fees for driver training courses, provided that such fees shall not exceed the actual District cost per student in such programs for the current school year.

12. Fees for courses offered for credit that require the use of facilities not available on the school premises or the employment of an educator who is not part of the school's regular staff, if participation in the course is at the student's option. Payment may not be required if the course is one requested by parents according to Education Code 28.003 [see EHA].

13. Fees for courses offered during summer school, except that the Board may not charge a fee for a course required for

graduation unless the course is also offered without a fee during the regular school term.

14. A reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the Board may not charge a fee for transportation for which the District receives funds under Education Code 42.155(d).

15. A reasonable fee, not to exceed $50, for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Education Code 25.092. [See FEC] The District shall provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The District may assess the fee only if the student returns the signed form.

PROHIBITED FEES

The Board may not charge fees for:

1. Textbooks, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course, except as authorized under this code.

2. Field trips required as part of a basic educational program or course.

3. Any specific form of dress necessary for any required educational program or diplomas.

4. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.

5. Library books required to be used for any educational course or program. However, fines may be assessed for lost, damaged, or overdue books.

6. Admission to any activity the student is required to attend as a prerequisite to graduation.

7. Admission or examination in any required educational course or program.

8. Lockers.

PERSONAL SUPPLIES

Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, and notebooks. Students

may be required to furnish school uniforms, subject to the provisions of Education Code 11.162 regarding educationally disadvantaged students. [See FNCA(LEGAL)]

SCHOOL STORE

The District may operate a school store where students may purchase school supplies and materials.

WAIVER OF FEES

The District shall adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook.

POSTSECONDARY INSTRUCTIONAL PROGRAMS

The Board may charge reasonable fees for goods and services provided in connection with any postsecondary instructional program, including career and technology, adult, veterans, or continuing education, community service, evening school, and high school equivalency programs.

Education Code 11.158

Regional education service centers shall be located throughout the state so that each school district has the opportunity to be served by and to participate in an approved center on a voluntary basis. The centers shall, at the direction of the Commissioner of Education, provide services to assist school districts in improving student performance and increasing the efficiency and effectiveness of school operations.

CORE SERVICES

Each regional education service center shall develop and maintain core services for purchase by school districts and campuses. These services are:

1. Training and assistance in teaching reading, writing, mathematics, social studies, and science.

2. Training and assistance in providing special education, compensatory education, bilingual education, and gifted and talented education.

3. Assistance specifically designed for an academically unacceptable campus or a campus whose performance is considered unacceptable based on the academic excellence indicators.

4. Training and assistance to teachers, administrators, Board members, and members of site-based decision making committees.

5. Assistance specifically designed for the District that is considered out of compliance with state or federal special education requirements.

6. Assistance in complying with state laws and rules.

7. Assistance in entering into an agreement for a cooperative shared services arrangement regarding administrative services.

ADDITIONAL SERVICES

In addition to the core services, a regional education service center may offer any service requested and purchased by any school district or campus in the state.

Education Code 8.001(b), 8.002, 8.051, 8.053, 11.003

DELEGATION OF FUNCTIONS

The Board of the District may delegate purchasing or other administrative functions to a service center to the extent necessary to achieve efficiencies in the use of available services. *Education Code 8.122(d)*

ACCREDITATION REQUIRED

Each district must be accredited by TEA. Accreditation shall be determined in accordance with the Education Code. *Education Code 11.001, 39.071*

ACADEMIC EXCELLENCE INDICATORS

The State Board shall adopt a set of indicators of the quality of learning on a campus. Campus and District performance on the indicators shall be compared to state-established standards and the degree of change from one school year to the next on each indicator shall also be considered. The indicators must be based on information that is disaggregated by race, ethnicity, gender, and socioeconomic status and shall include:

1. The results of certain state assessment instruments aggregated by grade level and subject area.
2. Dropout and completion rates, including dropout rates and District completion rates for grade levels 9 through 12 computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education [see CFC].
3. High school graduation rates computed in accordance with standards and definitions adopted in compliance with the No Child Left Behind Act of 2001.
4. Student attendance rates.
5. The percentage of graduating students who attain scores on the exit-level assessment that are equivalent to a passing score on the TASP, administered by state institutions of higher education.
6. The percentage of graduating students who meet the course requirements established by the State Board for the recommended high school program.
7. The results of the Scholastic Assessment Test (SAT), the American College Test (ACT), articulated postsecondary degree programs described by Education Code 61.852, and certified workforce training programs described by Labor Code Chapter 311.
8. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211(c), the results of assessments administered under that section, the percentage of students promoted through the grade placement committee process under Education Code 28.0211, the subject of the assessment instrument on which each student failed to perform satisfactorily, and the performance of those students in the school year following that promotion on the state assessment instruments.

9. For students who have failed to perform satisfactorily on a state assessment instrument, the numerical progress of those students grouped by percentage on subsequent assessment instruments, aggregated by grade level and subject area.

10. The percentage of students exempted, by exemption category, from the assessment program.

11. The percentage of students of limited English proficiency exempted from the administration of an assessment instrument under Education Code 39.027(a)(3) and (4).

12. The percentage of students in a special education program under Subchapter A, Chapter 29, assessed through assessment instruments developed or adopted under Education Code 39.023(b).

13. The measure of progress toward preparation for postsecondary success.

14. The measure of progress toward dual language proficiency under Education Code 39.034(b) for students of limited English proficiency.

Education Code 39.051(a), (b)

Performance on the indicator at item 1 above shall be compared to state standards, required improvement, and comparable improvement, as established by the Commissioner. Required improvement is the progress necessary for a campus or the District to meet state standards and for its students to meet exit requirements; comparable improvement is derived by measuring campuses and the District against a profile developed from a total state student performance data base that exhibits substantial equivalence to the characteristics of students served by a campus or district, including past academic performance, socioeconomic status, ethnicity, and limited English proficiency. *Education Code 39.051(c)*

Annually, the Commissioner shall define exemplary, recognized, and unacceptable performance on indicators at items 1 through 7 and shall project the standards for each level of performance for succeeding years. For the indicator at item 8 above, the Commissioner shall define exemplary, recognized, and unacceptable performance based on student performance for the period covering both the current and the preceding academic years. *Education Code 39.051(d); 19 TAC 97.1001(a)*

The indicators, standards, and procedures used to determine ratings under both standard and alternative education accountability procedures established by the Commissioner shall be annually published in official TEA publications and shall cover the following:

1. Indicators, standards, and procedures used to determine District ratings;
2. Indicators, standards, and procedures used to determine campus ratings;
3. Indicators, standards, and procedures used to determine acknowledgement on additional indicators; and
4. Procedures for submitting a rating appeal.

19 TAC 97.1001(a)

ACCREDITATION CRITERIA

The District's accreditation is based primarily on:

PRIMARY

1. The District's overall performance by all student populations and on the performance of each of its individual campuses, as demonstrated on the state-adopted Academic Excellence Indicator System (AEIS) and other indicators of student performance.
2. The District's current special education compliance status with TEA.

Use of the AEIS in the rating system shall include consideration of campus and District performance in relation to the state standard for each indicator, required improvement, and comparable improvement.

Consideration of the effectiveness of the District's special population and career and technology programs must be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability and include the results of assessments required under Education Code 39.023.

Education Code 39.072(b), (c); 19 TAC 97.1(b), (c), 97.3

OTHER

Other criteria for accreditation include:

1. Statutory Requirements
2. State Board of Education rules
3. Applicable court orders
4. Reporting data through PEIMS
5. High school graduation requirements
6. Effectiveness of career and technology programs
7. Effectiveness of programs for special populations

8. Extracurricular activities
9. Health and safety
10. Purchasing
11. Elementary school class size limits
12. Removal of a disruptive student from the classroom
13. At-risk programs
14. Prekindergarten programs

19 TAC 97.1(b), (c)

INTERNET DISSEMINATION

A district that maintains an Internet Web site shall, not later than the tenth day of instruction of each school year, make the information contained in the most recent performance rating of the district, as determined under Education Code 39.072, and a definition and explanation of each performance rating described by Education Code 39.072(a) available to the public on the Web site. *Education Code 39.252*

ACCREDITATION INVESTIGATIONS

The Commissioner of Education shall determine the frequency of on-site visits and the level of investigative review needed, according to annual comprehensive analyses of student performance and equity in relation to the academic excellence indicators. *Education Code 39.074(b)*

SPECIAL INVESTIGATIONS

The Commissioner shall authorize special accreditation investigations to be conducted:

1. When excessive numbers of students eligible to be tested in the state assessment program are absent from testing.
2. When excessive numbers of students are exempted from required state assessments.
3. In response to complaints alleging violations of civil rights or other requirements imposed on the state by federal law or court order.
4. In response to established compliance reviews of the District's financial accounting practices and state and federal program requirements.
5. When extraordinary numbers of students are placed in alternative education programs, other than placements under Education Code 37.006 (required removal) or 37.007 (expulsion).

6. In response to an allegation involving a conflict between members of the Board or between the Board and District administration, if it appears that the conflict involves a violation of a role or duty, clearly defined in the Education Code, of the Board or the administration.

7. When excessive numbers of students in special education programs under Education Code Chapter 29, Subchapter A, are assessed through assessment instruments developed or adopted under Education Code 39.023(b).

8. As the Commissioner otherwise determines necessary.

Education Code 39.075(a)

PAPERWORK REQUIREMENTS

The Commissioner may authorize special accreditation investigations to be conducted in response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers. *Education Code 39.075(b–1)*

INVESTIGATION PROCEDURES

TEA shall adopt written procedures for conducting on-site investigation and shall make the procedures available to the complainant, the alleged violator, and the public. *Education Code 39.076(a)*

REVISION OF RATINGS

Ratings may be revised as a result of investigative activities by the Commissioner. *19 TAC 97.100(c)*

ACCREDITATION RATINGS

TEA shall evaluate the District's performance and rate it for accreditation purposes as:

1. Exemplary (meets or exceeds state exemplary standards).

2. Recognized (meets or exceeds the state standards and meets required improvement).

3. Academically acceptable (exceeds academically unacceptable, but is below exemplary and recognized).

4. Academically unacceptable (fails to achieve the standard of acceptable performance).

Education Code 39.072; 19 TAC 97.1(a), 97.2

GOLD PERFORMANCE RATINGS

In addition to District and campus performance ratings, the Commissioner shall develop a gold performance rating program based on enhanced performance. Under the gold performance rating program, a district or campus rated exemplary is eligible for an exemplary gold rating, a district or campus rated recognized is eligible for a recognized gold rating, and a district or campus rated academically acceptable is eligible for an academically acceptable gold rating.

The performance standards on which a gold performance rating is based should include:

1. Student proficiency on state assessment instruments and other measures of proficiency determined by the Commissioner;

2. Student performance on one or more nationally recognized norm-referenced assessment instruments;

3. Improvement in student performance;

4. In the case of middle or junior high school campuses, student proficiency in mathematics, including algebra; and

5. In the case of high school campuses:

   a. The extent to which graduating students are academically prepared to attend institutions of higher education;

   b. The percentage of students who take advanced placement tests and student performance on those tests; and

   c. The percentage of students who take and successfully complete advanced academic courses or college-level course work offered through dual credit programs provided under agreements between high schools and institutions of higher education.

Education Code 39.0721

EXCELLENCE EXEMPTIONS

Except as provided below, a school campus or district that is rated exemplary is exempt from requirements and prohibitions imposed and rules adopted by the State Board under the Education Code.

A school campus or the District shall not be exempt from a prohibition on conduct that constitutes a criminal offense. A school campus or the District shall not be exempt from requirements imposed by federal law or rule, including requirements for special education or bilingual education programs. A school campus or the District shall not be exempt from a requirement or prohibition imposed by state law or rule relating to:

1. Curriculum essential knowledge and skills or minimum graduation requirements

2. Public school accountability

3. Extracurricular activities

4. Health and safety

5. Competitive bidding
6. Elementary school class size limits, except as provided below
7. Removal of a disruptive student from the classroom
8. At-risk program
9. Prekindergarten programs
10. Rights and benefits of school employees
11. Special education programs under Education Code Chapter 29, Subchapter A
12. Bilingual education programs under Education Code Chapter 29, Subchapter B

ELEMENTARY CLASS SIZE

The Commissioner may exempt an exemplary school campus from elementary class size limits under this section if the school campus submits to the Commissioner a written plan showing steps that will be taken to ensure that the exemption from the class size limits will not be harmful to the academic achievement of the students on the school campus. The Commissioner shall review achievement levels annually. The exemption remains in effect until the Commissioner determines that achievement levels of the campus have declined. [See BF]

Education Code 39.112

TEXAS YOUTH COMMISSION

A student confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission is not considered to be a student of the school district in which the program or facility is physically located. The performance of such a student on an assessment instrument or other academic excellence indicator shall be determined, reported, and considered separately from the performance of students attending a school of the district in which the program or facility is physically located. *Education Code 39.072(d)*

IMPROVEMENT PLAN EXEMPTION

If the District or a campus is required to develop and implement a student achievement improvement plan because it does not satisfy accreditation criteria, it may request from the Commissioner and be granted an exemption or waiver from any law or rule other than a prohibition on conduct that constitutes a criminal offense, a requirement imposed by federal law or rule, or a requirement or prohibition imposed by state law or rule relating to accountability, educator rights and benefits, or textbook selection. *Education Code 7.056(f)*

CHARACTER PLUS SCHOOL

TEA shall, based on data reported by districts, annually designate as a Character Plus School each school that provides a character education program that meets the prescribed criteria and is approved by the committee selected by the District. *Education Code 29.906(e)(2)* [See EHBK]

HOOD COUNTY APPRAISAL DISTRICT

1902 WEST PEARL STREET • P.O. BOX 819
GRANBURY, TEXAS 76048
PHONE: 817-573-2471 • FAX: 817-579-8155

JEFF LAW, CHIEF APPRAISER

December 22, 2006

JAN 2 - 2007

ATTN: William Harris, Superintendent
Granbury I.S.D.
600 West Pearl St.
Granbury, TX 76048

Re: Hood County Appraisal District Board of Directors Election

Dear Mr. Harris:

As per Section 6.03 of the Property Tax Code, the taxing entities of Hood County nominated and cast votes for two seats on the Hood County Appraisal District Board of Directors. All election ballots were sent to the Appraisal District Chief Appraiser as required by law for tabulation. The election results were as follows:

NOMINEE	VOTES
Jim Coleman	4
Charlie Cloud	3
Gary Raper	3
Mickey Parson	3

Section 6.03(k) of the Property Tax Code provides that "the Chief Appraiser shall resolve a tie vote by any method of chance". On December 20, 2006 the names of Gary Raper, Charlie Cloud, and Mickey Parson were written on separate pieces of paper by Greg Stewart, Deputy Chief Appraiser. He placed those names in a hat. With Susan Fuller as a witness, Linda Holland drew one name from the hat. That name was Gary Raper. Therefore, the two seats on the Hood County Appraisal District Board of Directors will be held by Jim Coleman and Gary Raper.

Sincerely,
Hood County Appraisal District

Jeffery D. Law,
Chief Appraiser

JDL/lh

OFFICE OF SUPERINTENDENT

For:	**Board of Trustees**
Date:	**January 22, 2007**
Action:	**Information**

SUMMARY:
The continuing education required under the Texas Education code, 11.159, applies to each member of an Independent School District Board of Trustees. The continuing education requirement consists of orientation sessions, an annual team building session with the local board and the superintendent, and specified hours of continuing education based on identified needs. (1) Each school board member shall receive a local district orientation and an orientation to the Texas Education code. Each new board member shall participate in a local district orientation session within 60 days before or after the board member's election or appointment. A newly elected board member shall receive the orientation to the Texas Education code within the first year of service. The orientation shall be delivered by the Education Service Center and shall be three hours in length. A sitting board member shall receive a basic orientation to the Texas Education Code and relevant legal obligations. After each session of the Texas legislature, including each regular session and called session related to education, each school board member shall receive an update from an ESC or any registered provided to the basic orientation to the Texas Education code. The update session shall be of sufficient length to familiarize board members with major changes in the code and other relevant legal development related to school governance. A board member who has attended an ESC basic orientation session that incorporates the most recent legislative changes is not required to attend an update. (2) The entire board, including all board members, shall annually participate with their superintendent in a team building session facilitated by the ESC or any registered provider. (3) In addition to the continuing education requirements in paragraph (1) and (2), each board member shall receive additional continuing education on an annual basis in fulfillment of assessed needs and based on the framework for governance leadership. In a board member's first year of service, he or she shall receive at least ten hours of continuing education in fulfillment of assessed needs. Following a board member's first year of service, he or she shall receive at least five hours of continuing education annually in fulfillment of assessed needs. A board president shall receive continuing education related to leadership duties of a board president as some portion of the annual requirement.

RECOMMENDATION:
Attached is a table with all board members training hours listed as reported on the TASB continuing education training webpage. If additional training has been received that is not listed, please contact Judy Duncan to report the training hours or contact the Texas Association of School Boards.

Respectfully submitted,

William Harris
Superintendent

600 West Pearl • Granbury, Texas 76048 • Phone (817) 408-4007 • Fax (817) 408-4014
william_harris@granbury.k12.tx.us
www.granbury.k12.tx.us

Announcement of Board Training Hours

Annually, at the meeting at which the call for election of board members is normally scheduled, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in the required continuing education.

The president is required to announce the status of each board member's progress toward completing continuing education requirements at the meeting, as well as including it in the official minutes and making it available to the media. The announcement must indicate whether each member fulfilled the requirement to attend the Texas Education Code Orientation and local district orientation (first-year board members) or Education Code Update (experienced board members, in years when one is required), the required team-building session (all board members and the superintendent), and the required hours of additional continuing education (ten hours for first-year board members; five, for experienced board members).
To inform the public whether board members have completed all the required training, a three-prong announcement might be useful, following the three "tiers" of continuing education described in the State Board rule.

Tier I
First, the president can announce names of the board members completing the required Education Code orientation or update, and, for first-year board members, the required orientation to the local district.

Tier II
Second, the president will need to announce whether the board and superintendent team have completed the required team-building session and assessment of their continuing education needs. This might be done by announcing the date and type of session the team completed. If the team has not yet completed this session, the president might announce the date the session is scheduled. If the board held the team building session but one or more team members did not attend, the president should announce the names of those who attended and those who did not. If a board member did not attend a team-building session because of an emergency such as an illness, the president may also wish to note that in the announcement and indicate what the board did to inform the absent member of the substance of the session.

Tier III
The third component of the announcement would be to state the name of each board member and whether they have completed the required additional hours of continuing education, whether they have exceeded that requirement, or whether they are deficient.

Continuing Education Credit Hours for School Board Members
January 2006 – January 2007

NAME	TIER ONE		TIER TWO	TIER THREE			*
	Local Orientation (New Members Only	Education Code Orientation or Update	Team-Building and Assessment	Continuing Education in Assessed Needs	Open Meetings Training	Public Information Act Training	
Jerry Campbell	N/A	1.25 hrs.	3 hrs.	5 hrs. required 14 hrs. completed	1	1	E
Micky Shearon	N/A	3 hrs.	3 hrs.	5 hrs. required 12.75 hrs. completed	1	1	E
Charlie Cloud	N/A	1.25	3 hrs.	5 hrs. required 12.74 hrs. completed	1	1	E
Bowen Brawner	N/A	1.25 hrs.	3 hrs.	5 hrs. required 13.75 hrs. completed	1	Incomplete	D
Doug Funk	N/A	3 hrs.	3 hrs.	5 hrs. required 19.25 hrs. completed	1	1	E
Barbara Herrington	N/A	1.25 hrs.	3 hrs.	5 hrs. required 26 hrs. completed	1	1	E
Kevin Myers	June 2006	3 hrs.	3 hrs.	10 hrs. required 19 hrs. completed	1	1	E

* D = Deficient in required hours for current assessment year
* C = Completed required hours for current assessment year
* E = Exceeded required hours for current assessment year

GRANBURY ISD
BOARD OF TRUSTEES
OFFICIAL REGULAR MEETING
MINUTES
December 11, 2006

The Board of Trustees of the Granbury Independent School District convened in an official **REGULAR** meeting on Monday, December 11, 2006 at 6:00 p.m. in the Board Room of the Administration Building, 600 West Pearl St., Granbury, Texas

Presiding Officer.....Jerry Campbell

Board Members Present

Bowen Brawner
Charlie Cloud
Doug Funk
Barbara Herrington
Kevin Myers
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, Jerry Campbell, called the meeting to order at 6:00 p.m. and noted that a quorum of board members was present, the meeting was dully called and that notice of the meeting was 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 6:00 p.m. under the Texas Open Meetings Act, Chapter 551.074 – personnel and 551.072 – purchase, exchange, lease or value of real property.

Reconvened

The board reconvened in open session at 7:02 p.m.

Invocation/Opening Comments

Pastor Alan Lada, Pastor, Generations Church led in the invocation

Pledge U.S. Flag and Texas Flag

Mambrino School students Ashleen Atchue, Jordan Dusek, Joshua McElroy and Cody Mullins led in the pledge to the U.S. Flag and the Texas Flag.

Superintendent's Report

Executive Director of Finance, Sharay Boynton reported on the financial statements for the period ending September 30, 2006 and October 31, 2006.

Superintendent Harris reported that the Academic Excellence Indicator System (AEIS) report has been posted on the GISD web page for parents and members of the public to review and the report can also be found on the Texas Education Agency web page. Harris will bring a report to the board at the January board meeting on the college readiness indicators of GISD as compared to the state and region as requested by board member Bowen Brawner.

Superintendent Harris reported that he has met with the curriculum department and the principals at the Ninth Grade Center and the High School and they will be working to determine the best scheduling options for both campuses as it relates to curriculum. Superintendent Harris will report to the board at a future board meeting on the status of these meetings.

Laine Meek, Director of Food Service, informed the board of the new point of sale system that will be used in the Granbury schools beginning in February. This new system will allow parents to make online payments and check account balances for their students. The enrollment period for the new system will be in January with use of the new system beginning in February.

Board Members Special Reports

Board member Barbara Herrington stated that she would like to see the district move away from allowing students to participate in brochure/catalog sales as these items are pricey and she believes that these sales benefit the company more than the campus and students.

Board member Barbara Herrington congratulated the girls and boys basketball teams for their participation in the Granbury 3 day basketball tournament which was sponsored by Mike Brown Ford. Herrington stated that both teams played well and the Lady Pirates won their tournament.

Board President Jerry Campbell announced that he has a copy of the TASB Board Briefs for any members interested in reading a copy.

Consent Agenda

A motion was made by Doug Funk and seconded by Charlie Cloud to approve the consent agenda items as presented. **MOTION CARRIED** Yes 7 – Noe 0 Consent agenda items: (a) minutes of the November 13, 2006 regular board meeting, (b) budget amendments; (c) Granbury High School A/C replacement – TIPS purchase; (d) towing services RFP 2005-13 (renewal); (e) BuyBoard purchase of four buses; (f) printing & copying services 2005-11 (renewal); (g) tire disposal; (h) technology purchase – GHS Autodesk Design Academy support – renewal; (i) request for sever additional catastrophic sick leave bank days

Audit Report

A motion was made by Charlie Cloud and seconded by Barbara Herrington to approve the audit report for the year ended 8/31/06 as presented. **MOTION CARRID** Yes 7 – Noe 0

Facility Improvements

A motion was made by Doug Funk and seconded by Charlie Cloud to receive bids for the facility improvements as presented with the contingency bid for the baseball restroom facilities. Barbara Herrington requested that the AG barn facilities be bid with and without classroom space. Doug Funk withdrew his motion and Charlie Cloud withdrew his second. A motion was made by Doug Funk and seconded by Charlie Cloud to approve receiving bids for the facility improvements as presented with the contingency bid for the baseball restroom facilities and the AG Barn facilities with and without classrooms. **MOTION CARRIED** Yes 7 – Noe 0.

Appointment of Organization to Assist the District in Strategic Facility Planning Study

A motion was made by Doug Funk and seconded by Barbara Herrington to hire PBK to assist the district in the facility planning study. **MOTION CARRIED** Yes 6 – Noe 1 - Charlie Cloud voted against

Oil & Gas Resolution

A motion was made by Barbara Herrington and seconded by Doug Funk to approve the oil and gas resolution for lease of oil and gas and real property with the change to exhibit A where campuses are not identified as sectors. **MOTION CARRIED** Yes 7 – Noe 0

GISD Goals

A motion was made by Charlie Cloud and seconded by Doug Funk to adopt the GISD goals and core beliefs as presented with the change to goal 3 to read as follows: Granbury ISD will supply the resources needed to accomplish the mission and goals of the district and offer equitable access to all curriculum in the district to improve student achievement. **MOTION CARRIED** Yes 7 – Noe 0

Public Comments/Audience Participation

None

Convened in Closed Session

The Board of Trustees convened in closed session at 10:12 p.m. under the Texas Open Meetings Act, Chapter 551.074 – personnel and 551.072 – purchase, exchange, lease or value of real property.

Reconvened

The board reconvened in open session at 10:58 p.m.

Action on Items Discussed in Closed Session

A motion was made by Doug Funk and seconded by Micky Shearon to approve the appointment of Anita Pierce, Diagnostician. **MOTION CARRIED** Yes 7 – Noe 0

A motion was made by Micky Shearon and seconded by Charlie Cloud to approve the appointment of Jeff Meador as the Public Information Officer. **MOTION CARRIED** Yes 7 – Noe 0

A motion was made by Doug Funk and seconded by Charlie Cloud to meet at 5:00 p.m. on January 22, 2006 for the regular board meeting for the purpose of reviewing the Superintendent evaluation process and to change the evaluation process to a rating scale of 1-5. **MOTION CARRIED** Yes 7 – Noe 0

Adjournment

There being no further business, the meeting was adjourned at 11:03 p.m.

Jerry Campbell, Board President

Charlie Cloud, Board Secretary

GRANBURY ISD
BOARD OF TRUSTEES
OFFICIAL SPECIAL MEETING
MINUTES
January 15, 2007

The Board of Trustees of the Granbury Independent School District convened in an official **SPECIAL** meeting on Monday, January 15, 2007 at 5:30 p.m. in the Board Room of the Administration Building, 600 West Pearl St., Granbury, Texas

Presiding Officer.....Jerry Campbell

Board Members Present

Barbara Herrington
Charlie Cloud
Kevin Myers
Bowen Brawner
Doug Funk
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
Jeff Meador, Public Information Officer
Judy Duncan, Recording Secretary

Meeting Called to Order

President, Jerry Campbell, called the meeting to order at 5:31 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.

Superintendent's Report regarding Thanksgiving Feast Food Serving

Superintendent Harris gave a report to the board regarding the events that took place during and after the Thanksgiving Feast at Baccus Elementary school on Thursday, November 16, 2006.

Public Comments

Mr. Jeff Stilling addressed the board regarding his families illness following the Thanksgiving Feast at Baccus Elementary on November 16, 2006.

Ms. Debbie Riale addressed the board regarding the Thanksgiving Feast at Baccus Elementary on November 16, 2006.

Ms. Judy Lutz addressed the board regarding the Thanksgiving Feast at Baccus Elementary on November 16, 2006

Convened in Closed Session

The Board of Trustees convened in closed session at 7:15 p.m. under the Texas Open Meetings Act, Chapter 551.074 – personnel

Reconvened in Open Session

The board reconvened in open session at 9:32 p.m.

Adjournment

There being no further business, the meeting was adjourned at 9:32 p.m.

Jerry Campbell, President

Charlie Cloud, Secretary

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton, Finance Director
DATE: January 11, 2007
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: January 11, 2007

BUDGET AMENDMENTS RECOGNIZING DONATED & MISCELLANEOUS REVENUES

Fund 199, Ms. Marsha Grissom, Originator
This Amendment recognizes funds in the amount of $250 allocated to function 13. These funds are generated from the College Board and will be used for GT staff development.

Fund 199, Mr. Jimmy Dawson, Originator
This Amendment recognizes funds in the amount of $1,090 allocated to function 11. These funds are generated from band instrument rental and will be used for repairs to that equipment.

Fund 199, Mr. Bobby Mabery, Originator
This Amendment recognizes donated funds in the amount of $3,796 allocated to function 11, $10,804 allocated to function 12, $400 allocated to function 23. These funds are generated from a donation from the campus PTO and will be used to purchase additional technology equipment.

Fund 199 Mr. Bobby Mabery, Originator
This Amendment recognizes funds in the amount of $1,526 allocated to function 12. These funds are generated from the fall book fair and will be used to purchase additional library books and media.

Fund 199, Mr. Bobby Mabery, Originator
This Amendment recognizes funds in the amount of $302 allocated to function 12. These funds are generated from book fines and will be used to purchase additional library books and media.

Fund 199, Ms. Rebecca Johnson, Originator
This Amendment recognizes donated funds in the amount of $1,000 allocated to function 11. These funds are donated by EZ Mart and will be used to purchase additional reading material for the classroom.

Fund 199, Ms. Rebecca Johnson, Originator
This Amendment recognizes donated funds in the amount of $7,680 allocated to function 11. These funds are donated by the campus PTO and will be used to purchase additional technology equipment and supplies.

Fund 199, Ms. Sharay Boynton, Originator
This Amendment recognizes donated funds in the amount of $7,000 allocated to function 61. These funds are donated by the Granbury Brigade and will be used by GEA 7 to purchase additional equipment.

OFFICE OF CURRICULUM & INSTRUCTION

For:	Board of Trustees
Date:	January 22, 2007
Action:	Approval

To:	Mr. William Harris, Superintendent	**From:**	Jan Van Dorn
		Date:	January 9, 2007
		RE:	Modified Schedule

SUMMARY:

Granbury High School is requesting the approval of a waiver which would allow students who are not testing to arrive at school later in the day. This would provide a calmer atmosphere for testing. This waiver is requested each year.

RECOMMENDATION:

The Administration recommends approval of the waiver as requested.

Respectfully submitted,

Jan Van Dorn
Assistant Superintendent

Staff Persons Responsible: Jan Van Dorn
Marsha Grissom
Connie Sanderson

OFFICE OF CURRICULUM & INSTRUCTION

For:	**Board of Trustees**
Date:	**January 22, 2007**
Action:	**Approval**

To:	**Mr. William Harris, Superintendent**	**From:**	**Jan Van Dorn**
		Date:	**January 9, 2007**
		RE:	**Modified Schedule**

SUMMARY: Granbury High School is requesting the approval of a waiver which would allow students who are not testing to arrive at school later in the day. This would provide a calmer atmosphere for testing. This waiver is requested each year.

RECOMMENDATION: The Administration recommends approval of the waiver as requested.

Respectfully submitted,

Jan Van Dorn
Assistant Superintendent

Staff Persons Responsible: Jan Van Dorn
Marsha Grissom
Connie Sanderson

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Approval

TO: Mr. William Harris, Superintendent	**FROM**: Sharay Boynton, Finance Director **DATE**: January 15, 2007 **RE**: Construction Manager at Risk Procurement Method

SUMMARY:

According to GISD Policy CV(LEGAL) " When the District is considering awarding a construction contract using a method specified by Education Code 44.031(a), the Board shall, before advertising, determine which purchasing method provides the best value for the District. *Education Code 44.035(a)"*

There are several different ways to select a builder for school district building projects according to Education Code 44.031(a).

1. Competitive bidding. [See CVA]
2. Competitive sealed proposals. [See CVB]
3. A catalog purchase as provided by Government Code Chapter 2157, Subchapter B.
4. An interlocal contract.
5. A design/build contract. [See CVC]
6. A contract to construct, rehabilitate, alter, or repair facilities that involves using a construction manager. [See CVD, CVE]
7. A job order contract for the minor construction, repair, rehabilitation, or alteration of a facility. [See CVF]
8. The reverse auction procedure as defined by Government Code 2155.062(d). [See CH]

Education Code 44.031(a)

We have used the Competitive Sealed Proposal (CSP) process for the majority of our building projects and CSP is currently our standing method for building procurement. Prior to the building of the Multi-Purpose building, the Board adopted the Construction Manager-at-Risk process for that project. District administration found this process to be very efficient and effective. Construction managers at risk resemble general contractors in many ways. However, this method allows construction to commence prior to drawings and specifications being in final form, thus allowing a more condensed time line and more value engineering to occur during the design phase.

VLK has had vast experience in working with the CM-at-risk method and is recommending that the District use this method for future construction projects. Administration concurs with this recommendation.

RECOMMENDATION:

Recommend that the Board approve the Construction Manager at Risk procurement method be the method of record for the GISD Construction projects until otherwise noted.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Mrs. Sharay Boynton

Date Submitted: January 15, 2007

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: January 12, 2007
RE: Office & Administrative Furniture
Bid No. 2005-14 - Renewal

SUMMARY:

A bid was let to provide a vendor to supply office and administrative furniture. It was awarded at the April 5, 2005 board meeting for the period of award notification to March 31, 2006 with the option to renew for 2 additional one-year terms. The current award will expire on March 31, 2007. This is the last year eligible for renewal.

The district has standardized with the Hon furniture line for reasons of durability and to match existing furniture already in place in the district. Vendors were asked to quote a percentage discount off different series in the Hon furniture line. Vendors were also asked to quote a discount on the Global and Highpoint brand for specialty needs that are not standardized. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

The purchases will be authorized by the respective principal/director at the time of purchase. Mrs. Debbie Johnson, purchasing supervisor, reviewed the District's option and it was decided that it would be in the best interest of the District to renew the bid for another one-year term. The vendor was contacted and has agreed to the extension with the same terms. The anticipated expenditure for the award period will be $18,000 to $25,000 depending on needs that arise.

RECOMMENDATION:

It is recommended that the Board award the purchase of office and administrative furniture to Martin's Office Supply for the period of April 1, 2007 to March 31, 2008.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Sharay Boynton

Date Submitted: January 12, 2007

BID FOR BOARD APPROVAL

Board Meeting Date: April 4, 2005 **Bid Number:** 2005-14

1. **Item, material or service (specific or classification):** Office and Administrative Furniture

2. **Brief description:** A bid was let to provide a vendor to supply office and administrative furniture. The district has standardized with the Hon furniture line for reasons of durability and to match existing furniture already in place in the district. Vendors were also asked to quote a discount on the Global and Highpoint brand for specialty needs that are not standardized

3. **Period of time bid covers:** From written notification of award through March 31, 2006

4. **Person and title responsible for the expenditure:**

   Campus level – campus principal
   Department level – department head

5. **Number of bids sent to vendors:** 8

6. **Number of bids received from vendors:** 4 (includes 1 no bid)

7. **Listing of recommended vendors and total prices:** It is recommended award be made to Martin's Office Supply. This vendor quoted the largest percentage discount. It is estimated expenditures will be between $60,000-$100,000. All purchases will be on an as needed basis.

8. **Last bid date (bid of comparable nature within last 5 years):** 3/26/02

9. **Percentage increase or decrease from last bid**: Quoted same discount

10. **Budget information:** Funds for these purchases will be budgeted for each campus under object code 6644.

Sharay S. Boynton
Executive Director of Finance

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: January 12, 2007
RE: Computer and Copy Paper
Bid No. 2006-27

SUMMARY:

Computer and copy paper is bid twice a year due to the lack of storage space. Bids for computer and copy paper were let in November 2006. Bids were due December 14, 2006. Bids were sent to eleven vendors. Four vendors responded. A summation of the process and outcome as well as a copy of the tabulation is attached for your review.

Mrs. Debbie Johnson, purchasing supervisor, reviewed the bids. The following is the recommendation of Mrs. Johnson and myself.

RECOMMENDATION:

I recommend the Board approve the items and the related vendors as evidenced by the highlighted area on the attached tabulation.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Debbie Johnson
Sharay Boynton

Date Submitted: January 12, 2007

BID FOR BOARD APPROVAL

Board Meeting Date: January 22, 2007 **Bid Number:** 2006-27

1. **Item, material or service (specific or classification):** Computer and Copy Paper

2. **Brief description:** Paper is bid twice a year due to a lack of storage space. All paper is inside delivery by hand truck to each campus and department rather than to a central location, which results in a higher cost per case.

3. **Period of time bid covers:** Single purchase, which will provide paper for approximately six months. Due to the constant fluctuation of the paper market, most vendors will not hold prices firm for any extended period of time.

4. **Person and title responsible for the expenditure:** Each campus principal and department director is responsible for their campus or department expense.

5. **Number of bids sent to vendors:** 11

6. **Number of bids received from vendors:** 4

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 $33,564.60.

8. **Explanation of other than low recommendations:** Item #5, the computer green bar paper is recommended for award to Flatt's Stationers. Low bid was from Office Depot, however, due to the exceptions to the terms and conditions noted by this vendor, it was in the best interest of the district to award to another vendor. The exceptions claimed included items specific to vendor non-performance and open market purchases.

   Item #6 is recommended for award to Martin's Office Supply based on the samples provided. The low bid from Flatt's does not appear to be the same quality of paper as the sample provided by Martin's.

9. **Last bid date (bid of comparable nature within last 5 years):** 05/02/06

10. **Percentage increase or decrease from last bid**:

8.5 x 11 white	Decrease 1.87%
8.5 x 11 colored	Increase of 2.95%
8.5 x 11 #96 brightness	Increase of 36.71%
8.5 x 14 white	Increase of 9.37%
14-7/8 x 11 green bar	Increase of 12.10%
Computer fan fold	Increase of 1.95%

11. **Budget information:** Funds for this expenditure are budgeted through object codes 6395 and 6396 for the various campuses and departments.

Sharay S. Boynton
Executive Director of Finance

Campus/Department Technology Purchases

Item	Campus/ Department	Requestor	Description	Qty.	Cost	Budget Code
1	GHS	Marsha Grissom	Headphone for Student Desktop Computer	60	$450.00	199.11.6397.00.001.7.11.0.00
2	GHS	Marsha Grissom	Dell UltraSharp 1707FP Black Flat Panel Monitor	2	$430.00	199.23.6645.00.001.7.11.0.00
3	GHS	Marsha Grissom	License for Adobe Photoshop CS2	2	$224.00	199.31.6397.00.001.7.99.0.00
4	GHS	Marsha Grissom	License for Rosetta Stone - English Level II & III	50	$7,090.00	409.11.6397.SS.001.7.11.0.00
5	GHS	Marsha Grissom	Upgrade Licenses for PLATO Courseware	-	$43,368.00	409.11.6397.SS.001.7.11.0.00
6	GHS/CATE	Marsha Grissom	Site License for SynchronEyes Lab Management	1	$3,249.00	199.11.6397.00.001.7.22.0.00
7	GHS/CATE	Marsha Grissom	SD Memory Card for Digital Camera	10	$260.00	244.11.6397.00.001.7.22.0.00
8	GHS/CATE	Marsha Grissom	Dazzle Hi-Speed Universal 8 in 1 Card R/W	10	$300.00	244.11.6397.00.001.7.22.0.00
9	GHS/CATE	Marsha Grissom	HP Scanjet 4370 Photo-Scanner	1	$89.00	244.11.6645.00.001.7.22.0.00
10	GHS/CATE	Marsha Grissom	Dell 1200MP DLP Projector	1	$735.00	244.11.6645.00.001.7.22.0.00
-						
11	CNG	Lynn Pool	Dell 512MB High Speed USB 2.0 Memory Key	5	$175.00	199.11.6397.00.005.7.11.0.00
12	CNG	Lynn Pool	Iomega CD-RW/DVD-ROM External Drive	1	$95.00	199.11.6645.00.005.7.11.0.00
13	CNG	Lynn Pool	License for Rosetta Stone - English Level I, II, & III	15	$2,125.00	199.11.6397.00.005.7.24.0.00
14	CNG	Lynn Pool	License for School Check IN	1	$95.00	199.52.6397.00.005.7.99.0.00
15	CNG	Lynn Pool	Dymo LabelWriter TWIN Turbo	1	$185.00	199.52.6397.00.005.7.99.0.00
16	CNG	Lynn Pool	Dell Latitude D620 Laptop Computer	1	$1,450.00	199.52.6645.99.005.7.99.F.00
-						
17	AMS	Bobby Mabery	School Smart Deluxe Headphone w/ Volume Control	3	$45.00	199.11.6397.00.042.7.11.0.00
18	AMS	Bobby Mabery	Canon CanoScan 8600F - Flatbed Scanner	1	$185.00	199.11.6645.00.042.7.11.0.00
19	AMS	Bobby Mabery	Dell 5100cn Color Laser Printer	1	$850.00	199.11.6645.00.042.7.11.0.65
20	AMS	Bobby Mabery	LTU LTUPS600 Document Camera	2	$3,170.00	199.12.6645.00.042.7.99.0.00
21	AMS	Bobby Mabery	Dell 1200MP DLP Projector	6	$4,410.00	199.12.6645.00.042.7.99.0.00
22	AMS	Bobby Mabery	eInstruction 24-Pad CPSir System	1	$1,520.00	199.12.6645.00.042.7.99.0.00
23	AMS	Bobby Mabery	eInstruction Chalkboard	1	$350.00	199.11.6645.00.042.7.11.0.00
24	AMS	Bobby Mabery	License for RM Easitech Math Toolbar	1	$110.00	199.11.6397.00.042.7.11.0.00
25	AMS	Bobby Mabery	eInstruction Chalkboard	1	$350.00	199.12.6645.00.042.7.99.0.00

26	AMS	Bobby Mabery	License for RM Easitech Math Toolbar	1	$110.00	199.12.6397.00.042.7.99.0.00
27	AMS	Bobby Mabery	Annual License Renewal for School Check IN	1	$95.00	199.23.6397.00.042.7.11.0.00
28	AMS	Bobby Mabery	Site License for TEKING Toward TAKS Mathematics	1	$2,235.00	404.11.6397.AM.042.7.24.0.00
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29	AES	Ralph Purget	Ceiling Mount Kit for Dell 1200MP DLP Projector	1	$150.00	199.11.6397.00.102.7.11.0.00
30	AES	Ralph Purget	Ceiling Mount Kit for Dell 1200MP DLP Projector	1	$150.00	199.12.6397.00.102.7.99.0.00
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31	EES	Kellie Lambert	Dell 1200MP DLP Projector	1	$735.00	211.11.6645.00.104.7.24.0.00
32	EES	Kellie Lambert	SB680 SMART Board	3	$4,197.00	211.11.6645.00.104.7.24.0.00
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33	BES	Nancy Alana	Dell 1200MP DLP Projector	1	$735.00	199.11.6645.00.105.7.11.0.00
34	BES	Nancy Alana	Canon PowerShot A540 Digital Camera	2	$400.00	199.11.6645.00.105.7.11.0.00
35	BES	Nancy Alana	Memory Card for Canon PowerShot A540 Digital Camera	2	$52.00	199.11.6397.00.105.7.11.0.00
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36	OIS	Donnie Cody	Serial to USB Interface Cable for SB680 SMART Board	3	$135.00	199.11.6397.00.106.7.11.0.00
37	OIS	Donnie Cody	Dell 5100cn Color Laser Printer	1	$900.00	199.11.6645.00.106.7.11.0.00
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38	MAS	Beckie Johnson	Dell Latitude D620 Laptop Computer /w Docking Station	1	$2,150.00	199.23.6645.99.107.7.11.0.00
39	MAS	Beckie Johnson	Dell 1200MP DLP Projector	3	$2,205.00	199.11.6645.00.107.7.11.0.00
40	MAS	Beckie Johnson	SB680 SMART Board	3	$4,197.00	199.11.6645.00.107.7.11.0.00
41	MAS	Beckie Johnson	FS670 Floor Stand for SB680 SMART Board	3	$1,047.00	199.11.6397.00.107.7.11.0.00
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42	BIS	Carolyn Horton	Site License for TAKS 5th Grade Science	1	$550.00	211.11.6397.00.108.7.24.0.00
43	BIS	Carolyn Horton	Site License for Brain POP - All Subjects - Eng. & Spa.	1	$1,465.00	211.11.6397.00.108.7.24.0.00
-						
44	ADM	William Harris	Dell 256MB High Speed USB 2.0 Memory Key	10	$250.00	199.41.6397.99.701.7.99.F.00
45	ADM	William Harris	License for Adobe Acrobat Standard V8.0	1	$45.00	199.41.6397.99.990.7.99.F.00
-						
46	Business Off.	Sharay Boynton	Dell Latitude D620 Laptop Computer /w Docking Station	1	$2,150.00	199.41.6645.99.726.7.99.J.00
47	Business Off.	Sharay Boynton	Software Renewal on CIMS Products	1	$29,684.80	199.53.6397.00.728.7.99.0.00
-						
48	Technology	Ton Potappel	Toner Cartridges for Dell & HP Laser Printers	-	$14,500.00	199.11.6399.99.xxx.7.11.0.00
49	Technology	Ton Potappel	Annual Renewal of Destiny Maint. & Support	1	$42,797.00	199.12.6399.99.xxx.7.99.0.99
50	Technology	Ton Potappel	Annual Renewal of GradeQuick Maint. & Support	1	$3,425.00	411.11.6399.99.xxx.7.11.0.99
51	Technology	Ton Potappel	License for Microsoft Office Enterprise 2007	5	$350.00	199.53.6397.00.728.7.99.0.00
-						
52	Curriculum	Sharon Whitefield	License for Adobe Acrobat Standard V8.0	10	$350.00	199.13.6637.99.731.7.99.0.00

53	Curriculum	Sharon Whitefield	Annual Renewal of Destiny Library Manager Solution	1	$3,025.00	262.13.6397.00.731.7.99.0.00
54	Curriculum	Sharon Whitefield	Reading Pen Basic Edition	2	$280.00	262.13.6397.00.731.7.99.0.00
55	Curriculum	Sharon Whitefield	eInstruction Chalkboard	1	$350.00	262.13.6645.00.731.7.99.0.00
56	Curriculum	Sharon Whitefield	License for RM Easitech Math Toolbar	1	$110.00	262.13.6397.00.731.7.99.0.00
57	Curriculum	Sharon Whitefield	AVE AveVision300AF Document Camera	1	$575.00	262.13.6645.00.731.7.99.0.00
58	Curriculum	Sharon Whitefield	JCC JVCGZMG77US Hard Drive Digital Camcorder	1	$715.00	262.13.6645.00.731.7.99.0.00
59	Curriculum	Sharon Whitefield	JCC JVCCUVD10US DVD Burner for Everio	1	$180.00	262.13.6645.00.731.7.99.0.00
-						
60	Athletics	Dwight Butler	Athletic Activity Evaluation System	1	$50.00	181.36.6397.00.981.7.91.0.01
					Total:	**$191,654.80**

GRANBURY INDEPENDENT SCHOOL DISTRICT

INTEROFFICE MEMO

FINANCE AND BUSINESS AFFAIRS

To: Board of Trustees
Date: January 22, 2007
For: Approval

TO: Mr. William Harris, Superintendent

FROM: Sharay Boynton
DATE: January 15, 2007
RE: Waste Management Services

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".

Waste Management Services for the District are provided by IESI as a result of the contract that they have with the City. A bid process is not necessary as a result of this contract. The anticipated yearly cost of these services is approximately $76,000. The adopted budget includes this amount. Due to the fact that these services will exceed the cost of $25,000, the following recommendation is that of Mr. Larry Gehrke, Maintenance Director.

RECOMMENDATION:

It is recommended that the Waste Management Services as described above be purchased as presented.

Respectfully submitted,

Sharay S. Boynton
Executive Director of Finance

Staff Person Responsible: Mr. Larry Gehrke, Maintenance Director
Mrs. Ronda Herrin, Purchasing

Date Submitted: January 15, 2007

OFFICE OF CURRICULUM & INSTRUCTION

For:	Board of Trustees
Date:	January 22, 2007
Action:	Approval

To: Mr. William Harris, Superintendent

From: Jan Van Dorn
Date: January 17, 2006
RE: Trimester to semester

SUMMARY:

Faculty and staff from both the Crossland Ninth Grade Center and Granbury High School met together and received a PowerPoint presentation on the educational advantages and disadvantages of moving from the trimester system to the semester system. This presentation was jointly presented by Marsha Grissom, Lynn Pool, and Sharon Whitefield. Both schools took votes among their faculties and voted to return to the semester system.

Recommendation:

Administration recommends the approval of recommended change.

Respectfully Submitted:

Jan Van Dorn
Assistant Superintendent

Staff Persons Responsible: Jan Van Dorn
Marsha Grissom
Lynn Pool
Sharon Whitefield

Trimester

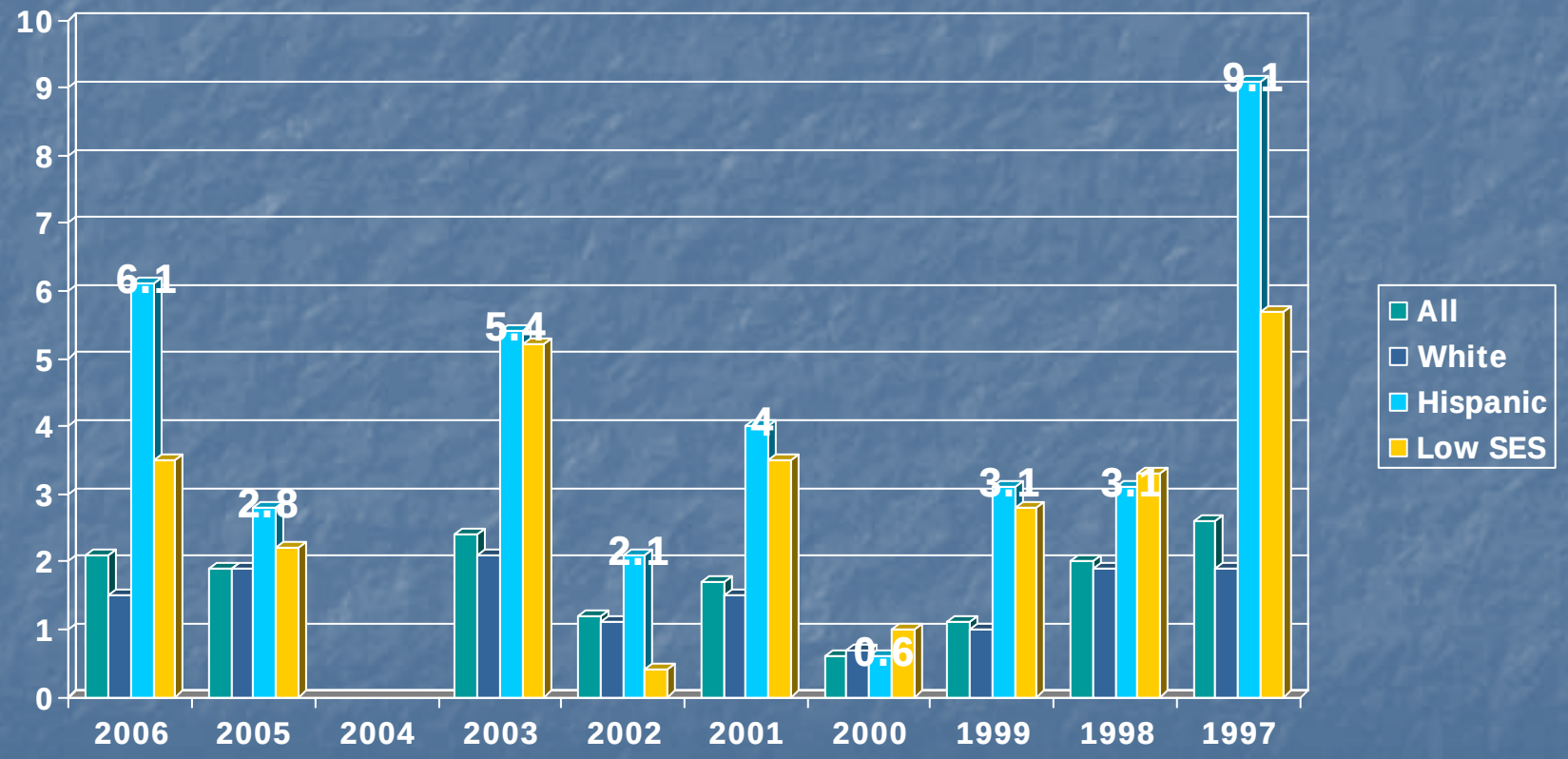
2006 Program Evaluation

A look at data from AEIS.....

Trimester began in Fall of 1999

Drop Out Data

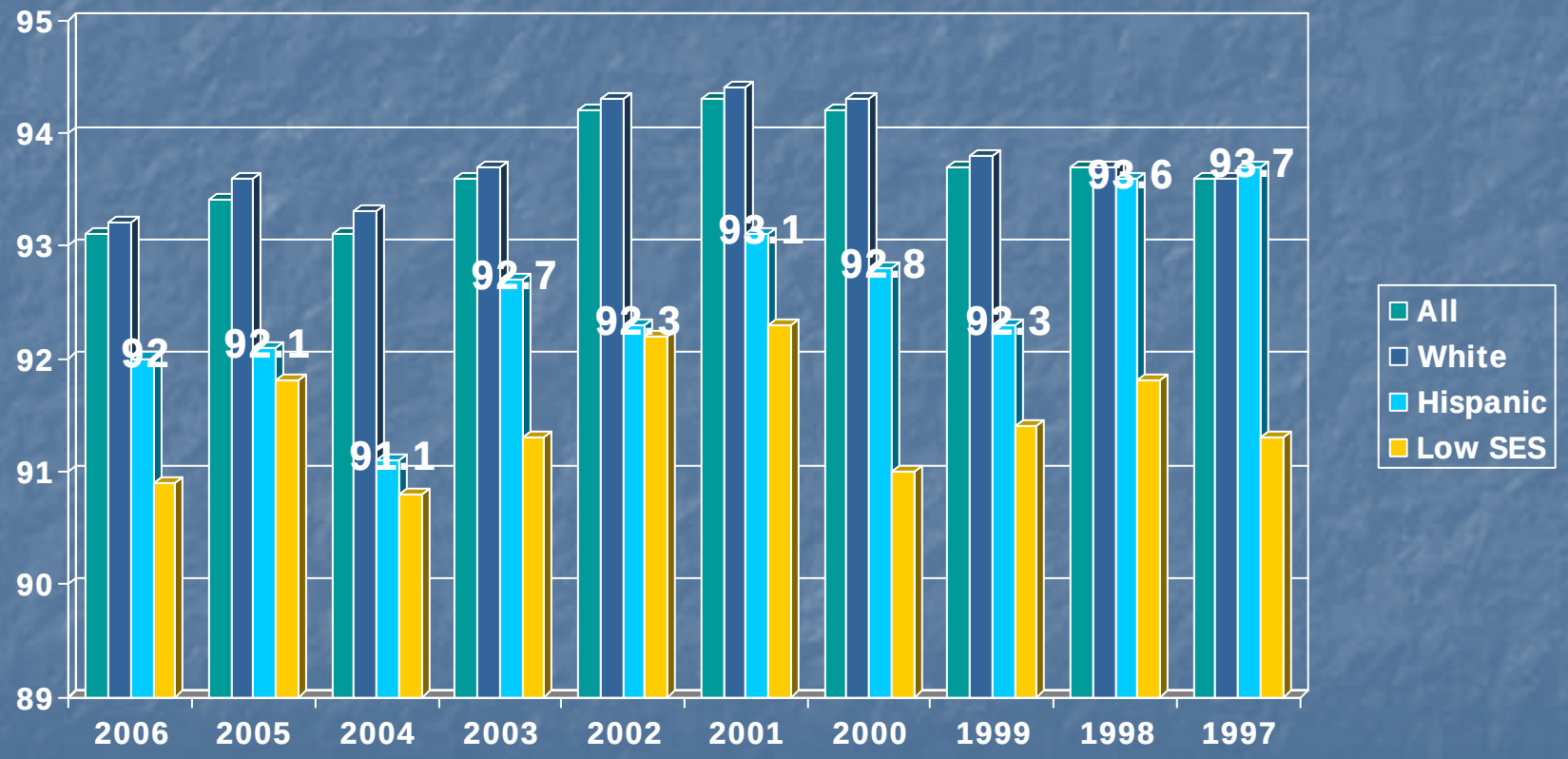
From AEIS Reports



2004 data not available on AEIS report

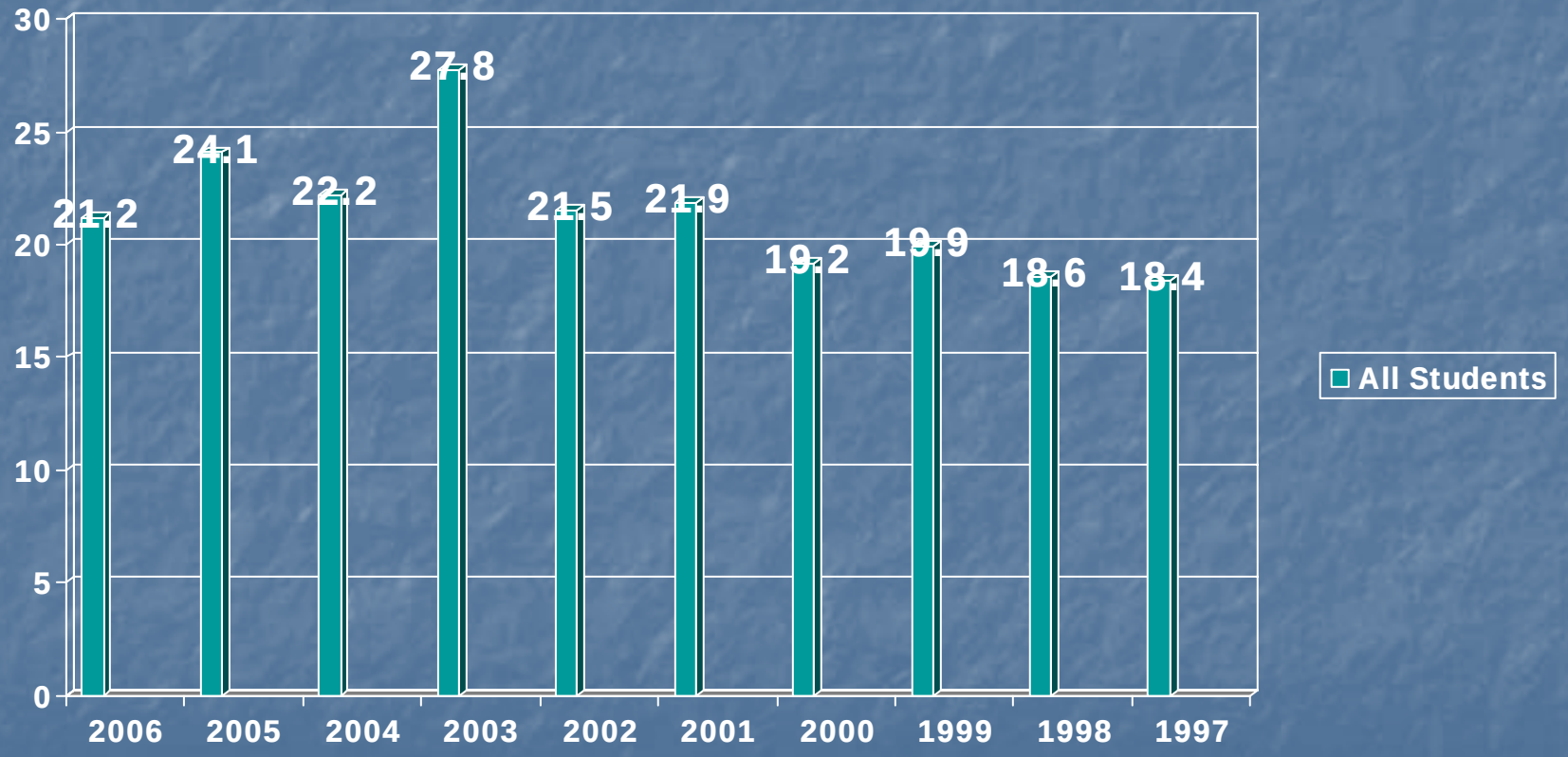
Attendance Data

AEIS Report

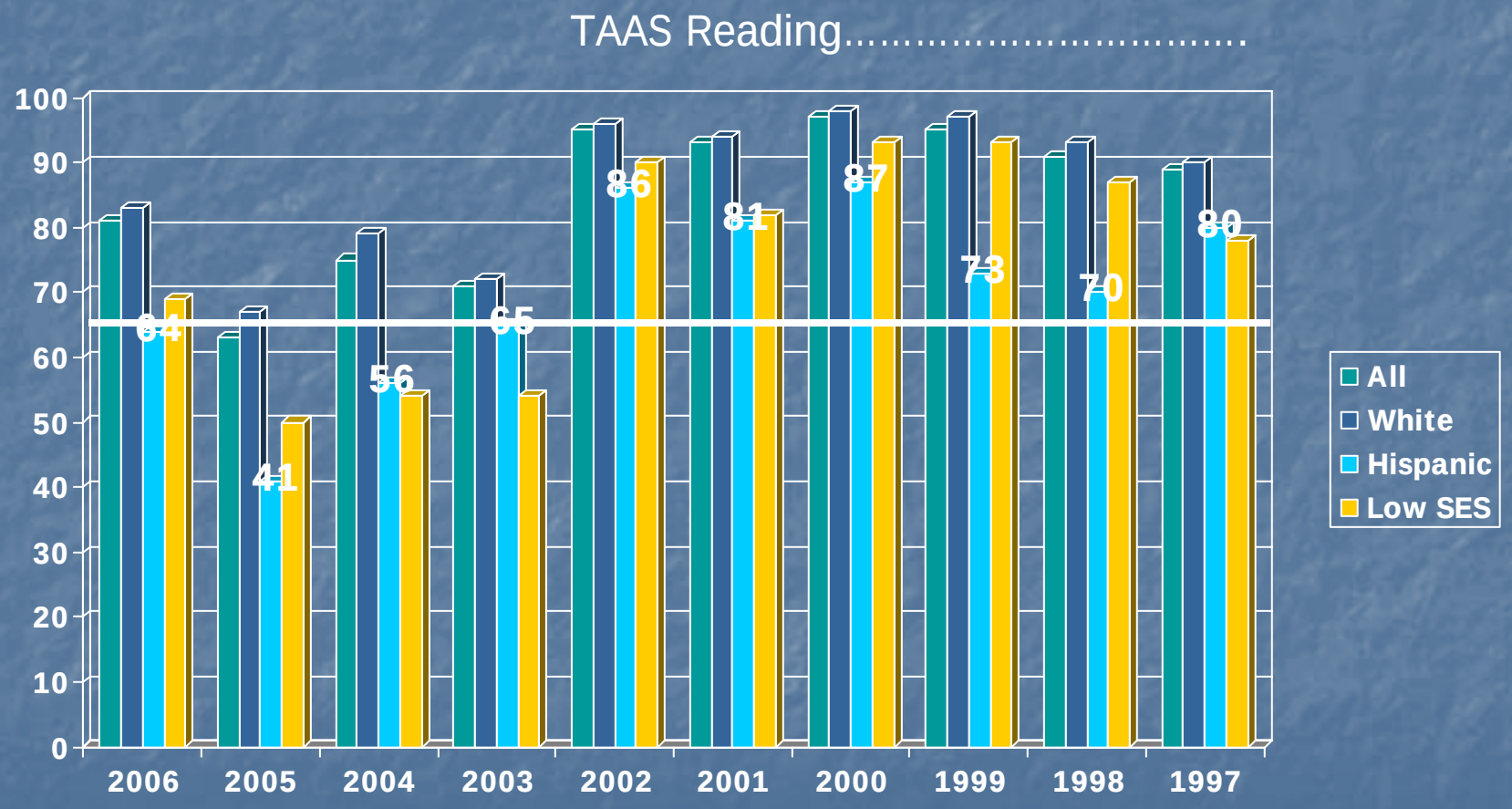


Mobility Data

AEIS Report

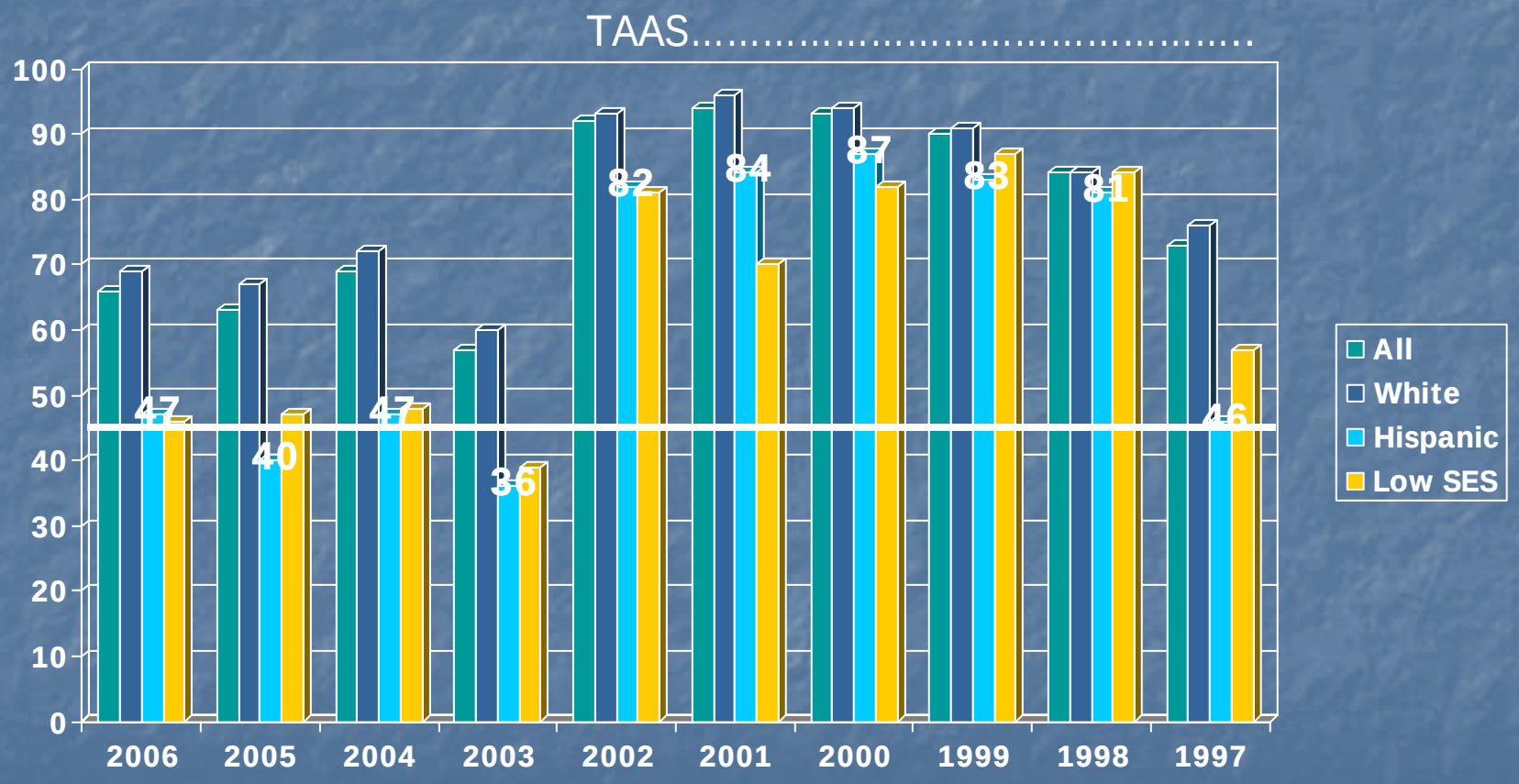


ELA Scores



Thick horizontal line represent 65% or the minimum to meet “Acceptable” accountability rating for 2007.

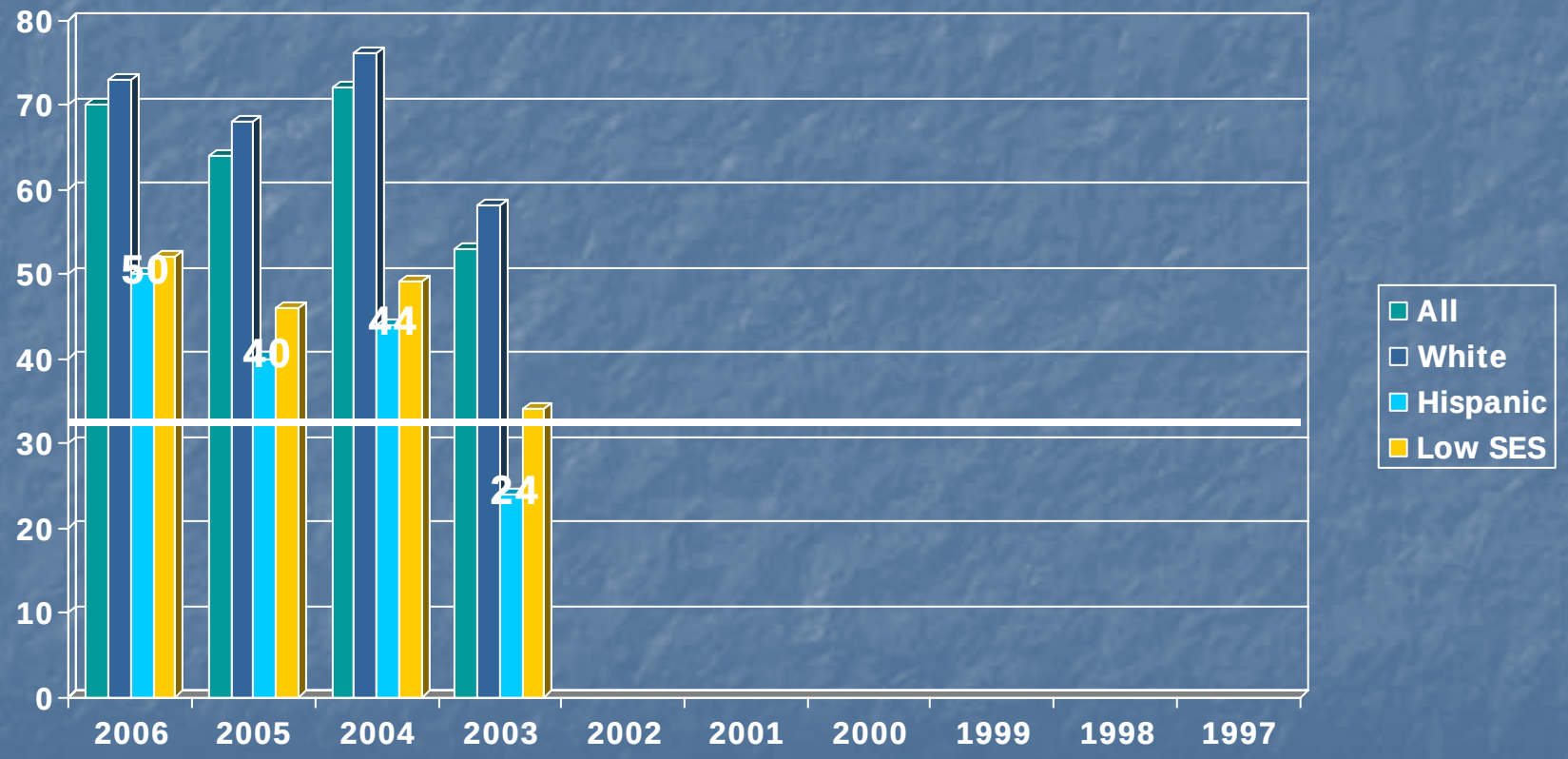
Math Scores



Thick horizontal line represent 45% or the minimum to meet “Acceptable” accountability rating for 2007.

Science Scores

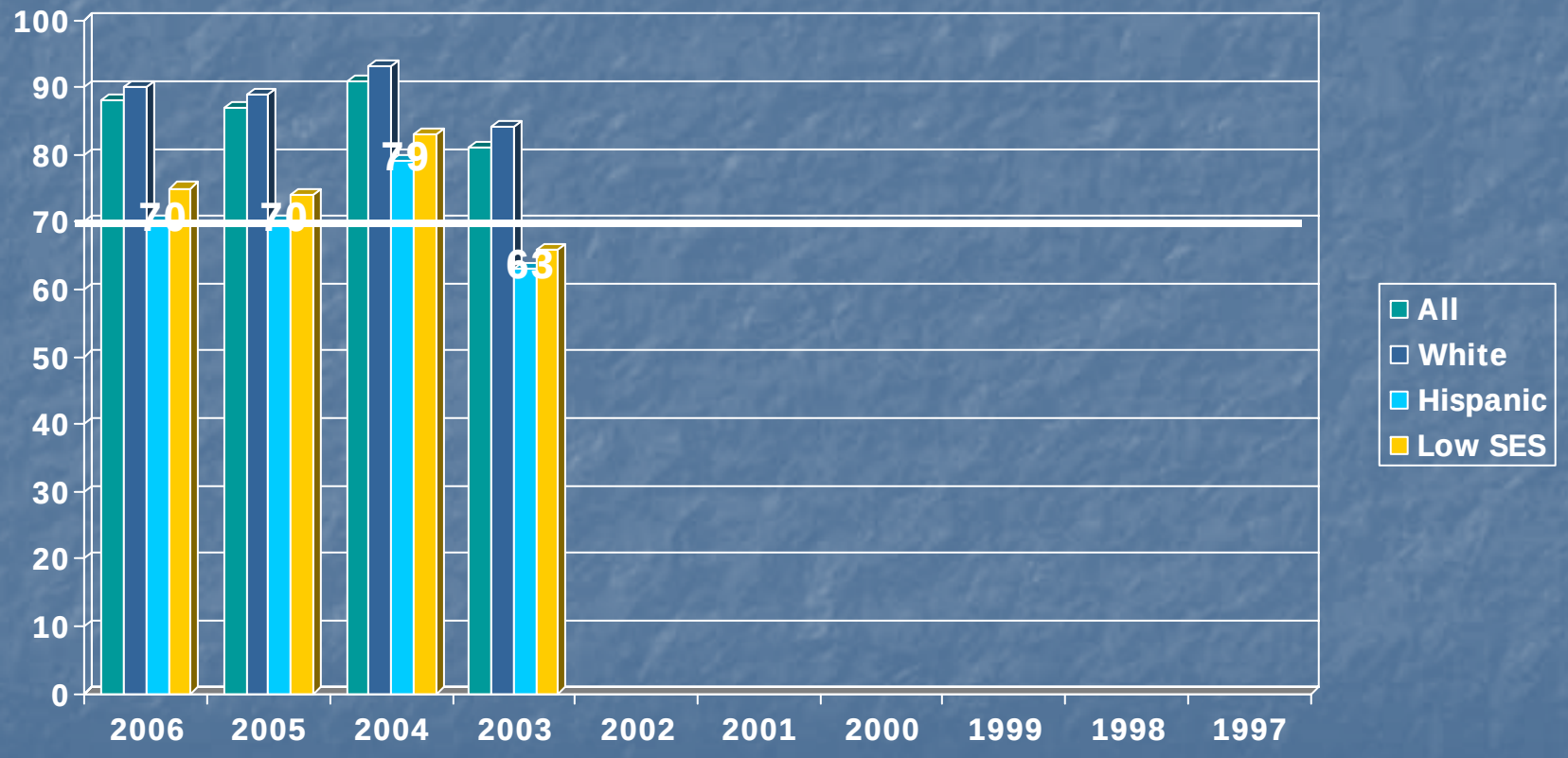
No TAAS for accountability purposes



Thick horizontal line represent 40% or the minimum to meet “Acceptable” accountability rating for 2007.

Social Studies Scores

No TAAS for accountability purposes



Thick horizontal line represent 65% or the minimum to meet “Acceptable” accountability rating for 2007.

Instructional Minutes 2006-07

- Trimester (Ex. ELA)
  - 118 days of instruction
  - 72 minute classes
  - 8496 total instructional minutes
- Ex. Economics
  - 57 or 61 days of instruction
  - 72 minute classes
  - 4104 or 4392 total instructional minutes
- Semester (Ex. ELA)
  - 175 days of instruction
  - 55 minute classes
  - 9625 total instructional minutes
- Ex Economics
  - 85 or 90 days of instruction
  - 55 minute classes
  - 4675 or 4950 total instructional minutes

Other Considerations

- Teachers will teach 12 classes per year regardless of trimester or semester
- Upcoming state mandates
  - 4 x 4 curriculum - 2007
  - End of Course takes place of TAKS - 2008
  - Rising Accountability Standards for all subpopulations (Acceptable, Recognized, Exemplary)
    - ELA/SS for 2008 – 65%, 75%, 90%
    - Math for 2008 – 50%, 75%, 90%
    - Science for 2008 – 45%, 75%, 90%

AEIS Reports

			2006		2005	2004	2003
Attendance Data			93.10%		93.40%	93.10%	93.60%
	White		93.20%		93.60%	93.30%	93.70%
	Hispanic		92.00%		92.10%	91.10%	92.70%
	Low SES		90.90%		91.80%	90.80%	91.30%
Drop Out Data			2.10%		1.90%	NA	2.40%
	White		1.50%		1.90%	NA	2.10%
	Hispanic		6.10%		2.80%	NA	5.40%
	Low SES		3.50%		2.20%	NA	5.20%
Completion Data		**W/Out GED**	92.30%	**With GED**	95.50%	94.10%	93.60%
	White		92.90%		96.90%	95.20%	95.20%
	Hispanic		86.80%		84.90%	84.80%	80%
	Low SES		86.70%		90.50%	85.50%	74.20%
ELA TAKS			81%		63%	75%	71.40%
	White		83%		67%	79%	72.30%
	Hispanic		64%		41%	56%	65%
	Low SES		69%		50%	54%	54.30%
Math TAKS			66%		63%	69%	57%
	White		69%		67%	72%	60.40%
	Hispanic		47%		40%	47%	36.60%
	Low SES		46%		47%	48%	39.70%
Science TAKS			70%		64%	72%	53.70%
	White		73%		68%	76%	58.80%
	Hispanic		50%		40%	44%	24.70%
	Low SES		52%		46%	49%	34.20%
SS TAKS			88%		87%	91%	81.70%
	White		90%		89%	93%	84.60%
	Hispanic		70%		70%	79%	63.50%
	Low SES		75%		74%	83%	66.50%
Mobility			21.20%		24.10%	22.20%	27.80%

Another piece of data to consider is that our At-Risk poplation is well above our campus group.

		2002	2001	2000	1999	1998	1997
		94.20%	94.30%	94.20%	93.70%	93.70%	93.60%
		94.30%	94.40%	94.30%	93.80%	93.70%	93.60%
		92.30%	93.10%	92.80%	92.30%	93.60%	93.70%
		92.20%	92.30%	91%	91.40%	91.80%	91.30%
		1.20%	1.70%	0.60%	1.10%	2%	2.60%
		1.10%	1.50%	0.70%	1%	1.90%	1.90%
		2.10%	4.00%	0.60%	3.10%	3.10%	9.10%
		0.40%	3.50%	1%	2.80%	3.30%	5.70%
		89.80%	85.70%	90.30%	NA	NA	
		91.10%	94.30%	90.80%	NA	NA	
		77%	84%	83.30%	NA	NA	
		63.10%	81.10%	65.50%	NA	NA	
Reading TAAS		95.50%	93.50%	97.60%	95.50%	91.50%	89.30%
	White	96.50%	94.80%	98.70%	97.20%	93.60%	90.20%
	Hispanic	86.40%	81.10%	87%	73.70%	70.40%	80%
	Low SES	90.80%	82.90%	93.80%	93.80%	87.20%	78.40%
Math TAAS		92.40%	94.60%	93.50%	90.80%	84.10%	73.60%
	White	93.70%	96.10%	94.20%	91.50%	84.80%	76.20%
	Hispanic	82.20%	84.20%	87.50%	83.30%	81.50%	46.70%
	Low SES	81.40%	70.30%	82.40%	87.50%	84.60%	57.90%
Writing TAAS			92.90%	94.70%	98%	94.20%	92.60%
	White		94.50%	95.80%	99.60%	95.80%	93.80%
	Hispanic		78.90%	83.30%	73.70%	74.10%	76.70%
	Low SES		80.60%	81.30%	93.80%	84.60%	77.80%
		21.50%	21.90%	19.20%	19.90%	18.60%	18.40%

OFFICE OF SUPERINTENDENT

For:	**Board of Trustees**
Date:	**January 22, 2007**
Action:	**Approval**

SUMMARY:
An election for the purpose of electing candidates to fill Places 5, 6 and 7 for Board of Trustees for the Granbury Independent School District will be held on Saturday, May 12, 2007. Early voting by personal appearance will be conducted each weekday at the County Clerk's Office, Granbury Courthouse, Granbury, Texas between the hours of 8:00 a.m. and 5:00 p.m. beginning April 30, 2007 and ending May 8, 2007.

RECOMMENDATION:
I recommend that the Board call the election of May 12, 2007 for the purpose of electing candidates to fill places 5, 6 and 7 for Board of Trustee for the Granbury Independent School District.

Respectfully submitted,

William Harris

William Harris
Superintendent

600 West Pearl • Granbury, Texas 76048 • Phone (817) 408-4007 • Fax (817) 408-4014
william_harris@granbury.k12.tx.us
www.granbury.k12.tx.us