

**AGENDA**  
**BOARD OF TRUSTEES**  
**UVALDE CONSOLIDATED INDEPENDENT**  
**SCHOOL DISTRICT**  
**Benson Board Room**  
**July 17, 2023**  
**6:00 pm**  
**Regular Meeting**

**U.C.I.S.D. Mission Statement**

The mission of Uvalde CISD, a progressive rural community with a heritage of inspiring and growing leaders, is to ensure each student has an excellent foundation to reach his or her goals through:

- Personalized, rigorous instruction,
- Global experiences, a dedicated staff with high expectations, and
- Community commitment and pride in the achievement of all students.

**Our Beliefs**

- We believe every person has value.
- We believe every person has potential.
- We believe every person learns.
- We believe in individual uniqueness.
- We believe individual determination is vital to success.
- We believe respect is the foundation for relationships.
- We believe community is essential for success.

**Our Objectives**

- Each student will achieve global experiences through technology and community resources.
- Each student will demonstrate citizenship by contributing to the global community.
- Each student will be equipped for college and/or career opportunities.

# Agenda of Regular Meeting

## The Board of Trustees Uvalde Consolidated Independent School District

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A Regular Meeting of the Board of Trustees of Uvalde Consolidated Independent School District will be held Monday, July 17, 2023, beginning at 6:00 PM in the Benson Board Room, 601 Dean St, Uvalde, TX 78801.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Call to Order 3
  - A. Announcement by the chairperson whether a quorum is present, that the meeting has been duly called, and that notice of the meeting has been posted in the time and manner required by law.
  - B. Moment of Silence  
Please bow your head for a moment of silence for 21 seconds to honor our 21 beautiful souls.
  - C. Invocation
  - D. Pledge of Allegiance to the Flags of the United States of America and the State of Texas
2. Open Forum
3. Superintendent's Report 4
  - A. Introductions
  - B. Backpacks
  - C. Future Board Meetings
4. Board Recognition 5
5. Consent Agenda:
  - A. Minutes of the Regular Meeting of the Board of Trustees Held on June 19, 2023. 6
  - B. Item of Information regarding Transportation. 10
  - C. Item of Information regarding Maintenance and Operations. 12
  - D. Item of Information regarding SFE. 14
  - E. Item of Information on the district's investment activity for June 2023. 20
  - F. Item of Information on the district's credit card activity for June 2023. 21
  - G. Item of Information for Revenues and Expenditures as of June 2023. 27
  - H. Item of Information on the tax collection activity for June 2023. 28
  - I. Item of Information for the district's Federal program activity for June 2023. 29
6. Items of Division of Administration & Operations:

A.	Item of Information on TASB Local Policy Update 121.	31
B.	Consider approval of out of state student and personnel travel.	560
C.	Consider approval of the 2023-2024 Student Code of Conduct.	561
7.	Items of Division of Business and Finance:	
A.	Consider approval of accounts payable checks for June 2023.	633
B.	Item of Information on Budget Workshop #1.	635
C.	Consider approval of Food Service Budget Amendment #2.	636
D.	Consider approval of General Fund Budget Amendment.	638
E.	Consider approval of the Resolution naming the District's Truth in Taxation Officer.	639
8.	Items of Division of Curriculum and Instruction:	
A.	Consider approval of Proposed Revisions to UCISD Grading Guidelines.	641
B.	Consider approval of SWTJC 2023-2024 Memorandum(s) of Understanding.	642
9.	Closed Session: A closed session will be held under Provisions of Texas Government Code, Chapter 551, Sections 551.071 and 551.074.	676
A.	Deliberation regarding the purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code (Deliberation Regarding Real Property).	
B.	Deliberation concerning approval of personnel employments, assignments, suspensions, and terminations.	
10.	Reconvene from closed session for action relevant to items covered during closed session and other items listed.	677
A.	Consider and take possible action regarding the purchase, exchange, lease or value of real property.	
B.	Consider and take possible action concerning approval of personnel employments, assignments, suspensions, and terminations.	
11.	Adjournment	678

**Agenda Item 1-A**

**UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

I call this Regular Meeting of the Uvalde Consolidated Independent School District Board of Trustees to order. Let the record show that a quorum of board members is present, that this 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.

**Agenda Item 1-B**

**MOMENT OF SILENCE**

Please bow your head for a moment of silence for 21 seconds to honor our 21 beautiful souls.

**Agenda Item 1-C**

**INVOCATION**

Invocation to be led by Board of Trustee Laura Perez.

**Agenda Item 1-D**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF  
THE UNITED STATES OF AMERICA AND THE STATE OF TEXAS**

**Pledge to the American Flag**

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

**Pledge of Allegiance to the Texas State Flag**

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.



## **SUPERINTENDENT'S REPORT**

A. Introductions

B. Backpacks

C. Future Board Meetings:  
August 28, 2023

Contact Person:

Gary Patterson, Interim Superintendent



# Board Recognition

**For Meeting:** Monday, July 17, 2023

**2022-2023 District Teachers of the Year:**

It is a great honor to bring the 2022-2023 UCISD Garcia & Mireles District Teachers of the Year before the Board of Trustees. These outstanding teachers represent our district in the TASA Teacher of the Year award competition.

2022-2023 UCISD Garcia & Mireles Elementary District Teacher of the Year

*Elina Ybarra*

Uvalde Elementary

2022-2023 UCISD Garcia & Mireles Secondary District Teacher of the Year

*Jesse Lara*

Morales Junior High School

All the teachers of the year are outstanding teachers who represent a small percentage of the many dedicated, loving, and supportive teachers in Uvalde C.I.S.D!

**Minutes of Regular Meeting  
The Board of Trustees  
Uvalde Consolidated Independent School District**

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The Board of Trustees met to conduct the Regular Meeting on June 19, 2023 at 6:00 pm in Benson Board Room, 601 Dean St., Uvalde, TX 78801

1. Call to Order

The regular meeting was called to order by Luis Fernandez at 6 pm.

A. A roll call and establishment of quorum.

Members present: Luis Fernandez, Rob Fowler, Laura Perez, Javier Flores, Anabel White, Cal Lambert, JJ Suarez

Staff present: Gary Patterson, Zeke De La Fuente, Anne Marie Espinoza, Cash Keith, Mario Rodriguez, Mario Rangel, Mikka Sanchez, Victor Baron, Randy Harris, Jennifer Griffin, Niki Henderson, Josh Gutierrez, Pedro Huizar.

Guests present: Diana Olvedo Karau, Jessica Weaver, Deyanira Salazar, Rosenberg Risa, James Albarado, Juan Maritinez Jr., Rebeca Ortiz, Travis Johnson

Media present: Melissa Federspill (ULN), Michael Robinson (Uvalde Hesperian)

B. Moment of Silence

Please bow your head for a moment of silence for 21 seconds to honor our 21 beautiful souls.

C. Invocation was led by Rob Fowler

D. Pledge of Allegiance to the Flags of the United States of America and the State of Texas were led by Javier Flores.

2. The following spoke in Open Forum:

Diana Ovedo-Karau - General - memorial, moving forward 14 acres consider historic value  
Daniel Myers- Contacting Survivors

3. Superintendent's Report

Mr. Patterson shared the information below with the school board.

Upcoming Budget committee meeting

Budget workshop at July regular meeting-waiting on legislative session

Recognition - Randall Harris was selected by his peers Region 20 Principal of the Year

Law enforcement training at UDLA

We will introduce additional officers at the July board meeting

4. Consent Agenda:

- A. Minutes of the Special Meeting of the Board of Trustees Held on May 8, 2023.
- B. Minutes of the Regular Meeting of the Board of Trustees Held on May 15, 2023.
- C. Item of Information regarding Maintenance and Operations.
- D. Item of Information regarding Transportation.
- E. Item of Information regarding SFE.
- F. Item of Information on the district's investment activity for May 2023.
- G. Item of Information on the district's credit card activity for May 2023.
- H. Item of Information for Revenues and Expenditures as of May 2023.
- I. Item of Information on the tax collection activity for May 2023.
- J. Item of Information for the district's Federal program activity for May 2023.
- K. Item of Information on Vendor update for current school year.
- L. Item of Information on Student Attendance.
- M. Item of Information on Student Discipline.

The motion was made by Rob Fowler and seconded by Javier Flores to approve the consent agenda as presented. The motion was carried unanimously.

5. Items of Division of Administration & Operations:

- A. Consider approval of service delivery agreement with Communities in Schools of San Antonio.

The motion was made by Rob Fowler and seconded by Laura Perez to approve the 2023-2024 service delivery agreement with Communities in Schools of San Antonio as presented with the funding source from the VOCA and Project Serve grants in the amount of \$200,000. The motion was carried unanimously.

- B. Consider approval of OFSDP: Crossroads Academy Alternative Attendance Method for On Campus Instruction.

The motion was made by Anabel White and seconded by JJ Suarez to approve Crossroad Academy's Optional Flexible School Day Program application for the 2023-2024 school year and authorize it to be submitted to TEA for approval. The motion was carried unanimously.

- C. Consider approval of donation from the HEB Tournament of Champions Charitable Trust.

The motion was made by Rob Fowler and seconded by Laura Perez to approve the donation of \$1 million dollars made by the HEB Tournament of Champions Charitable Trust to the Uvalde CISD Moving Forward Foundation to go towards the building of a new elementary school campus as presented by Mr. Gary Patterson.

D. Consider Approval of 2023-2024 Regular School Board Meeting Schedule.

The motion was made by JJ Suarez and seconded by Rob Fowler to approve the 2023-2024 Regular School Board Meeting Schedule. The motion was carried unanimously.

6. Items of Division of Business and Finance:

A. Consider approval of accounts payable checks for May 2023.

The motion was made by Cal Lambert and seconded JJ Suarez to approve the accounts payable checks for May 2023. The motion was carried unanimously.

B. Consider approval of budget amendments.

The motion was made by Rob Fowler and seconded by Laura Perez to approve the General Fund budget amendment #6. The motion was carried unanimously.

7. Items of Division of Curriculum and Instruction:

No items

8. Closed Session: A closed session will be held under Provisions of Texas Government Code, Chapter 551, Sections 551.071 and 551.074.

The board met in closed session at 6:25 pm.

A. Deliberation regarding the purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code (Deliberation Regarding Real Property).

B. Discussion regarding the Uvalde County Appraisal District.

C. Deliberation concerning approval of personnel employments, assignments, suspensions, and terminations.

9. Reconvene from closed session for action relevant to items covered during closed session and other items listed.

The board reconvened at 8:52 pm

A. Consider and take possible action regarding the purchase, exchange, lease or value of real property.

No action taken

B. Consider and take possible action concerning approval of personnel employments, assignments, suspensions, and terminations.

The motion was made by \_\_\_\_\_ and seconded by Rob Fowler and seconded by JJ Suarez to approve the personnel assignments as presented in closed session. The motion was carried unanimously.

#### 10. Adjournment

The motion was made by Anabel White and seconded by Cal Lambert to adjourn the meeting. The motion was carried unanimously.

The meeting was adjourned at 8:53 pm.

\_\_\_\_\_  
School Board Secretary

\_\_\_\_\_  
Date

**Item of Information regarding Transportation  
July 17, 2023**

1. Background:

Attached is the monthly report provided by our Transportation Department. The Transportation Department continues to deliver excellent service in preparing for picking up and dropping off, field trips and taking care of all fleet vehicles.

2. Process:

Board reports are provided monthly.

3. Fiscal Impact:

Information only.

4. Recommendation:

No recommendation action necessary.

5. Action Required:

No action required.

6. Contact Person:

Russell Lee

**UVALDE CONSOLIDATED SCHOOL DISTRICT  
TRANSPORTATION DEPARTMENT**

**June 2023 - Monthly Review**

The following is the transportation department status for the period of June 1, 2023 to June 30, 2023.

- Authorized staff positions: 46: 41 (5 Total Vacancies)
  - 28 23 Drivers (5 Driver Vacancies)
  - 8: 8 Bus Aides/Monitors
  - 5: Shop – 1 Foreman, 2 Mechanics, 2 Mechanic’s Helpers
  - 5: Office – 4 Dispatchers, 1 Director
  
- On average we transported:
  - Approximately 128 regular students at least once a day.
  - Approximately 2 Special Needs students at least once a day.
  - Total of approximately 130 students transported each day.
  
- We drove:
  - 13 school routes twice a day
  - 0 additional daily runs
  - 20 Field Trips, 24 White Fleet
  - Approximately 270 Miles total for the month per day.
  
- We consumed:

○ 1330 gallons of Propane	3,565 Miles
○ 1460 gallons of Diesel for Buses	6,849 Miles
○ 353 gallons of Diesel for White Fleet	1281 Miles
○ 1520 gallons of Unleaded	14,571 Miles
○ Unit 41 – White Expedition	544 Miles
○ Unit 42 – White Expedition	1058 Miles
○ Unit 43 – White Suburban	1395 Miles
○ Unit 44 – White Suburban	361 Miles
○ Unit 45 – White Suburban	1860 Miles
○ Unit 46 – White Suburban	1429 Miles
○ Unit 47 – White Pickup	0 miles
○ Unit 48 – White Pickup	307 miles
○ Unit 90 – Police Vehicle	2497 miles
  
- We Processed/Completed:
  - 0 Conduct reports
  - 61 Bus Work Orders
  - 33 White Fleet Work Orders
  - 30 Purchase orders
  - Processed timely and accurately time sheets for our 41 employees.



**Item of Information regarding Maintenance and Operations  
July 17, 2023**

1. Background:

Attached is a list of Maintenance and Operations projects, both completed and in process.

2. Process:

The attached list will be continually updated as projects are completed, added or modified.

3. Fiscal Impact:

The fiscal impact of each project is listed on the report.

4. Recommendation:

No recommendation action necessary.

5. Action Required:

No action required.

6. Contact Person:

Rodney Harrison

07-11-2023

7/11/2023

Project type	Status	Project Value	Board Approved	Contractor	Construction Date	NOTES
Column1	Column2	Column3	Column4	Column5	Column6	Column7
Getting Quotes to hook portable restrooms at Dalton to water and sewer	in progress	\$4,815	no	Getting Quotes	ASAP	Hook up sewer and water to the portable restrooms to get them into service before new year begins.
Pour concrete slab at the river gate of high school to prevent washout	in progress	\$960	no	Oscar Amaya	Being done on 7-11-23	Pour retaining slab at wast river gate of new fence to stop washing of soil from under gate to help maintain security.
Make cosmetic upgrades at the Honey Bowl Stadium	in progress		no	UCISD M&O	in progress	Clean sand and paint walls ceiling and floors of restrooms, paint field sign poles and timmer poles, reside home side concession stand and paint
Five year service and inspection of UHS. Harrell Audit. And Kinchlow Gym	in progress	\$17,816.60	no	Western States Fire Protection		Five year inspection and service of the fire sprinkler systems at the Harrell Audit. And Rev H. Kinchlow Gym.
Possible movement of portable office building to Uvalde Elem.from Dalton	in progress	\$5,300	no	UCISD- Penny House Mo.	in progress	Portable bldg. has been moved to Uvalde Elementary campus. Electrical work is in progress, then finish of inside will start.
Repairs on the gym stands at Morales retractable seating.	in progress	no cost at this time	no	UCISD	in Progress	Making repairs to stands that were not retracting in the proper manner.
Getting idea of cost for new energy management.	in progress	no cost as of yet	no	Schnieder Electric		To find a new system to controll Hvac Systems to replace old outdated TAC control system.
Put out RFP for Flores chiller, boiler replacment	on hold	no cost as yet		Locating funding for project	summer 2023	Project to replace aged chiller boiler at the Flores campus that serves all conditioned air needs for north and south bldgs.
Day care move to Benson north wing	In progress	\$90,319	Yes	UCISD	Finishing up	Raiseing of the day care fence to 8 ft. height is in progress.
Quotes for air conditioning at gyms-UHS,MJHS,Flores and Batesville	In Progress	\$1,552,411	yes	MEP eng. and Texas Chillers	In Progress	Texas Chiller Systems awarded contract, work in progress.
Online auction of obsolete equipment.	Continuing	unknown	yes	PublicSurplus.com	On going	Auction will be managed and maintained permanently.
Constructing 25' light poles for solar parking lot lighting.	In Progress	\$5,000.00	no	UCISD	on-going	Dalton campus needs 6 poles left to finalize project.
Prepare Cruz gym boiler for inspection on Friday 6-09-23	completed	No cost	no	Hartford Steam Boiler	6--09-23	Drained boiler and cleaned inside of unit for inspection. Refilled boiler after inspection and returned to service.
Construct cover over east enry to Dalton H wing	completed	\$4,186.22	no	UCISD M&O	6-8 thru 6-20	Constructed metal overhang from east door of the h wing out to the edge of the cirlice drive at the Dalton campus.
Prepare for install of play are at the UDLA Campus by Kaboom	Complete	\$600.50	no	Kaboom volunteers	5-13-23	Perform soil testing and underground utility location at UDLA campus for the install of play area near PE covered area.
Trimming of wind break trees at Honey bowl	complete	nocost		UCISD	UCISD M&O	Trim down salt cedar trees around Honey Bowl, done annually.
Super rake Honey Bowl for the summer season.	completed	\$1,050.00	no	Texas Multi Chem	complete	Super rake to aerate to soil and remove thatch from field
Locate and order approved mulch for the various campus play areas.	in progress	\$35,754.45	no	Soil Express LTD	delivered	Mulch to be added to UDLA, Flores Daltonand Uvalde elementary campuses play areas.
Make repairs to field lights at Kolinek field for the baseball season.	completed	\$11,676.22	no	UCISD	Completed	Seeded field, made repairs to field lights, score and sound boards for the 2023 season.
Break down the PE shed at the Robb campus.	Completed	N/A	No	UCISD M&O	Completed	Movement of PE shed from Robb campus to the Uvalde Elementary campus.
UHS Auditorium stage lighting retrofit	completed	\$200,180.00	yes	Texas Scenic.	Completed	Replacement of stage lights to bring system back into UIL specs.
Pour concrete At corner of Geraldine and Old Carrizo road	completed	\$0.00	no	Oscar Amaya	1-4-23	Poured concrete at Robb near School sign so Crosses and mementos do not have to sit in dirt.
Get quote for new sidewalk at UDLA campus at bus pickup area	completed	\$3,649	no	Oscar Amaya	12-13-2022	This is to replace worn out asphalt walkway from PE area to bus pickup gate.
Get quote for replacement sidewalk at new visitor Batesville Office entry.	completed	\$3,132	no	Oscar Amaya	12-13-2022	This will replace sunken sidewalk at the east entry(visitors entry) at Batesville campus.
New furniture for campuses, moving of furnture only.	Completed			UCISD	Completed	Remove classroom furniture so the new furniture can be brought in and assembled. Batesville, Dalton, UDLA, Flores, Morales, UHS.
Additional dropoff drive at Dalton	Final cleanup	\$442,462.40	\$442,462.40	CDS Muery & JR Siteworks	Complete	Add a circle drive to alleviate crowding at drop off and pickup times at campus
Roof repairs- Tremco , Anthon, Benson,Morales, Uvalde High	Complete	\$748,826.00	yes	Tremco, Beldon, LBK	Completed	Repairs to roof at Anthon 700 wing, Morales bandhall, UHS Kitchen and Benson Main bldg and walkways
Construct cradle for new UPS batteries in warehouse computer center.	Complete	\$2,527.99	no	UCISD	Completed	Construct cradle to hold weight of batteries above the warehouse office and section off additional space for climate control.
Build net wall at the north end of soccer field	Completed	\$8,987.82	no	UCISD	Completed	Build net wall to stop ball going into adjoining yards
Dual Language Academy concrete drive extension	Canceled by	principal				
Getting quotes for new marquee for Uvalde CISD Dual Language campus	Completed	\$20,614.00	no	Angle Light and Sign	Completed	Quote for new logo cabinet and led marquee installation and software-hardware.
Trane Technologies replace RTU-3 Comp at High School	Completed	\$21,900	no	Trane Tech	Parts ordered	Replacement of both compressors on roof top unit 3, a 30 ton Package unit suppling 8 rooms with cond air.
o cos	Completed	\$8,344	no	Brandt	Parts ordered	Replace expansion valve, supporting board and sesors to bring chiller back to 100% capacity
Bleacher inspections UHS, MJS, Flores, Honey Bowl, Athletic Fields.	Completed	\$2,150	no	Selco Seating and Courts	8-16-21	Inspection of all bleachers on campuses and sport complexes.
Addition of containment wall and mulch to south Dalton playground	Completed	\$11,040.50	no	Exerplay-UCISD	July	Install containment wall and mulch purchased from Exerplay at the south east play area at Dalton.
Moving of classrooms as needed for Dual Language Academy	Completed		no	UCISD	Aug.	Moving of classroom furniture and teachers supplies to and from Dual Language Academy, Flores, Anthon and Dalton.
Replacement of one compressor on north chiller unit	Completed	\$11,053	no	Trane Technologies	June	Replace one compressor on north chiller unit and update programming on both units so alarms for chillers are visible.
Installation of security gate at Dalton campus.	Completed	\$4,149.39	no	Sentry Security-UCISD	June	Installation of remote access control system including camera, 2 way communication and active door release at Dalton .
Repairs to software-hardware Flores Carrier HVAC-Automation systems	Completed	\$15,613.00	no	Carrier	April 30-21	Replacement of actuators, controllers and programming as needed, and new automation for Band hall bldg.
Replacement of interior wiring harness Pole S2 soccer field	Completed	\$8,960.00	no	Musco Lighting	Jan.-Feb.	Wire harnesses in pole S2 need to be replaced to return to working order.
Replacement of damaged door hardware at boys locker rooms H.S.	Completed	\$8,905.12	no	Dumas Hardware	Jan. Feb.	Replace door hardware on H. Kincheloe Gym varsity and jv locker room doors- beyond repair

**Item of Information regarding SFE  
July 17, 2023**

1. Background:

Attached is information provided by SFE Food Service Director Leo Hicks. Mr. Hicks and staff continue to work hard preparing for the 2022-2023 school year. SFE continues on ensuring quality food choices and service.

2. Process:

Each month SFE provides a report of the monthly activity for review and payment.

3. Fiscal Impact:

We pay Southwest Food Services monthly from the invoice presented by the Company. Monthly invoices are reviewed with Mr. Hicks.

4. Recommendation:

No recommendation action necessary.

5. Action Required:

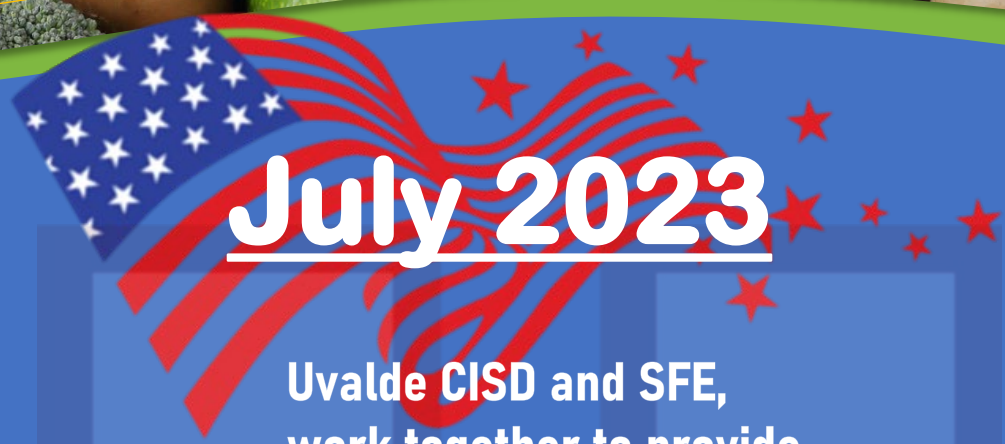
No action required

6. Contact Person:

Leo Hicks



# What's Cooking?



## July 2023

**Norma Luna**  
 Secretary to Child Nutrition  
 Director  
 O: (830)591-4913 ext. 1412  
 E: [Nluna4234@uvaldecisd.net](mailto:Nluna4234@uvaldecisd.net)

**Mayra Perez**  
 Nutritionist for Foodservice, SFE  
 O: (830) 591-4913 ext.1414  
 M: (830) 900-9345  
 E: [mperez@uvaldecisd.org](mailto:mperez@uvaldecisd.org)

**Leo Hicks**  
 Dir. of Foodservice, SFE  
 O: (830) 591-4913 ext.1410  
 M: (313) 712-0229  
 E: [lhicks2918@uvaldecisd.org](mailto:lhicks2918@uvaldecisd.org)

**Richard Castle**  
 District Chef  
 O: (830)591-4913 ext:1417  
 E: [rcastle8192@uvaldecisd.net](mailto:rcastle8192@uvaldecisd.net)

**Uvalde CISD and SFE, work together to provide our future leaders the nutritional fuel to be ready to learn and reach their highest potential.**

**Thank You to the entire Uvalde CISD Team, as we work together to feed the students we love! Uvalde CISD believes that ALL STUDENTS deserve, fresh and delicious meal options to enjoy.**



	Month to Date
Number Serving Day	16
Enrollment	3,746
Daily Avg. Meals Served	696
Commodities Received	0



**SFE  
Financial  
Statement:  
Uvalde  
CISD (1106)  
for (ALL)  
(June,  
2022-23**

Summary Profit & Loss	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
Revenue	\$41,121.62	3.692	100.0%	\$2,815,328.82	3.734	100.0%
Expense	\$19,482.02	1.749	47.4%	\$2,462,158.48	3.266	87.5%
<b>Surplus / (Deficit)</b>	<b>\$21,639.60</b>	<b>1.943</b>	<b>52.6%</b>	<b>\$353,170.34</b>	<b>0.468</b>	<b>12.5%</b>

REVENUE						
Meals Category	Month to Date	Daily Avg.	Part. %	Year to Date	Daily Avg.	Part. %
Total Breakfast Meals	4,667	292	7.8%	236,498	1,367	3.0%
Total Lunch Meals	6,461	404	10.8%	408,911	2,364	5.2%
Snack	0	0	0.0%	0	0	0.0%
Equivalent Factor	0	0	0.0%	0	0	0.0%
Ala Carte Factor	10	1	0.0%	28,973	167	0.4%
Summer Breakfast	0	0		1,001	6	
Summer Lunch	0	0		1,115	6	
Dinner (Supper)	0	0	0.0%	54,101	313	0.7%
CACFP Supper Free	0	0	0.0%	8,321	48	0.1%
Billable Employee Meals	0	0		15,064	87	
<b>Total</b>	<b>11,138</b>	<b>696</b>	<b>18.6%</b>	<b>753,984</b>	<b>4,358</b>	<b>9.4%</b>

Client Revenue	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
Local	\$38.50	0.003	0.1%	\$113,686.60	0.151	4.0%
Federal	\$41,083.12	3.689	99.9%	\$2,701,642.22	3.583	96.0%
State	\$0.00	0.000	0.0%	\$0.00	0.000	0.0%
Other	\$0.00	0.000	0.0%	\$0.00	0.000	0.0%
<b>Total</b>	<b>\$41,121.62</b>	<b>3.692</b>	<b>100.0%</b>	<b>\$2,815,328.82</b>	<b>3.734</b>	<b>100.0%</b>

EXPENSES						
SFA Account Name	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
SFA Food	\$0.00	0.000	0.0%	\$0.00	0.000	0.0%
SFA Labor	\$0.00	0.000	0.0%	\$713,000.00	0.946	25.3%
SFA Direct	\$0.00	0.000	0.0%	\$433,841.07	0.575	15.4%
<b>Total SFA Expense</b>	<b>\$0.00</b>	<b>0.000</b>	<b>0.0%</b>	<b>\$1,146,841.07</b>	<b>1.521</b>	<b>40.7%</b>

FSMC Account Name	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
Reimbursable Total Reimbursable Breakfast Meals Rate Fee	\$9,007.31			\$456,441.14		
Reimbursable Total Reimbursable Lunch Meals Rate Fee	\$12,469.73			\$789,198.23		
Reimbursable Total Snack Rate Fee	\$0.00			\$0.00		
Equivalent Factor Rate Fee	\$0.00			\$0.00		
Reimbursable Ala Carte Rate Fee	\$19.30			\$55,917.89		
Reimbursable Summer Breakfast Rate Fee	\$0.00			\$1,931.93		
Reimbursable Summer Lunch Rate Fee	\$0.00			\$2,151.95		
Reimbursable Dinner (Supper) Rate Fee	\$0.00			\$121,186.24		
Reimbursable CACFP Supper Free Rate Fee	\$0.00			\$18,639.04		
Reimbursable Billable Employee Meals Rate Fee	\$0.00			\$0.00		
Reimbursable Free Breakfast - SSO Rate Fee	\$0.00			\$0.00		
Reimbursable Free Lunch - SSO Rate Fee	\$0.00			\$0.00		
Commodity Credit	-\$4,316.89			-\$178,846.08		
Reimbursable Caterings or Other Special Events Rate Fee	\$2,302.57			\$48,697.07		
Other	\$0.00			\$0.00		
<b>Total FSMC Expense</b>	<b>\$19,482.02</b>	<b>1.749</b>	<b>47.4%</b>	<b>\$1,315,317.41</b>	<b>1.744</b>	<b>46.7%</b>

Expense Summary	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
Total SFA Expense	\$0.00	0.000	0.0%	\$1,146,841.07	1.521	40.7%
Total FSMC Expense	\$19,482.02	1.749	47.4%	\$1,315,317.41	1.744	46.7%
<b>Total Expense</b>	<b>\$19,482.02</b>	<b>1.749</b>	<b>47.4%</b>	<b>\$2,462,158.48</b>	<b>3.266</b>	<b>87.5%</b>

Invoice Summary	Month to Date	C.P.M	% of Sales	Year to Date	C.P.M	% of Sales
Minus Net Credits Owed	\$0.00	0.000	16 0.0%	\$0.00	0.000	0.0%
<b>Net Amount Due or (Owed)</b>	<b>\$19,482.02</b>	<b>1.749</b>	<b>47.4%</b>	<b>\$1,315,317.41</b>	<b>1.744</b>	<b>46.7%</b>



# What's Cooking?

This Month In The Child Nutrition Dept.



The Child Nutrition Facebook Page



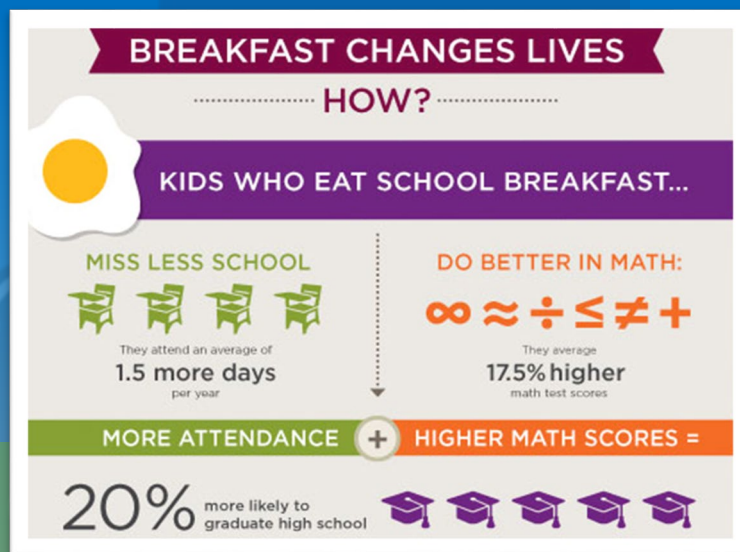


# Did You Know....?



Imagine a student skipping breakfast because she was running late. A few hours later, that same student's stomach starts growling during a test, but it's still a couple of hours before lunch. She ends up doing poorly on the test because all she can think about is how hungry she is. If she had eaten before her test, she might have been able to focus better—and do better. In fact, research shows that participation in a school breakfast program of some kind is closely associated with significantly better performance in standardized test scores, as well as improved cognitive function and reduced absenteeism.

## That Good Nutrition Can Improve Test Scores?



That's why SFE makes it a priority to offer a wide variety of programs to ensure that students get the nutrition they need to succeed in class— all day long. Programs such as breakfast in the classroom, second chance breakfast and grab-and-go breakfast can be customized to fit the needs of students and districts, so that every student starts the day out right. By also focusing on fresh-from-scratch cooking and consistently offering plenty of fruits and vegetables at each meal, we give students extra opportunities to get the nutrients they may be missing. We want every student to be nourished to learn-- and ready to do their best

We would so  
appreciate  
hearing from  
you!

Please contact





**Item of Information on the Investment activity as of June 30, 2023**

**July 17, 2023**

1. Background:

The district is required to provide to the Board of Trustees an Investment report not less than on a quarterly basis.

2. Process:

The Administration provides the ending balances in all district investment accounts with activity for the current month.

3. Fiscal Impact:

Please see handout provided at the meeting.

4. Recommendation:

The investment report is provided as part of the district's consent agenda and meets the guidelines in the PFIA and board policy.

5. Required:

None

6. Contact Person:

Superintendent  
Chief Financial Officer

**Information on the district's credit card activity for the month of June 2023**

**July 17, 2023**

1. Background:

The district utilizes the JPMorgan credit card

2. Process:

Employees use the card for minor incidental purchases

3. Fiscal Impact:

Current transactions for the month of June were \$6,183.48.

4. Recommendation:

The Transaction listing is provided as part of the consent agenda

5. Required:

None

6. Contact Person

Superintendent  
Chief Financial Officer

## Accounting Codes Analysis

Posting Date: 06/01/2023 - 06/30/2023

UVALDE, TX 788021909 USA

Transaction Date	Posting Date	Merchant Category Code	Merchant Category Name	Merchant	Location	Transaction Amount	
<b>Lodging</b>							
06/13/2023	06/16/2023	3509	MARRIOTT	MARRIOTT	AUSTIN, TX	500.28	
					<b>Total</b>	<b>Lodging</b>	<b>500.28</b>
<b>Retail Services</b>							
06/21/2023	06/22/2023	7399	BUSINESS SERVICES-NOT ELSEWHERE CLASSIFIED	HOO*HOOTSUITE INC	HOUSTON, TX	1,494.00	
06/22/2023	06/23/2023	9399	GOVERNMENT SERVICES-NOT ELSEWHERE CLASSIFIED	TX EDUCATN AGY CERT	AUSTIN, TX	57.25	
06/22/2023	06/23/2023	9399	GOVERNMENT SERVICES-NOT ELSEWHERE CLASSIFIED	TX EDUCATN AGY CERT	AUSTIN, TX	57.25	
06/02/2023	06/05/2023	7333	COMMERCIAL ART, GRAPHICS, PHOTOGRAPHY	FREEPIK COMPANY	MALAGA, MA	144.00	
					<b>Total</b>	<b>Retail Services</b>	<b>1,752.50</b>
						<b>Account Total</b>	<b>2,252.78</b>

## Accounting Codes Analysis

Posting Date: 06/01/2023 - 06/30/2023

UVALDE, TX 788021909 USA

Transaction Date	Posting Date	Merchant Category Code	Merchant Category Name	Merchant	Location	Transaction Amount	
Retail Services							
06/22/2023	06/23/2023	7996	AMUSEMENT PARKS,CARNIVALS,CIRCUS,FORTUNE TELLERS	SEAWORLD-FRONT GATE	SAN ANTONIO,TX	2,959.63	
					<b>Total</b>	<b>Retail Services</b>	<b>2,959.63</b>
						<b>Account Total</b>	<b>2,959.63</b>

## Accounting Codes Analysis

Posting Date: 06/01/2023 - 06/30/2023

UVALDE, TX 788021909 USA

Transaction		Merchant Category				Transaction
Date	Posting Date	Code	Merchant Category Name	Merchant	Location	Amount
<b>Airline</b>						
05/31/2023	06/01/2023	4722	TRAVEL AGENCIES AND TOUR OPERATORS	AIRBNB HM9RWS5CKF	4158005959,CA	799.82
<b>Total</b>						<b>Airline</b>
						<b>799.82</b>
<b>Lodging</b>						
06/17/2023	06/19/2023	3509	MARRIOTT	MARRIOTT	866-435-7627, TX	46.56
06/28/2023	06/29/2023	7011	LODGING-HOTELS,MOTELS,RESORTS-N OT CLASSIFIED	CXLN FEE* SLISA CXLN F	SAN JOSE,CA	25.00
<b>Total</b>						<b>Lodging</b>
						<b>71.56</b>
<b>Restaurant</b>						
06/20/2023	06/20/2023	5812	EATING PLACES, RESTAURANTS	TST* OASIS OUTBACK	UVALDE, TX	79.74
06/22/2023	06/23/2023	5812	EATING PLACES, RESTAURANTS	TST* JULIOS BBQ & GRIL	UVALDE, TX	49.00
<b>Total</b>						<b>Restaurant</b>
						<b>128.74</b>
<b>Retail Services</b>						
06/15/2023	06/16/2023	9399	GOVERNMENT SERVICES-NOT ELSEWHERE CLASSIFIED	TX STATE PKS ADV RES	AUSTIN, TX	(64.00)
06/15/2023	06/16/2023	9399	GOVERNMENT SERVICES-NOT ELSEWHERE CLASSIFIED	TX STATE PKS ADV RES	AUSTIN, TX	(64.00)
06/15/2023	06/16/2023	9399	GOVERNMENT SERVICES-NOT ELSEWHERE CLASSIFIED	TX STATE PKS ADV RES	AUSTIN, TX	(64.00)
06/22/2023	06/23/2023	5411	GROCERY STORES, SUPERMARKETS	H-E-B #441	UVALDE, TX	92.95
06/07/2023	06/09/2023	8699	ORGANIZATIONS, MEMBERSHIP-NOT ELSEWHERE CLASSIFIED	TEXAS ASSOCIATION OF S	512-4432100, TX	70.00
<b>Total</b>						<b>Retail Services</b>
						<b>(29.05)</b>
<b>Account Total</b>						<b>971.07</b>

Posting Date: 06/01/2023 - 06/30/2023

UVALDE, TX 788021909 USA

Transaction Date	Posting Date	Merchant Category Code	Merchant Category Name	Merchant	Location	Transaction Amount
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25

Posting Date: 06/01/2023 - 06/30/2023

**FILTERS APPLIED**

Scheme Name : S2321 UVALDE CISD

Field	Type	Value
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**Item of Information for Revenues and Expenditures as of June 30, 2023**

**July 17, 2023**

1. Background:

Financial information is provided on a monthly basis for the following Board approved budgets: General Operating, Food Service, & Debt Service.

2. Process:

The Administration provides a summary by fund and function to better understand the financial position of the district. Prior year to date expenditures are included for comparison.

3. Fiscal Impact:

The reports provide the Board and Administration with the current financial information in which to make decisions in the best interest of the district.

4. Recommendation:

The reports are provided as part of the consent agenda.

5. Action Required:

None

6. Contact Person:

Jim Selby



**Item of Information on the Tax Collection activity as of June 30, 2023**

**July 17, 2023**

1. Background:

On a monthly basis, the Administration provides the tax collection activity with year to Date collections and a comparison to prior fiscal year collections for the same period.

2. Process:

The Uvalde County Appraisal District collects the tax revenue for the district.

3. Fiscal Impact:

Please see handout provided at the meeting

4. Recommendation:

The tax collection information is provided as part of the consent agenda

5. Required:

None

6. Contact Person:

Superintendent  
Chief Financial Officer

**Item of information on Federal Program Activity as of June 30, 2023**

**July 17, 2023**

1. Background:

The Summary of Federal Programs report is an updated status of the current year federal grant activity

2. Process:

The report reflects the following for review:

Amount Awarded to the District  
Encumbered Amount  
Year to Date Cumulative Expenditures  
% of Grant Expended

3. Fiscal Impact:

Federal Program funds are to provide the best benefit for our students and staff

4. Recommendation:

Summary of Federal Programs is provided as part of the consent agenda

5. Required:

None

6. Contact Person:

Superintendent, CFO

**Federal Programs Report  
As of June 30, 2023**

Fund	Description	2022-2023 Original Budget	2022-2023 Revised Budget	Encumbered Amount	2022-2023 FYTD Activity	2022-2023 Unencumbered Balance	% Expended
211	TITLE I, PART A, BASIC PROGRAMS	\$2,103,054.00	\$2,248,281.00	\$69,237.28	\$1,637,625.80	\$541,417.92	75.92%
212	TITLE I, PART C, MIGRATORY FUND	\$124,532.00	\$182,906.00	\$22,329.62	\$90,672.90	\$69,903.48	61.78%
224	IDEA PART B FORMULA	\$895,899.00	\$1,000,138.00	\$4,579.00	\$737,065.57	\$258,493.43	74.15%
225	IDEA PART B PRESCHOOL	\$29,858.00	\$35,902.00		\$29,474.14	\$6,427.86	82.10%
244	PERKINS V - CTE FOR 21ST CENTURY	\$74,065.00	\$91,356.00	\$8,429.67	\$50,849.51	\$32,076.82	64.89%
255	TITLE II, PART A, TEACHER & PRINCIPAL	\$263,833.00	\$409,146.00	\$18,274.01	\$228,469.79	\$162,402.20	60.31%
258	CHARTER SCHOOL PROGRAM (UDLA)	\$28,442.00	\$203,558.00	\$73,572.29	\$106,080.51	\$23,905.20	88.26%
263	TITLE III, PART A, ELA	\$28,442.00	\$45,801.00	\$1,633.55	\$9,025.81	\$35,141.64	23.27%
265	21ST CENTURY (5 YR GRANT-YR1)	\$1,525,000.00	\$1,479,576.00	\$83,906.47	\$997,756.34	\$397,913.19	73.11%
270	TITLE V, PART B, RURAL & LOW INCOME	\$110,229.00	\$168,045.00		\$62,275.79	\$105,769.21	37.06%
281	CRRSA ESSER II	\$461,644.49	\$1,069,064.00	\$19,939.56	\$324,651.39	\$724,473.05	32.23%
282	ARP ESSER III	\$6,940,155.00	\$7,057,010.00	\$689,183.11	\$5,108,642.10	\$1,259,184.79	82.16%
289	TITLE IV, PART A, SUBPART 1	\$152,729.00	\$238,831.00	\$10.00	\$191,988.75	\$46,832.25	80.39%
315	SSA-IDEA-DISCRETIONARY	\$39,262.00	\$55,089.00	\$10,764.20	\$23,974.89	\$20,349.91	63.06%
435	SSA-RDSPD & STATE DEAF	\$248,322.00	\$213,992.00		\$162,088.98	\$51,903.02	75.75%

**Item of Information**  
**First Reading of Policy Update 121**  
**July 17, 2023**

1. Background:

Update 121 covers (LOCAL) and (LEGAL) policy revisions to address new laws enacted from the Legislature. Other revisions included in this update are in response to revisions to the Administrative Code.

2. Process:

Update 121 includes revisions to legal policies based on legislative and regulatory changes. Changes to local policies offered for consideration address the following topics:

- Fixed assets
- Integrated pest control
- Competitive bidding
- Competitive sealed proposals
- Compensation plans
- Admissions
- Bullying
- Texas Economic Development Act
- School safety personnel
- Child nutrition

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They will not need to 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's (LOCAL) policy.

This is the first review and reading for Update 121 and will be brought back in August for final approval. This update has been prepared by TASB Policy Services. TASB services will incorporate Update 121 into the district's On-Line Policy view and will send the blue pages for the blue binder with the adoption date stamp after approval.

3. Fiscal Impact:

No Fiscal Impact.

4. Recommendation:

Update 121 is for review only at this time.

5. Required:

Approval action will be required at second reading.

6. Contact Person:

Esequiel De la Fuente



# Localized Policy Manual Update 121

Uvalde CISD

You can download a PDF of this update packet, annotated copies of the local policies, editable local policy text, and more under Local Manual Updates on [Policy Online®](#).<sup>1</sup>

Other materials, including an overview video of the local policy changes and a document outlining common legal issues specific to the local policies in this update, are also available in Local Manual Updates.

**Need help?** Please contact your [policy consultant](#)<sup>2</sup>, or call Policy Service at 800-580-7529 or email [policy.service@tasb.org](mailto:policy.service@tasb.org).

## Overview

Update 121 includes revisions to legal policies based on legislative and regulatory changes. Changes to local policies offered for consideration address the following topics:

- Fixed assets
- Integrated pest control
- Competitive bidding
- Competitive sealed proposals
- Compensation plans
- Admissions
- Bullying

For select districts, Update 121 may also include recommended changes to one or more local policies addressing the following topics:

- Texas Economic Development Act
- School safety personnel
- Child nutrition

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Board action on the local policies included in the update must occur within a properly posted, open meeting of the board. Instructions for placing policy changes on the

agenda for board action and keeping minutes are included with the Update 121 materials under [Local Manual Updates](#)<sup>3</sup> on Policy Online.

For more guidance on reviewing and adopting TASB numbered updates, including information on incorporating the update into the district's policy manual and maintaining a historical record of policies, please refer to [The Administrator's Guide to Policy Management](#)<sup>4</sup>, available in the Policy Online [Governance and Management Library](#)<sup>5</sup> (*TASB login required*).

## **(LEGAL) vs. (LOCAL): Remember the Difference**

Legal policies:

- Reflect the ever-changing legal context for governance and management of the district
- Inform local decision making
- Are NOT adopted, but only reviewed

Local policies:

- Require close attention by the administration and the board
- Reflect the practices of the district and the intentions of the board
- Are changed only by board action (adopt, revise, or repeal)

## **Keep Your Administrative Regulations Current**

[Regulations Resource Manual](#)<sup>6</sup> Update 67, which includes revisions to model regulations and forms corresponding with Update 121, is now available in the Policy Service Resource Library (*TASB login required*).

Inspect your district's administrative procedures and documents — including exhibits, regulations, handbooks, and guides — that may be affected by Update 121 policy changes.

If you need to make changes to the regulations or exhibits contained in your board policy manual, please notify your policy consultant.

## **Disclaimer and Copyright**

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

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<sup>1</sup> Policy Online: <https://pol.tasb.org/>

<sup>2</sup> Policy Consultant contact information: <https://pol.tasb.org/Member/PolicyConsultant/Details>

<sup>3</sup> Local Manual Updates: <https://pol.tasb.org/Member/LocalManualUpdates>

<sup>4</sup> *The Administrator's Guide to Policy Management*: <https://pol.tasb.org/Member/Collections/Details?id=10>

<sup>5</sup> Governance and Management Library: <https://pol.tasb.org/Member/Collections>

<sup>6</sup> *TASB Regulations Resource Manual*: <https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx>





# Instruction Sheet

## TASB Localized Policy Manual Update 121

### Uvalde CISD

Code	Type	Action To Be Taken	Note
AC	(LEGAL)	Replace policy	Revised policy
AF	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CCGB	(LOCAL)	Replace policy	Revised policy
CFB	(LOCAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CKE	(LOCAL)	DELETE policy	See explanatory note
CKEC	(LOCAL)	ADD policy	See explanatory note
CL	(LEGAL)	Replace policy	Revised policy
CLA	(LEGAL)	Replace policy	Revised policy
CLB	(LEGAL)	Replace policy	Revised policy
CLB	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRF	(LOCAL)	Replace policy	Revised policy
CSA	(LEGAL)	No policy enclosed	See explanatory note
CVA	(LOCAL)	Replace policy	Revised policy
CVB	(LOCAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DEA	(LOCAL)	Replace policy	Revised policy
DEAB	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAD	(LEGAL)	Replace policy	Revised policy

# Instruction Sheet

## TASB Localized Policy Manual Update 121

### Uvalde CISD

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAF	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	ADD policy	See explanatory note
EBBH	(LEGAL)	Replace policy	Revised policy
EHBI	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FD	(LEGAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy
FDA	(LEGAL)	Replace policy	Revised policy
FDC	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAF	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFI	(LEGAL)	Replace policy	Revised policy
FFI	(LOCAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
G	(LEGAL)	Replace table of contents	Revised table of contents
GB	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GBAA	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **AC(LLEGAL)                      GEOGRAPHIC BOUNDARIES**

This legal policy has been revised to include additional Education Code provisions related to ways in which a district's geographic boundaries may change, such as by detachment, annexation, consolidation, and abolition.

#### **AF(LLEGAL)                      INNOVATION DISTRICTS**

Amended Administrative Code rules, effective October 25, 2022, revised the list of Education Code sections and administrative rules from which a district of innovation may not be exempted. Changes include a requirement to provide TEA a link to the local innovation plan posted on the district's website. Previously, the rule required the district to provide TEA with a copy of the local innovation plan.

#### **AIE(LLEGAL)                      ACCOUNTABILITY: INVESTIGATIONS**

Changes reflect revised Administrative Code provisions regarding compliance investigations by TEA, effective October 26, 2022. Other changes are to better reflect legal sources.

#### **BBBA(LLEGAL)                      ELECTIONS: CONDUCTING ELECTIONS**

Provisions regarding confidentiality of the email address and personal phone number of an election judge or clerk have been moved from GBA(LLEGAL) to this code addressing elections.

#### **BQ(LLEGAL)                      PLANNING AND DECISION-MAKING PROCESS**

An existing requirement to include the district's bullying prevention policy and procedures in the district improvement plan has been added to this policy.

#### **C(LLEGAL)                      BUSINESS AND SUPPORT SERVICES**

The C section table of contents has been revised to add the new code CKED, Security Personnel: Other Security Arrangements. We have also added for future expansion new codes addressing facility standards at CSA (Safety and Security) and CSB (Gas and Pipelines).

#### **CBB(LLEGAL)                      STATE AND FEDERAL REVENUE SOURCES: FEDERAL**

Revisions are to better reflect legal sources.

#### **CCA(LLEGAL)                      LOCAL REVENUE SOURCES: BOND ISSUES**

Citations have been updated to reflect the repeal and replacement of an Administrative Code provision regarding the bond guarantee program, effective March 1, 2023. References to Administrative Code provisions regarding the instructional facilities allotment and existing debt allotment have been clarified.

#### **CCGA(LLEGAL)                      AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS**

This policy has been revised to reflect the increased homestead exemption of \$40,000 approved by voters on May 7, 2022.

#### **CCGB(LLEGAL)                      AD VALOREM TAXES: ECONOMIC DEVELOPMENT**

We have added a note regarding the expiration of the Texas Economic Development Act on December 31, 2022, and the continued application of the law to limitations on appraised value in existence at that time.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **CCGB(LOCAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT**

The Texas Economic Development Act expired on December 31, 2022. We recommend adding a note to this local policy regarding the expiration and continued application of the law to limitations on appraised value in existence at that time.

#### **CFB(LOCAL) ACCOUNTING: INVENTORIES**

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

#### **CH(LEGAL) PURCHASING AND ACQUISITION**

We have replaced the citation to a repealed Administrative Code rule regarding purchases of automated information systems with a citation to a new rule effective December 19, 2022.

#### **CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL**

To better align the district's legal and local policies, provisions addressing school resource officers have been relocated to CKEC(LOCAL).

#### **CKEC(LOCAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS**

Provisions addressing school resource officers have been relocated to this code from CKE(LOCAL). Please review the provisions for accuracy. If revisions are needed regarding other security personnel, please contact your policy consultant.

#### **CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT**

We have replaced the citation to repealed Administrative Code provisions regarding public pool sanitation and safety with a citation to new provisions effective January 1, 2023.

#### **CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY**

New Administrative Code rules, effective February 2, 2023, have been added to address required warning signs regarding human trafficking.

#### **CLB(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE**

Changes reflect revisions to Administrative Code rules regarding integrated pest management, effective January 16, 2023.

#### **CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE**

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **CMD(LLEGAL)                      EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING**

An Administrative Code provision, effective June 7, 2022, has been added regarding purchasing technological equipment with the instructional materials and technology allotment.

#### **CNC(LLEGAL)                      TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY**

Provisions have been added regarding the use of school bus warning signals.

#### **CO(LLEGAL)                      FOOD AND NUTRITION MANAGEMENT**

New Administrative Code provisions were adopted regarding appeals related to federal food and nutrition programs administered by the Texas Department of Agriculture. A reference to these provisions, effective November 27, 2022, has been added.

#### **CQ(LLEGAL)                      TECHNOLOGY RESOURCES**

A reference to Administrative Code provisions regarding management of electronic transactions and signed records has been clarified.

#### **CQA(LLEGAL)                      TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES**

The link to the Texas Department of State Health Services Guidelines for the Care of Students with Food Allergies has been updated.

#### **CRF(LOCAL)                      INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE**

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CSA(LLEGAL)                      FACILITY STANDARDS: SAFETY AND SECURITY**

The Commissioner of Education proposed new School Safety Requirements in the Commissioner's Rules Concerning School Facilities in November 2022. The public comment period closed December 12, 2022, but the rules are not yet finalized. The proposed rules require local policy provisions. Policy Service will include legal provisions in this new policy code and provide local policy provisions for consideration following publication of the final rules.

#### **CVA(LOCAL)                      FACILITIES CONSTRUCTION: COMPETITIVE BIDDING**

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CVB(LOCAL)                      FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS**

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### DBAA(LLEGAL)

#### EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

Changes have been made to better reflect legal sources and to delete obsolete provisions.

#### DEA(LOCAL)

#### COMPENSATION AND BENEFITS: COMPENSATION PLAN

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly*. Other revisions are recommended for policy style and to clarify the circumstances under which certain employees will receive premium pay during an emergency closing for a disaster.

If the district no longer wants to provide premium pay for nonexempt employees who are required to work during an emergency closing for a disaster, please contact your policy consultant for appropriate revisions to this policy.

The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### DEAB(LLEGAL)

#### COMPENSATION PLAN: WAGE AND HOUR LAWS

Changes have been made to better reflect legal sources.

#### E(LLEGAL)

#### INSTRUCTION

The E section table of contents has been updated to add the new code EHBCA, which includes provisions addressing accelerated instruction previously located at EHBC. The subtitle for policy EHBC has been changed to Compensatory Services and Intensive Programs.

#### EF(LLEGAL)

#### INSTRUCTIONAL RESOURCES

Legal definitions of "harmful materials" and "obscene" have been added for ease of access.

#### EHAD(LLEGAL)

#### BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

A reference to Administrative Code provisions has been added regarding driver education safety program requirements.

#### EHBAB(LLEGAL)

#### SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

Changes reflect revised Administrative Code provisions regarding students who are homeless or in substitute care, effective January 1, 2023.

#### EHBAF(LLEGAL)

#### SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

Revisions reflect amended Administrative Code provisions, effective January 22, 2023, pertaining to filing certain documents electronically.

#### EHBC(LLEGAL)

#### SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

Update 121 includes a reorganization of the information regarding compensatory, intensive, and accelerated instructional services. Provisions addressing accelerated instruction have been moved to the new code EHBCA. The remaining provisions at this code, now subtitled Compensatory Services and Intensive Programs, have been reordered and adjusted for clarity.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **EHBCA(LLEGAL)                      COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION**

This new policy addressing accelerated instruction comprises provisions moved from EHBC(LLEGAL). For clarity, we have reordered and adjusted the material.

#### **EHBH(LLEGAL)                      SPECIAL PROGRAMS: OTHER SPECIAL POPULATIONS**

An amended Administrative Code provision, effective January 18, 2023, has been added pertaining to regional day school programs for the deaf.

#### **EHBI(LLEGAL)                      SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION**

Changes reflect revisions to Administrative Code provisions, effective November 24, 2022, regarding essential program components of adult education programs.

#### **EHBJ(LLEGAL)                      SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS**

Changes include a new Administrative Code provision, effective February 26, 2023, regarding requests for approval of an innovative course by the State Board of Education.

#### **EI(LLEGAL)                              ACADEMIC ACHIEVEMENT**

This legal policy has been revised to replace a repealed Administrative Code rule with a new rule, effective January 1, 2023, related to awarding credit to students who are homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district. Other changes are to better reflect legal sources.

#### **EKB(LLEGAL)                      TESTING PROGRAMS: STATE ASSESSMENT**

Duplicative text regarding students who fail to perform satisfactorily on a state assessment instrument has been deleted and replaced with a note pointing to EHBC and EHBCA.

#### **FD(LLEGAL)                              ADMISSIONS**

The policy has been updated to delete an Administrative Code rule repealed by the State Board of Education, effective March 9, 2023.

#### **FD(LOCAL)                              ADMISSIONS**

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

**Please note:** We have retained the district's locally developed requirements for foreign exchange students. Please call you consultant with any questions.

#### **FDA(LLEGAL)                              ADMISSIONS: INTERDISTRICT TRANSFERS**

This policy has been reorganized for clarity. Other changes are to better match statutory wording. Notes have been added to more clearly indicate the application of certain provisions.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### FDC(LLEGAL)

#### ADMISSIONS: HOMELESS STUDENTS

A note has been added to clarify that information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, is located at FFC.

#### FEA(LLEGAL)

#### ATTENDANCE: COMPULSORY ATTENDANCE

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. A note has been added referring to the *Student Attendance Accounting Handbook* for additional guidance.

#### FEB(LLEGAL)

#### ATTENDANCE: ATTENDANCE ACCOUNTING

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. We have also added a note referring to the *Student Attendance Accounting Handbook* for additional guidance, as well as existing statutory provisions for completeness and clarification.

#### FFAF(LLEGAL)

#### WELLNESS AND HEALTH SERVICES: CARE PLANS

Links to the Texas Department of State Health Services' guidance for the care of students with diabetes and of students with food allergies have been updated.

#### FFC(LLEGAL)

#### STUDENT WELFARE: STUDENT SUPPORT SERVICES

Revisions throughout this policy reflect amended Administrative Code provisions, effective January 1, 2023, regarding transition assistance for students experiencing homelessness or in substitute care.

#### FFI(LLEGAL)

#### STUDENT WELFARE: FREEDOM FROM BULLYING

A note has been added with a link to the [Minimum Standards for Bullying Prevention](#) finalized by TEA on January 31, 2023.

#### FFI(LOCAL)

#### STUDENT WELFARE: FREEDOM FROM BULLYING

The [Minimum Standards for Bullying Prevention](#), completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

#### FL(LLEGAL)

#### STUDENT RECORDS

Provisions at Access, Disclosure, and Amendment, beginning on page 4, have been revised and reorganized for clarity and to better reflect legal sources. The definition of eligible student has been added. Additional reporting requirements under the National School Lunch Act or the Child Nutrition Act have also been added. A note has been added at the beginning of the policy to clarify that information regarding juvenile law enforcement records is located in GBA.

#### G(LLEGAL)

#### COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents has been revised to reflect the correct subtitle for GBA, Access to Public Information.



# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **GB(LLEGAL) PUBLIC INFORMATION PROGRAM**

Update 121 includes a reorganization of the public information policies in the GB series. As part of the reorganization, we have deleted provisions that are duplicated at other policy codes and adjusted provisions for clarity and to better match statutory wording.

#### **GBA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION**

As part of the reorganization of the public information policies, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary, to improve usability.
- Moved provisions regarding confidentiality based on statutes outside the Public Information Act (Government Code Chapter 552) to the policy code addressing the specific topic.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

#### **GBAA(LLEGAL) ACCESS TO PUBLIC INFORMATION: REQUESTS FOR INFORMATION**

As part of the reorganization of the GB series, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

#### **GRA(LLEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES**

This policy has been revised to include an Education Code provision prohibiting citation of a student alleged to have committed a school offense. Family Code definitions have also been added to support existing content regarding students taken into custody.



GEOGRAPHIC BOUNDARIES

AC  
(LEGAL)

**Boundary  
Descriptions and  
Maps**

A district shall file with the Texas Education Agency (TEA):

1. A complete and legally sufficient description of the boundaries of the district.
2. A map of the district that is:
  - a. Drawn to the county general highway maps produced by the Texas Department of Transportation or a similar map of sufficient detail to display the names of visible features that the boundaries follow or to which the boundaries are in close proximity; and
  - b. An accurate and legible representation of the boundaries in relationship to other features on the map.
3. A list of voting precincts within the district, separately listing those precincts wholly within the district and those precincts only partly within the district.

A district shall amend the information and maps on file with TEA if the boundaries of the district change or if any other change makes the information on file incomplete or inaccurate.

*Education Code 13.010*

**Changes in  
Boundaries**

Any change in the boundaries of a district is not effective unless approved by a majority of the board if the board's approval is required under Education Code Chapter 13. *Education Code 13.008*

Minor Boundary  
Adjustments

Two contiguous districts may adjust their common boundary by agreement if, at the time the agreement is executed:

1. No child who resides in the territory that is transferred from one jurisdiction to the other is enrolled in a school of the district from which the territory is transferred; and
2. The taxable value of the territory that is transferred from one jurisdiction to the other does not exceed one-tenth of one percent of the total taxable value of all property in the district from which the territory is transferred. "Taxable value" is defined at Government Code 403.302.

*Education Code 13.231*

Notice of Boundary  
Change

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:

*To Voter  
Registrar*

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

GEOGRAPHIC BOUNDARIES

AC  
(LEGAL)

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.

*Election Code 42.0615*

*To County  
Appraiser*

A district shall notify the appraisal office of any boundary changes within 30 days after the date of the change. *Tax Code 6.07*

**Detachment and  
Annexation**

In accordance with Education Code 13.051, territory may be detached from a district and annexed to another district that is contiguous to the detached territory. A petition requesting the detachment and annexation must be presented to the board of the district from which the territory is to be detached and to the board of the district to which the territory is to be annexed. Each board to which a petition is required to be presented must conduct a hearing and adopt a resolution for the annexation to be effective. *Education Code 13.051(a)*

Immediately following receipt of the petition as required by this section, each affected board shall give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Education Code 13.003. The notice must specify the place and date at which a hearing on the matter shall be held. Unless the districts hold a joint hearing, the districts must hold hearings on separate dates. At each hearing, affected persons are entitled to an opportunity to be heard. *Education Code 13.051(g)*

For more information about detachment and annexation, see Education Code Chapter 13, Subchapter B (Detachment and Annexation).

**Detachment and  
Creation**

A new district may be created by detaching territory from an existing district or existing contiguous districts and establishing a new district. A district created under Education Code Chapter 13, Subchapter C has all the rights and privileges of other independent school districts. *Education Code 13.101*

For more information about the creation of the district by detachment, including the requirement to hold an election, see Education Code Chapter 13, Subchapter C (Creation of District by Detachment).

**Consolidation**

By the procedure provided by Education Code Chapter 13, Subchapter D, two or more districts may consolidate into a single district. The consolidated district may include area in more than one county. *Education Code 13.151*

For more information about the consolidation of two or more districts, including election requirements, see Education Code Chapter 13, Subchapter D (Consolidation).

**Abolition**

Abolition of an independent school district is initiated by a petition requesting an election on the question. The petition must be signed by a majority of the board of the district to be abolished and must be presented to the county judge of each county in which part of the independent school district is situated. *Education Code 13.202*

For more information about the abolition of the district, including election requirements, see Education Code Chapter 13, Subchapter E (Abolition).



**Definitions**

“District-level committee” means the committee established under Education Code 11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.

“Innovation plan committee” means a committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

“Public hearing” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

“Public meeting” means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.

“Unacceptable academic performance rating” means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.

“Unacceptable financial accountability rating” means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual.

*19 TAC 102.1301*

**District of Innovation**

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A board may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

*Education Code 12A.001; 19 TAC 102.1303*

**Public Hearing**

After adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

The board may outline the parameters around which the innovation plan committee may develop the plan.

*Education Code 12A.002; 19 TAC 102.1305*

**Local Innovation Plan**

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See Exceptions, below]

The commissioner of education shall maintain a list of provisions from which designated districts of innovation are exempt. The commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

*Education Code 12A.003, .004(b); 19 TAC 102.1305(d)*

**Prohibited Exemptions**

A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the provisions listed in Education Code 12A.004 and 19 Administrative Code 102.1309.  
*Education Code 12A.004; 19 TAC 102.1309*

An innovation district may not be exempted from the following sections of the Education Code and the rules adopted thereunder:



1. A state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under Education Code Chapter 12, Subchapter D, including, but not limited to, the requirements listed in Education Code 12.104(b), and:
  - a. Education Code Chapter 22, Subchapter B;
  - b. Education Code Chapter 25, Subchapter A, sections 25.001, .002, .0021, .0031, and .004;
  - c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;
  - d. Education Code Chapter 29, Subchapter G;
  - e. Education Code Chapter 30, Subchapter A;
  - f. Education Code 30.104;
  - g. Education Code Chapter 34;
  - h. Education Code Chapter 37, sections 37.005, .006(I), .007(e), .011, .012, .013, and .020;
  - i. Education Code Chapter 39; and
  - j. Education Code Chapter 39A.
2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;
3. Education Code Chapter 12, Subchapter C;
4. Education Code Chapter 12A;
5. Education Code Chapter 13;
6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;
7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203;
8. Education Code Chapter 46;
9. Education Code Chapter 48; and
10. Education Code Chapter 49.

In addition to the prohibited exemptions specified above, an innovation district may not be exempted from:

1. A requirement of a grant or other state program in which the district voluntarily participates;
2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute;
3. A requirement of a grant or other state program authorized in the Education Code that would otherwise entitle the district to participation in that program; and
4. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

*19 TAC 102.1309; Education Code 12A.004*

**Adoption of Local Innovation Plan**

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See Local Innovation Plan, above]

The district shall notify the commissioner of approval of the plan along with a list of approved exemptions by completing the agency's form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, un-

less the subsequent amendment or redesignation specifically applies to an innovation district.

The district shall ensure that a copy of the plan is posted on the district's website in accordance with Education Code 12A.0071, for the term of the designation as an innovation district.

*Education Code 12A.005; 19 TAC 102.1307*

Notice to TEA

Not later than the 15th day after the date on which the board finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a link to the local innovation plan as posted on the district's website to the Texas Education Agency (TEA). TEA shall promptly post the current local innovation plan on the agency's website. *19 TAC 102.1307(g); Education Code 12A.0071(b)*

Term

The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the TEA. A district may only have one innovation plan at any given time. *Education Code 12A.006; 19 TAC 102.1311*

Amendment,  
Rescission, or  
Renewal of Local  
Innovation Plan

A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees.

An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed.

A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year.

During renewal, all sections of the plan and exemptions shall be reviewed, and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans.

The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates.

*Education Code 12A.007; 19 TAC 102.1313*

Website Posting

A district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website. *Education Code 12A.0071(a); 19 TAC 102.1307(f)*

The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*

**Criminal History  
Background Checks**

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (district employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 (National Criminal History Record Information Review of Certain Open-Enrollment Charter School Employees) may result in termination of the district's designation as a district of innovation.

*Education Code 22.0815(b)–(c)*

**Termination by  
Commissioner**

Discretionary  
Termination

The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

The commissioner may permit the district to amend the local innovation plan to address concerns specified by the commissioner in lieu of terminating the district's designation.

*Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)(1)–(a)(2)*

The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire:

1. Certain employees or applicants for employment under Education Code 12.1059;
2. Certain employees or applicants convicted of certain offenses under Education Code 22.085; or
3. Certain employees or applicants not eligible for employment in public schools under Education Code 22.092.

INNOVATION DISTRICTS

AF  
(LEGAL)

*19 TAC 102.1315(a)(3); Education Code 12A.008(b-1) [See DBAA, DF]*

Mandatory  
Termination

The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

*Education Code 12A.008(c); 19 TAC 102.1315(b)*

No Appeal

The commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d); 19 TAC 102.1315(d)*



**Special  
Investigations**

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;
14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;
15. When ten percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;
16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;
17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or
18. As the commissioner otherwise determines necessary.

*Education Code 39.003(a), (c)*

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

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**Note:** The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004–.007.

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Commissioner  
Action

Based on the results of a special investigation, the commissioner may:

1. Take appropriate action under Education Code Chapter 39A, [see AIC];
2. Lower the district's accreditation status or a district's or campus's performance rating; or



3. Take action under both items 1 and 2 above.

*Education Code 39.003(d)*

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

*Education Code 39.003(e)*

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

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**Note:** The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

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**Monitoring Reviews**

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements;
3. Data integrity for purposes of:
  - a. The Public Education Information Management System (PEIMS); and
  - b. Accountability under Education Code Chapter 39 and 39A; and
4. Qualification for funding under Education Code Chapter 48.

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

*Education Code 7.028*

**Compliance  
Monitoring Activities**

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or
2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (redesignated to Education Code 39.003, special investigations).

Activities described in item 1, above, are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC] and dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB].

*19 TAC 97.1071(a)–(b)*

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)–(f)*

**Appeals**

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

**Compliance  
Investigation**

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special accreditation investigation subject to Education Code 39.003 and 39.004 (above). *19 TAC 102.1401(a)(1)*



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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Notice of Polling Place**

Any written notice of a polling place location must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

**Election Order**

The board shall order an election. An election to be held on a uniform election date shall be ordered not later than the 78th day before election day. *Election Code 3.004, .005*

Each election order must state:

1. The date of the election;
2. The offices or measures to be voted on;
3. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
4. The location of the main early voting polling place;
5. The dates and hours for early voting; and
6. The dates and hours of any Saturday and Sunday early voting.

*Election Code 3.006, 83.010, 85.004, .007*

A board shall preserve the election order for the period for preserving the precinct election records. The date and nature of each election shall be entered in the official records of the board. For an election on a measure, the entry must include a description of the measure. *Election Code 3.008*

**Failure to Order an Election**

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

**Election Notice**

**Contents**

Notice of the election must state:

1. The nature and date of the election;
2. The location of each polling place;

3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
6. The location of the main early voting polling place; and
7. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting.

*Election Code 4.004(a), 83.010, 85.004, .007*

Notice of Special  
Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

Publication

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the district's boundaries or in a newspaper of general circulation in the district if none is published within the district's boundaries. The board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .005(a)*

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of election provided to the county [see Notice to County Clerk and Voter Registrar, below], which must include the location of each polling place, on the county's internet website, if the county maintains a website. A district may post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. If a county does not maintain a website, the district shall post a copy of the notice of the election on the bulletin board used for posting notice of meetings of the board. The notice must remain posted continuously through election day. 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), .005(b)*

A district that maintains a website must post the notice described above on the internet website of the district. *Election Code 85.007(d)*

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**Note:** For additional website posting requirements regarding the date and location of the next election, see CQA.

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Notice to County  
Clerk and Voter  
Registrar

The board shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's internet website, if the county maintains a website, as provided by Election Code 4.003(b). *Election Code 4.008(a)* [See Posting, above]

Notice to Election  
Judge

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

*Election Code 4.007*

Failure to Give  
Notice of Election

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

**Internet Posting**

Not later than the 21st day before election day, a district that holds an election and maintains an internet website shall post on the public internet website for the district:

1. The date of the next election;
2. The location of each polling place;
3. Each candidate for an elected office on the ballot; and
4. Each measure on the ballot.

*Election Code 4.009(b)*

**Filing Information**

Notice to  
Candidates

A district shall post notice of the dates of the filing period in a public place in a building in which the district has an office not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot. A district shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004, below.  
*Election Code 141.040*

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**Note:** For additional website posting requirements regarding the requirements and deadline for filing for candidacy of board member, see CQA.

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Application

To be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through email transmission of the completed application in a scanned format to the email address designated by the filing authority in the notice required under Election Code 141.040, above.  
*Election Code 143.004*

A candidate application for a place on the ballot must:

1. Be in writing;
2. Be signed and sworn to before a person authorized to administer an oath in this state by the candidate and indicate the date that the candidate swears to the application;
3. Be timely filed with the appropriate authority; and
4. Include all statutorily required information.

*Election Code 141.031, .039*

Deadline

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before the date of the election for an election to be held on a uniform election date.

*Education Code 11.055(a); Election Code 144.005(a), (d)*

*Death of  
Candidate*

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name under item 1, the filing deadline for an application for a place on the ballot for



the office sought by the candidate is extended until the fifth day after the filing deadline.

*Election Code 145.098(b)*

**Write-in Candidate** A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for an election to be held on a uniform election date. *Education Code 11.056(b); Election Code 146.054*

**Special Election** An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

*Exception*

For a special election to be held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the day of the filing deadline is 6:00 p.m. of the 75th day before election day.

*Write-in  
Candidate*

A declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

*Election Code 201.054*

**Delivery or  
Submission of  
Documents**

When the Election Code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under that code, a delivery, submission, or filing with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the district's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

*Election Code 1.007*

**Election of  
Unopposed  
Candidate**

Certification of  
Unopposed Status

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The certification shall be delivered to the board as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092 if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots have not been prepared; and
3. The other conditions for certification are met.

A certification under these circumstances shall be delivered to the board as soon as possible.

*Election Code 2.052*

*Special Election*

For purposes of these provisions, a special election of a district is considered to be a separate election with a separate ballot from a general election for board members or another special election of the district held at the same time. *Election Code 2.051(a)*

*Single-Member  
Districts*

In the case of an election in which any members of the board are elected from single-member districts, these provisions 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 single-member district is unopposed and no opposed at-large race is to appear on the ballot. These provisions apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. *Election Code 2.051(b)*

Action on  
Certification

On receipt of the certification, the board by order or ordinance shall declare each unopposed candidate elected to office. If a declaration is made, the election is not held.

If no election is to be held on election day by the district, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected shall include the offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under the heading

“Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

*Election Code 2.053*

[See BBBB regarding issuance of a certificate of election to an unopposed candidate declared elected and qualification for office.]

**Ballot**

The ballot shall be prepared in accordance with Election Code Chapter 52.

Drawing

The district shall conduct a drawing to determine the order of the candidates' names in an election at which the names of more than one candidate for the same office are to appear on the ballot. The district shall post in the district's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. The district shall provide notice of the date, hour, and place of the drawing to each candidate by:

1. Written notice:
  - a. Mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or
  - b. Provided at the time the candidate files an application with the district;
2. Telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or
3. Email, if an email address is provided on the candidate's application for a place on the ballot.

Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

*Election Code 52.093–.094* [See BBBB regarding ballot order in a runoff election or election to resolve a tie.]

Ballots for an election by position must clearly show the position for which each person is a candidate. A board shall arrange by lot the names of the candidates for each position. *Education Code 11.058(g)*

**Election Services  
Contract**

The county election officer, as defined by Election Code 31.091(1), may contract with the board of a district situated wholly or partly in the county served by the officer to perform election services, as

provided by Election Code Chapter 31, Subchapter D, in any one or more elections ordered by the board.

If requested to do so by a district, the county elections administrator, as defined under Election Code Chapter 31, Subchapter B, shall enter into a contract to furnish the election services requested in accordance with a cost schedule agreed on by the contracting parties. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year.

*Election Code 31.092, .093, 41.001(d)*

**Election Judges and Clerks**

By written order, a board shall appoint a presiding election judge and an alternate presiding judge for each election precinct in which an election is held. A board shall prescribe the maximum number of clerks that each presiding judge may appoint for each election. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code 32.001(a), .008, .033*

**Confidentiality**

An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Government Code Chapter 552 (Public Information Act).

*Exception*

An email address or phone number of an election judge or clerk shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or
2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

*Election Code 32.076*

**Polling Places**

A board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034, Ch. 85 (early voting by personal appearance)*

In an election held on the November uniform election date, a district shall use the regular county election precincts. The district shall 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), .0621, 43.004(b)*

**Electioneering**

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting period, as applicable, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

*Definitions*

"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

"Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

"Early voting period" means the period prescribed by Election Code 85.001.

*Election Code 61.003, 85.036*

**Early Voting**

In each election, early voting shall be conducted by personal appearance at an early voting polling place and by mail, in accordance with Election Code Title 7, Chapters 81–114. *Election Code 81.001*

**November Early  
Voting Polling  
Places**

In an election on the November uniform election date in which the district is not holding a joint election with a county and has not executed a contract with a county elections officer under which the district and the county share early voting polling places, the district:

1. Shall designate as an early voting polling place for the election an eligible county polling place located in the district; and
2. May not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the district is designated as an early voting polling place by the district.

"Eligible county polling place" means an early voting polling place established by a county.

*Election Code 85.010(a), (a-1), (b)*

ELECTIONS  
CONDUCTING ELECTIONS

BBBA  
(LEGAL)

Temporary Branch  
Days and Hours

*County With  
100,000 or More*

Election Code 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, that section applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

*Election Code 85.064*

*County With Less  
Than 100,000*

Election Code 85.065 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

*Election Code 85.065*

Records  
*Branch Daily  
Register*

The early voting clerk shall provide, in a downloadable database format, a current copy of the register for posting on the internet website of the district, if the district maintains a website, each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted. *Election Code 85.072*

*Early Voting  
Rosters*

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided below not later than 11 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided below not later than 11 a.m. on the day following the day the early voting clerk receives any ballot voted by mail.

The information must be made available:

1. For an election in which the county clerk is the early voting clerk:
  - a. On the publicly accessible internet website of the county; or
  - b. If the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or
2. For an election not described by item 1:
  - a. On the publicly accessible internet website of the district; or
  - b. If the district does not maintain a website, on the bulletin board used for posting notice of board meetings.

*Election Code 87.121(a), (g)–(i)*

**Conducting  
Elections**

Elections shall be conducted in accordance with Election Code Title 6, Chapters 61–68.

**Bilingual Materials**

Spanish

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.  
*Election Code 272.002*

Other Languages

If the director of the census determines that a district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011; 52 U.S.C. 10503*

**Voting Systems**

Accessible Voting  
Stations

A voting system shall be adopted and utilized in accordance with Election Code Title 8.

Except as provided below, each polling place must provide at least one voting station that complies with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 52 U.S.C. Section 21081(a)(3) [formerly 42 U.S.C. Section 15481(a)(3)] and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot.  
*Election Code 61.012*

*Electronic Voting  
System  
Exceptions*

For an election other than an election of a district that is held jointly with another election in which a federal office appears on the ballot, a district is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the district is located in a county that meets certain population and other requirements set forth in Election Code 61.013(a). A district that intends to use this provision to provide fewer voting stations that meet the requirements for accessibility than required must provide notice under Election Code 61.013(d). *Election Code 61.013*



**Planning and  
Decision-Making  
Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

*Education Code 11.251(g)*

**Evaluation**

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

**Administrative  
Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

*Education Code 11.251(d)*

**Federal  
Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

**Required Plans**

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

*Education Code 11.251(a)*

Shared Services  
Arrangement for  
DAEP Services

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

*19 TAC 103.1201(b)* [See FOCA]

District  
Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

*Availability to  
TEA*

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must

make the plan available to TEA on request. *Education Code 11.252(b)*

*Required Provisions*

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
3. Strategies for improvement of student performance that include:
  - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
  - b. Evidence-based practices that address the needs of students for special programs, including:
    - (1) Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEb];
    - (2) Conflict resolution programs;
    - (3) Violence prevention programs; and
    - (4) Dyslexia treatment programs.
  - c. Dropout reduction.
  - d. Integration of technology in instructional and administrative programs.
  - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
  - f. Staff development for professional staff of a district.

- g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.
  - h. Accelerated education.
  - i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]
4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
- a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
  - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
  - c. Sources of information on higher education admissions and financial aid.
5. Resources needed to implement identified strategies.
6. Staff responsible for ensuring the accomplishment of each strategy.
7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.
9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]
10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

*Education Code 11.252(a)*

Law  
Enforcement  
Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. *Education Code 37.081(d)(1)* [See CKE]

Discipline  
Management

A district shall adopt and implement a discipline management program to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

PLANNING AND DECISION-MAKING PROCESS

BQ  
(LEGAL)

Dating Violence	A district shall adopt and implement a dating violence policy to be included in the district improvement plan. <i>Education Code 37.0831</i> [See FFH]
Bullying Prevention	The policy and any necessary procedures adopted under Education Code 37.083(c) (concerning bullying) must be included in the district improvement plan. <i>Education Code 37.0832(d)(2)</i> [See FFI]
Mental Health, Substance Abuse, and Suicide	The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. <i>Education Code 38.351(k)(2)</i> [See FFEB]
Campus-Level Plan	<p>Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. <i>Education Code 11.253(c)</i></p> <p>Each campus improvement plan must:</p> <ol style="list-style-type: none"><li>1. Assess the academic achievement for each student in the school using the achievement indicator system.</li><li>2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.</li><li>3. Identify how the campus goals will be met for each student.</li><li>4. Determine the resources needed to implement the plan.</li><li>5. Identify staff needed to implement the plan.</li><li>6. Set timelines for reaching the goals.</li><li>7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.</li><li>8. Include goals and methods for violence prevention and intervention on campus.</li><li>9. Provide for a program to encourage parental involvement at the campus.</li></ol>

10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:
  - a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
  - b. Student academic performance data;
  - c. Student attendance rates;
  - d. The percentage of students who are educationally disadvantaged;
  - e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
  - f. Any other indicator recommended by the local school health advisory council.

*Education Code 11.253(d)*

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

## SECTION C: BUSINESS AND SUPPORT SERVICES

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

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

## SECTION C: BUSINESS AND SUPPORT SERVICES

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



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

## **SECTION C: BUSINESS AND SUPPORT SERVICES**

CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Websites
CQB	Cybersecurity
CQC	Equipment
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CSA	Safety and Security
CSB	Gas and Pipelines
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-at-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	CONTRACTS FOR FACILITIES
CY	INTELLECTUAL PROPERTY



The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate the actions of a district participating in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

**Retirement and  
Insurance  
Contributions**

Under the Texas Public School Retired Employees Group Benefits Act, Insurance Code Chapter 1575, a district that applies for money provided by the United States or a privately sponsored source shall, if any of the money will pay part or all of an active employee's salary, also apply for any legally available money to pay state contributions required by Insurance Code Chapter 1575, Subchapter E. *Insurance Code 1575.252*

Such district must comply with the requirements of Insurance Code Chapter 1575, Subchapter F. *Insurance Code 1575.252(2)–.257*

Under the Teacher Retirement System, Government Code, Title 8, Subtitle C, if a district applies for money provided by the United States, an agency of the United States, or a privately sponsored source, and if any of the money will pay part or all of an employee's salary, the district shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201. *Gov't Code 825.406(a)*

Such district must comply with the requirements of Government Code 825.406.

**Block Grant Funds**

If a district receives more than \$5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds received by the district. The board may hold this meeting or hearing in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted in an announcement of the other meeting or hearing. *Gov't Code 2105.058*

**Education  
Department General  
Administrative  
Regulations  
(EDGAR)**

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**Note:** For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

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EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance  
(2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts, as described in 2 C.F.R. 200.101 (Applicability). *2 C.F.R. 200.100(a)(1)*

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**Note:** For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's [EDGAR Materials and Resources](#)<sup>1</sup> and the ED's [EDGAR website](#)<sup>2</sup> and [Uniform Guidance website](#).<sup>3</sup>

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*General  
Compliance*

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word "must" is used it indicates a requirement. Whereas, use of the word "should" or "may" indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

*Disclosures  
Conflicts*

A district must disclose in writing any potential conflict of interest to the federal awarding agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with applicable federal awarding agency policy. *2 C.F.R. 200.112*

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

*Procurement  
Standards  
District  
Procedures*

The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition,

below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327.

Oversight            The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest            The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Records            The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

*2 C.F.R. 200.318(a), (b), (c)(1), (i)*

[See 2 C.F.R. 200.334 for record retention requirements.]

*Financial Management*            The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See also 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

*2 C.F.R. 200.302*

Internal Controls      The district must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the award.
3. Evaluate and monitor the district's compliance with statutes, regulations and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the district considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

*2 C.F.R. 200.303*

"Internal controls" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and
3. Compliance with applicable laws and regulations.

*2 C.F.R. 200.1*

*Competition*

All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

*2 C.F.R. 200.319*

*Procurement  
Methods*

The district must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

Informal  
Procurement  
Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established

by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

*Micro-Purchases—  
Definitions*

“Micro-purchase” means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases as defined in 2 C.F.R. 200.320.

“Micro-purchase threshold” means the dollar amount at or below which a district may purchase property or services using micro-purchase procedures. Generally, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

*2 C.F.R. 200.1*

Micro-purchase threshold means \$10,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

*Micro-Purchase  
Distribution*

The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the maximum extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

*Micro-Purchase  
Awards*

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *2 C.F.R. 200.320(a)(1)(ii)*

*Micro-Purchase  
Thresholds*

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements



of 2 C.F.R. 200.320. The district may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the federal awarding agency and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold consistent with state law.

*2 C.F.R. 200.320(a)(1)(iv)*

Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request with the requirements included in 2 C.F.R.

200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

*Small  
Purchases—  
Procedures*

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

*Small  
Purchases—  
Simplified  
Acquisition  
Thresholds*

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. However, in no circumstances can this threshold exceed the dollar value established in the FAR (48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means \$250,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal  
Procurement  
Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

*Sealed Bids*

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [*sic*].

In order for sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders are willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation

cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

5. Any or all bids may be rejected if there is a sound documented reason.

*2 C.F.R. 200.320(b)(1)*

*Proposals*

A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;
3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district, with price and other factors considered; and
4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

*2 C.F.R. 200.320(b)(2)*

*Noncompetitive  
Procurement*

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
2. The item is available only from a single source;

STATE AND FEDERAL REVENUE SOURCES  
FEDERAL

CBB  
(LEGAL)

3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or
5. After solicitation of a number of sources, competition is determined inadequate.

*2 C.F.R. 200.320(c)*

Cooperative  
Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. *2 C.F.R. 200.318(e)*

*Minority, Small,  
and Women's  
Businesses*

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

*2 C.F.R. 200.321*

*Domestic  
Preference*

As appropriate and to the extent consistent with law, the district should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

*2 C.F.R. 200.322*

*Pre-procurement  
Review*

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

*2 C.F.R. 200.325(b)*

*Contract Cost  
and Price*

The district must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

*2 C.F.R. 200.324*

*Contract  
Provisions*

The district's contracts must contain the applicable provisions described in appendix II to 2 C.F.R. Part 200. *2 C.F.R. 200.327*

*Suspension and  
Debarment*

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

*Remedies for  
Noncompliance*

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by im-

posing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

*2 C.F.R. 200.339*

*Travel Costs*

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

*2 C.F.R. 200.475(a), (d)*

*Property  
Standards*

Federally  
Owned Property

Title to federally owned property remains vested in the federal government. The district must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the prop-

erty is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt property acquired under the federal award remains with the federal government.

*2 C.F.R. 200.312(a), (c)*

Property Trust  
Relationship

Real property, equipment, and intangible property that are acquired or improved with a federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal awarding agency may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under a federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the



real property (and cost of any improvements) to the current fair market value of the property.

*2 C.F.R. 200.311*

Equipment  
*Title and Use* Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the district subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

*Disposition* If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

*2 C.F.R. 200.313*

Supplies Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or pro-

	<p>gram and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2). <i>2 C.F.R. 200.314(a)</i></p>
Intangible Property	<p>Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). <i>2 C.F.R. 200.315(a)</i></p>
Foreign Telecommunications Equipment	<p>Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).</p>
Direct Grant Programs	<p>The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED. <i>34 C.F.R. 75.1</i></p>
State-Administered Programs	<p>The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the ED. <i>34 C.F.R. 76.1</i></p>
General Education Provision Act	<p>The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). <i>34 C.F.R. 81.1</i></p>

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<sup>1</sup> TEA EDGAR Materials and Resources:

[https://tea.texas.gov/Finance\\_and\\_Grants/Grants/EDGAR\\_Materials\\_and\\_Resources/](https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/)

<sup>2</sup> ED EDGAR website:

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

<sup>3</sup> ED Uniform Guidance website:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

**Bonds and Bond  
Taxes**

The board may issue bonds for:

1. The construction, acquisition, and equipment of school buildings in the district;
2. The acquisition of property or the refinancing of property under a contract entered under the Public Property Finance Act (Local Government Code, Chapter 271, Subchapter A), regardless of whether payment obligations under the contract are due in the current year or a future year;
3. The purchase of the necessary sites for school buildings;
4. The purchase of new school buses;
5. The retrofitting of school buses with emergency, safety, or security equipment; and
6. The purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

The board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to the provisions at Bond Elections, below.

*Education Code 45.001(a)*

All bonds shall be issued in accordance with the Public Security Procedures Act. *Gov't Code, Ch. 1201*

Limitation

A district may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002*

Use of Proceeds for  
Utilities

The proceeds of bonds issued by school districts for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the school district may provide its public school buildings the water, sewer, or gas services. *Education Code 45.101*

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State Facilities  
Funding

*Instructional  
Facilities  
Allotment*

“Instructional facility” means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the required curriculum.  
*Education Code 46.001*

Under the Instructional Facilities Allotment, Education Code Chapter 46, Subchapter A, for each year, except as provided by Education Code 46.005 (limitation on the guaranteed amount) and 46.006 (shortage or excess of appropriated funds), a district is guaranteed a specified amount per student in state and local funds for each cent of tax effort, up to the statutory maximum in Education Code 46.003(b), to pay the principal of and interest on eligible bonds issued to construct, acquire, renovate or improve an instructional facility. *Education Code 46.003(a)* [See 19 Administrative Code 61.1032 for commissioner’s rules related to the instructional facilities allotment.]

*Existing Debt  
Allotment*

A district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible to be paid with state and local funds under Subchapter B if the district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district’s audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032(a), .033* [See 19 Administrative Code 61.1035 for commissioner’s rules related to the existing debt allotment.]

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**Note:** For information on the new instructional facility allotment, see CBA.

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Investment of Bond  
Proceeds

For legal requirements regarding investment of bond proceeds, see CDA(LEGAL).

Unspent Bond  
Proceeds

A district may use unspent proceeds of issued general obligation bonds only:

1. For the specific purposes for which the bonds were authorized;
2. To retire the bonds; or
3. For a purpose other than the specific purposes for which the bonds were authorized if:
  - a. The specific purposes are accomplished or abandoned; and

- b. The board at a public meeting held only for the purpose of considering the use of the unspent bond proceeds approves in separate votes the use of the proceeds for:
  - (1) A purpose other than to retire the bonds; and
  - (2) The purpose specified at the time the vote is taken.

In addition to other requirements, notice of a public meeting held under this provision must include a statement that the board will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. A public meeting held under this provision must provide the public an opportunity to address the board on the question of using the unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized.

*Education Code 45.1105*

**Capital Appreciation Bonds**

For purposes of the following policy provisions, a “capital appreciation bond” is a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

Limitation on Issuance

A school district may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

- 1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;
- 2. The board has received a written estimate of the cost of the issuance, including:
  - a. The amount of principal and interest to be paid until maturity;
  - b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;
  - c. The amount of fees to be paid to each financing team member; and
  - d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;
- 3. The board has determined in writing whether any personal or financial relationship exists between the members of the board and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance and submitted the determination to the Ethics Commission; and

4. The board posts prominently on the district's internet website and enters in the minutes of the board:
  - a. The total amount of the proposed bonds;
  - b. The length of maturity of the proposed bonds;
  - c. The projects to be financed with bond proceeds;
  - d. The intended use of bond proceeds not spent after completion of the projects identified;
  - e. The total amount of the district's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;
  - f. The total amount of the district's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and
  - g. The information received at item 2 above and determined under item 3 above.

The board shall regularly update the debt information posted on the district's internet website under item 4.f above to ensure that the information is current and accurate.

Limitation on Use of Proceeds

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or
2. Transportation-related items, including buses.

*Unspent Proceeds*

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the district's website as required above, unless another use is approved by the voters of the district at an election held for that purpose.

Total Amount of Capital Appreciation Bonds

The total amount of capital appreciation bonds may not exceed 25 percent of the district's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

Extension

A district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date, unless:

1. The extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or
2. The maximum legally allowable tax rate for indebtedness has been adopted and TEA certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

*Gov't Code 1201.0245*

The foregoing provisions of Government Code 1201.0245 do not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital appreciation bonds for the purpose of financing transportation projects. *Gov't Code 1201.0245(j)*

**Bond Elections**

Bonds may not be issued and taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election held for such purpose, at the expense of the district, in accordance with the Election Code, except as provided by Education Code 45.003. The election shall be called by resolution or order of the board. The resolution or order must state the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters considered necessary or advisable by the board. *Education Code 45.003(a)*

Each special election in this state shall be held on one of the following dates:

1. The first Saturday in May; or
2. The first Tuesday after the first Monday in November.

*Election Code 41.001(a)* [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.005* [See BBBA]

Election Order

In addition to other legal requirements regarding the election order [see BBBA(LEGAL)], the document ordering an election to authorize a district to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the principal of and interest on the bonds may be imposed;

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5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;
6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;
7. The aggregate amount of the outstanding principal of the district's debt obligations as of the date the election is ordered;
8. The aggregate amount of the outstanding interest on the district's debt obligations as of the date the election is ordered, which may be based on the district's expectations relative to variable rate debt obligations; and
9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

*Election Code 3.009(b)*

*Posting*

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election in three public places in the boundaries of the district; and
3. During the 21 days before the election, on the district's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the district maintains an internet website.

*Election Code 4.003(f)* [See Voter Information, below]

Election Notice

The notice of election must comply with Election Code Chapter 4. [For specific requirements regarding contents of the election notice, see BBBA(LEGAL).]

*Publication and Posting*

The notice of election must be published and posted in accordance with Election Code requirements. [For specific requirements regarding publication and posting, see BBBA(LEGAL).]

*Notice to Election Officials*

Notice must be given to the county clerk, voter registrar, and election judge in accordance with Election Code Chapter 4. [For specific requirements, see BBBA(LEGAL).]



Propositions

A proposition submitted to authorize the issuance of bonds must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes, on all taxable property in the district, either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on the bonds, provided that the annual aggregate bond taxes in the district may never be more than the rate stated in the proposition.

The ballot proposition must include the following statement: "THIS IS A PROPERTY TAX INCREASE."

*Education Code 45.003(b), (b-1)*

A district that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Government Code Chapter 1251, Subchapter B. *Election Code 52.072(f)*

The district shall assign a letter to each measure on the ballot that corresponds to its order on the ballot. Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095*

*Ballot Contents*

The ballot for a measure seeking voter approval of the issuance of debt obligations by a district shall specifically state:

1. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
2. The total principal amount of the debt obligations to be authorized; and
3. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

*Gov't Code 1251.052(a)-(a-1)*

Exception

Notwithstanding the requirements at Ballot Contents, above, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the dis-

trict, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

1. The construction, acquisition, or equipment of:
  - a. A stadium with seating capacity for more than 1,000 spectators;
  - b. A natatorium;
  - c. Another recreational facility other than a gymnasium, playground, or play area;
  - d. A performing arts facility;
  - e. Housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and
2. An acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

The question of whether to approve the issuance of bonds for a building described by items 1a–e above must be printed on the ballot as a separate ballot proposition regardless of whether that building is proposed as part of the same complex or building that contains traditional classroom facilities. Each separate ballot proposition must state the principal amount of the bonds to be issued that constitutes the cost for construction of that portion of the building or complex attributable to the building described by items 1a–e above or to the traditional classroom facilities, as applicable.

*Education Code 45.003(g)–(h)*

*Definition*

"Debt obligation" means a public security, as defined by Government Code 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities. *Gov't Code 1251.051(1)*

Voter Information

A district with at least 250 registered voters on the date the board adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election.

*Posting  
Requirements*

The district shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) [see Posting, above] and may include

the voter information document in the debt obligation election order.

A district that maintains an internet website shall provide the information described at Contents, below, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

*Contents*

The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
  - a. The principal of the debt obligations to be authorized;
  - b. The estimated interest for the debt obligations to be authorized;
  - c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
  - d. As of the date the district adopts the debt obligation election order:
    - (1) The principal of all outstanding debt obligations of the district;
    - (2) The estimated remaining interest on all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations; and
    - (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the district with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the board; and
4. Any other information that the board considers relevant or necessary to explain the information required by these provisions.

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<i>Assumptions</i>	<p>The board shall identify in the voter information document the major assumptions made in connection with the statement required by item 3 above, including:</p> <ol style="list-style-type: none"><li>1. The amortization of the district's debt obligations, including outstanding debt obligations and the proposed debt obligations;</li><li>2. Changes in estimated future appraised values within the district; and</li><li>3. The assumed interest rate on the proposed debt obligations.</li></ol> <p><i>Gov't Code 1251.052(b)–(d)</i></p>
Electioneering and Political Advertising	For additional information and prohibitions related to electioneering and political advertising, see BBBD(LEGAL).
<b>50 Cent Test for New Debt</b>	<p>Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed \$0.50 per \$100 of valuation (the "50 Cent Test").</p> <p>A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.</p>
Future Taxable Value	<p>A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.</p> <p>The district must submit to the attorney general a certification of the district's projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.</p> <p>The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent</p>

Test on a taxable value that is equal to 90 percent of the value certified.

*Education Code 45.0031*

**Attorney General  
Review and Approval**

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general. *Gov't Code 1202.003(a)*; see, e.g., *1 TAC 53.3 (Content of Transcripts), 53.16 (Submission and Approval of Transcripts), and 53.61 (School District Tax Bond Elections)*

**Refunding Bonds**

A board may refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest on those bonds payable from ad valorem taxes by issuing refunding bonds payable from ad valorem taxes. *Education Code 45.004; Gov't Code Ch. 1207*

**Instructional  
Facilities Allotment  
for Refunding  
Bonds**

A district may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Education Code 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007(4).

*Education Code 46.007*

**Authorized Unissued  
Bonds**

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may order an election [see BBBA] to submit to the qualified voters of the district the proposition of whether or not the authorized but unissued bonds may be issued, sold, and delivered for other and different purposes specified in the election order and notice. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized. If a majority of those voting at the election vote in favor of the sale and delivery of the unissued bonds for the purposes specified in the election order and notice, the board may issue, sell, and deliver the bonds and use the proceeds for the purposes authorized at the election. *Education Code 45.110*

**Bond Guarantee Program**

Eligibility

A district seeking guarantee of eligible bonds under the Bond Guarantee Program shall apply to the commissioner of education using a form adopted by the commissioner. To be eligible for approval, district bonds must be issued under Education Code Chapter 45, Subchapter A, or under Government Code Chapter 1207. *Education Code 45.054, .055(a); 19 TAC 33.6(b)(5)*

Application

An application must include:

1. The name of the district and the principal amount of the bonds to be issued;
2. The name and address of the district's paying agent, which means the financial institution designated by a district as its agent for payment of principal and interest on guaranteed bonds; and
3. The maturity schedule, estimated interest rate, and date of the bonds.

*Education Code 45.051(2), .055*

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c); 19 TAC 33.6(f)(1)*

On approval by the commissioner, bonds issued by a district are guaranteed by the corpus and income of the permanent school fund. The guarantee remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.6(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.6(g)(4)(D)*

**Credit Enhancement Program**

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may apply under Education Code Chapter 45, Subchapter I for credit enhancement of bonds described by Education Code 45.054 (eligibility for the Bond Guarantee Program) by money appropriated for the Foundation School Program, other than money that is appropriated to districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

*Education Code 45.252*

Eligibility

To be eligible for approval by the commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;
3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;
4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and
5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

*Education Code 45.254; 19 TAC 61.1038(f)*

Application

A district seeking credit enhancement of eligible bonds shall apply to the commissioner using a form adopted by the commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b), at Bond Guarantee Program—Application, above; and
2. Be accompanied by a fee set by the State Board of Education. *19 TAC 61.1038(d)(1)*

*Education Code 45.255*

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied a credit enhancement will not be retained for consideration in subsequent months.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

*19 TAC 61.1038(e)(1), (8), (10)*

**Authority to Contract for Services**

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. *Government Code 1201.027(a)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

**Federal Securities Law**

Disclosure Obligations for Bond and Other Debt Offerings

Prior to publicly offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 of the Securities Exchange Commission (SEC) (SEC Rule 15c2-12(b)). *17 C.F.R. 240.15c2-12* [See Note, below]

Continuing Disclosure after Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. A CDA obligates the district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within 10 business days following the occurrence of any such event. *17 C.F.R. 240.15c2-12* [See Note, below]

Liability under Federal Securities Law

School districts, board members, and certain employees of the district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act



of 1933 (the “Securities Act”), Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a district’s bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors (disclosures). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district’s continuing disclosure obligations under SEC Rule 15c2-12(b) after a district’s bonds are issued. [See Continuing Disclosure after Issuing Bonds, above] *SEC Report on the Municipal Securities Market (July 31, 2012) (the “SEC 2012 Report”) at pg. 29*

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**Note:** In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other primary disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.

Districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that (1) reporting requirements imposed by a CDA are satisfied and (2) information disclosed in periodic and occasional reports is accurate and complete.

Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012)]

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**Note:** For more information on property tax exemptions, see the Texas Comptroller's [Property Tax Exemptions](#)<sup>1</sup> website.

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**Exemptions**

Homestead

*Mandatory*

An adult is entitled to exemption from taxation by a district of \$40,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only \$5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

*Persons 65 or Older or Disabled*

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of \$10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

*Exception*

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

CCGA  
(LEGAL)

Portability of Tax Limitation	If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). <i>Tax Code 11.26(g)</i>
Surviving Spouse	If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. <i>Tax Code 11.26(i)</i>
<i>Local Options</i> All Taxpayers	In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than \$5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of \$5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. <i>Tax Code 11.13(n)</i>
Disabled or 65 or Older	An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.
<i>Amount</i>	The amount of an exemption adopted as provided at Disabled or 65 or Older is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.  <i>Tax Code 11.13(d)-(f)</i>

<i>Continuation of Exemption during Construction</i>	If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. <i>Tax Code 11.135(a), .26(n); 34 TAC 9.416</i>
<i>Surviving Spouse of First Responder</i>	The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. <i>Tax Code 11.134</i>
<b>Veteran Exemptions</b> <i>100 Percent Disabled</i>	A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. <i>Tax Code 11.131(b)</i>
<i>Partially Disabled with Donated Residence</i>	A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. <i>Tax Code 11.132(b)</i>
<i>Surviving Spouse of Veteran</i>	The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if: <ol style="list-style-type: none"><li>1. The surviving spouse has not remarried since the death of the disabled veteran; and</li></ol>

2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

*Tax Code 11.131(c), .132(c)*

*Surviving Spouse  
of Individual  
Killed in Action*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

*Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)*

*Disabled Veteran*

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for  
Subsequent  
Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary  
Exemption for  
Property Damaged  
by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional  
Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*
3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*
4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit  
*Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

*Option to Tax*

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-



transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

*Tax Code 11.253(j)–(j-2)*

**Payment Options**

Discounts

*Option 1*

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

*Tax Code 31.05(b)*

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

*Option 2*

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

*Tax Code 31.05(c)*

*Both Options*

If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

<i>Rescission</i>	<p>The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. <i>Tax Code 31.05(d)</i></p>
Split Payments	<p>The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.</p> <p>If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.</p> <p><i>Tax Code 31.03</i></p> <p>This payment option does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c)</i></p>
<i>In Certain Counties</i>	<p>The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. <i>Tax Code 31.03(d)</i></p>
Installment Payments <i>Certain Homesteads</i>	<p>An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. <i>Tax Code 31.031</i></p>
<i>Disaster or Emergency Area</i> Property Damaged — Automatic	<p>A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.032</i></p>

AD VALOREM TAXES  
EXEMPTIONS AND PAYMENTS

CCGA  
(LEGAL)

Property Not Damaged — Board Option	<p>The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.</p> <p>This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.</p> <p><i>Tax Code 31.033; 34 TAC 9.3061(b), (c)</i></p>
Definitions	<p>“Disaster” has the meaning assigned by Government Code 418.004.</p> <p>“Emergency” means a state of emergency proclaimed by the governor under Government Code 433.001.</p> <p><i>Tax Code 31.032(g), .033(a); 34 TAC 9.3061(a)</i></p>
Services in Lieu of Paying Taxes	<p>The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers’ compensation coverage, that the district provides to its employees. <i>Tax Code 31.035, .036, .037</i></p>
<i>Persons 65 and Over</i>	<p>Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual’s residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. <i>Tax Code 31.035(a), (g)</i></p>
<i>Teaching Services</i>	<p>An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:</p> <ol style="list-style-type: none"><li>1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or</li></ol>

2. Obtains a school district teaching permit under Education Code 21.055.

*Tax Code 31.036(h), .037(i)*

By Individual Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

By Employee of Business Entity Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

### Delinquent Taxes

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

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**Note:** Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

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Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

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<sup>1</sup> Texas Comptroller Property Tax Exemptions website:  
<https://comptroller.texas.gov/taxes/property-tax/exemptions/>

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**Tax Increment  
Financing Act**

Board of Directors

Except as provided at Large Municipality below, each district that levies taxes on real property in a reinvestment zone designated by a county or municipality in accordance with the Tax Increment Financing Act, Tax Code Chapter 311, may appoint one member of the reinvestment zone board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. A district may waive its right to appoint a director. *Tax Code 311.009(a), (b)*

*Large  
Municipality*

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million in which the principal municipality has a population of 1.1 million or more, each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members to the board in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone. *Tax Code 311.0091(a)–(c)*

Tax Increments  
*Amount*

The amount of a district's tax increment for a year is the amount of property taxes levied and assessed by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone or the amount of property taxes levied and collected by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone. The board of the district shall determine which of the methods is used to calculate the amount of the district's tax increment.

"Captured  
Appraised  
Value"

The captured appraised value of real property taxable by a district for a year is the total taxable value of all real property taxable by the district and located in a reinvestment zone for that year less the tax increment base of the district.

"Tax Increment  
Base"

The tax increment base of a district is the total taxable value of all real property taxable by the district and located in a reinvestment zone for the year in which the zone was designated under Tax Code Chapter 311.

*Tax Code 311.012*

*Collection and  
Deposit*

Each district that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the district. Each district shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the district, less the sum of:

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a

reinvestment zone, required to be paid by the district to another political subdivision; and

2. A portion, not to exceed 15 percent, of the tax increment produced by the district as provided by the reinvestment zone financing plan or a larger portion as provided at Agreement Required below.

*Tax Code 311.013(a)–(b)*

Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, a district shall make the required payment not later than the 90th day after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected. *Tax Code 311.013(c), (i)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) (determination of district property values by the comptroller) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 48.253 (additional state aid for tax increment financing payments). The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 48.253. *Tax Code 311.013(n)*

*Agreement  
Required*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the district enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the

district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to the reinvestment zone under Tax Code 311.007(a) or (b) unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, a district is not required to participate in the zone or portion of the zone for the extended term unless the district enters into a written agreement to do so. *Tax Code 311.007(c)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

**Property  
Redevelopment and  
Tax Abatement Act**

On or after September 1, 2001, a school district may not enter into a tax abatement agreement under Tax Code Chapter 312. *Tax Code 312.002(f)*

Reinvestment Zone  
for Chapter 313

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the board, in the manner required for official action and for purposes of Tax Code Chapter 313, Subchapter B or C [see Texas Economic Development Act below], may designate an area entirely within the territory of the district as a reinvestment zone if the board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
  - a. Be a benefit to property in the reinvestment zone and to the district; and
  - b. Contribute to the economic development of the region of this state in which the district is located.



The board may seek the recommendation of the commissioners court of each county and the governing body of each municipality that has territory in the district before designating an area as a reinvestment zone.

*Tax Code 312.0025*

**Texas Economic  
Development Act**

**Note:** The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022. *Tax Code 313.007*

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value. *Tax Code 313.171*

In implementing the Texas Economic Development Act, Tax Code Chapter 313, districts should strictly interpret the criteria and selection guidelines provided by Chapter 313 and approve only those applications for an ad valorem tax benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas.

*Tax Code 313.004(3)*

Definitions

*Agreement*

“Agreement” means the written agreement between the board and the approved applicant on the form adopted by reference in 34 Administrative Code 9.1052 (Forms) to implement a limitation on the appraised value for district maintenance and operations ad valorem property tax purposes on an entity’s qualified property, required by Tax Code 313.027(d).

*Agreement  
Holder*

“Agreement holder” means an entity that has executed an agreement with a district.

*Applicant*

“Applicant” means an entity that has applied for a limitation on appraised value for district maintenance and operations ad valorem property tax purposes on the entity’s property, as provided by Tax Code Chapter 313.

*Application*

“Application” means an application for limitation of appraised value for district maintenance and operations ad valorem property tax purposes on an entity’s qualified property on the form adopted by

reference in 34 Administrative Code 9.1052 (Forms), the schedules attached thereto, and the documentation submitted by an entity for the purpose of obtaining an agreement for a limitation on appraised value from a district.

*Application  
Review Start  
Date*

“Application review start date” means the later date of either the date on which the district issues its written notice that an applicant has submitted a completed application or the date on which the comptroller issues its written notice that an applicant has submitted a completed application.

*Completed  
Application*

“Completed application” means an application in the form and number and containing all the information required pursuant to 34 Administrative Code 9.1053 (Entity Requesting Agreement to Limit Appraised Value), that has been determined by the district and the comptroller to include all minimum requirements for consideration.

*Entity*

“Entity” means any entity upon which a tax is imposed by Tax Code 171.001, including a combined group as defined by Tax Code 171.0001(7) or members of a combined group, provided, however, an entity does not include a sole proprietorship, partnership, or limited liability partnership.

*34 TAC 9.1051(1), (2), (3), (7), (10), (12), (20)*

*Qualified  
Investment*

“Qualified investment” means:

1. Tangible personal property that is first placed in service in this state during the applicable qualifying time period that begins on or after January 1, 2002, without regard to whether the property is affixed to or incorporated into real property, and that is:
  - a. Described as Section 1245 property by Section 1245(a), Internal Revenue Code of 1986;
  - b. Used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually located in the cleanroom environment, including integrated systems, fixtures, and piping; all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances; and production equipment and machinery, moveable cleanroom partitions, and cleanroom lighting;
  - c. Used in connection with the operation of a nuclear electric power generation facility, including property, including pressure vessels, pumps, turbines, generators, and

- condensers, used to produce nuclear electric power; and property and systems necessary to control radioactive contamination;
- d. Used in connection with operating an integrated gasification combined cycle electric generation facility, including property used to produce electric power by means of a combined combustion turbine and steam turbine application using synthetic gas or another product produced by the gasification of coal or another carbon-based feedstock; or property used in handling materials to be used as feedstock for gasification or used in the gasification process to produce synthetic gas or another carbon-based feedstock for use in the production of electric power in the manner described herein;
  - e. Used in connection with operating an advanced clean energy project, as defined by Health and Safety Code 382.003; or
2. A building or a permanent, nonremovable component of a building that is built or constructed during the applicable qualifying time period that begins on or after January 1, 2002, and that houses tangible personal property described by items 1a–e above.

*Tax Code 313.021(1)*

*Qualified  
Property*

“Qualified property” means:

1. Land:
  - a. That is located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303;
  - b. On which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the person submits a complete application for a limitation on appraised value under Tax Code Chapter 313, Subchapter B;
  - c. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312; and
  - d. On which, in connection with the new building or new improvement described by item 1b above, the owner or lessee of, or the holder of another possessory interest in, the land proposes to:

- (1) Make a qualified investment in an amount equal to at least the minimum amount required by Tax Code 313.023; and
  - (2) Create at least 25 new qualifying jobs, except as provided at Exception below;
2. The new building or other new improvement described by item 1b above; and
  3. Tangible personal property:
    - a. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312;
    - b. For which a sales and use tax refund is not claimed under Tax Code 151.3186; and
    - c. Except for new equipment described in Tax Code 151.318(q) or (q-1), that is first placed in service in the new building, in the newly expanded building, or in or on the new improvement described by item 1b above, or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

*Tax Code 313.021(2); see also 34 TAC 9.1051(16) (additional requirements for "Qualified Property")*

*Exception*

For purposes of Tax Code Chapter 313, Subchapter C, applicable to certain rural districts, a property owner is required to create at least 10 qualifying jobs. *Tax Code 313.051(b)*

*Qualifying Job*

"Qualifying job" means a permanent full-time job that:

1. Requires at least 1,600 hours of work a year;
2. Is not transferred from one area in this state to another area in this state;
3. Is not created to replace a previous employee;
4. Is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and
5. Pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

*Tax Code 313.021(3); 34 TAC 9.1051(30)*

To be eligible for a limitation on appraised value under Tax Code Chapter 313, the property owner must create the required number of new qualifying jobs and the average weekly wage for all jobs created that are not qualifying jobs must exceed the county average weekly wage for all jobs in the county where the jobs are located. *Tax Code 313.024(d)*

Waiver of New  
Jobs Creation  
Requirement

Notwithstanding any other provision of Tax Code Chapter 313 to the contrary, the board may waive the new jobs creation requirement and approve an application if the board makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. *Tax Code 313.025(f-1)*

*Qualifying Time  
Period*

“Qualifying time period” means:

1. The period that begins on the date that a person’s application for a limitation on appraised value under Tax Code Chapter 313 is approved by the board and ends on December 31 of the second tax year that begins after that date, except as provided by items 2 and 3 below or Tax Code 313.027(h);
2. In connection with a nuclear electric power generation facility, the first seven tax years that begin on or after the third anniversary of the date the district approves the property owner’s application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner; or
3. In connection with an advanced clean energy project, the first five tax years that begin on or after the third anniversary of the date the district approves the property owner’s application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner.

*Tax Code 313.021(4)*

*Substantive  
Document*

“Substantive document” means a document or other information or data in electronic media determined by the comptroller to substantially involve or include information or data significant to an application, the evaluation or consideration of an application, or the agreement or implementation of an agreement for limitation of appraised value pursuant to Tax Code Chapter 313. The term includes, but is not limited to, any application requesting a limitation on appraised value and any amendments or supplements, any economic impact evaluation made in connection with an application, any agreement between applicant and the district and any subsequent amend-

	<p>ments or assignments, any district written finding or report filed with the comptroller as required under 34 Administrative Code Chapter 9, Subchapter F; and any completed annual eligibility report (Form 50-772A) submitted to the comptroller. The term shall not include any employee names or other personal identifying information that is submitted to the comptroller. Positions can be described by job type, category, or general title. <i>34 TAC 9.1051(19)</i></p>
School District Categories	<p>For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter B applies are categorized according to the taxable value of property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.022. <i>Tax Code 313.022(b); 34 TAC 9.1058(d)</i></p> <p>For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter C applies are categorized according to the taxable value of industrial property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.052. <i>Tax Code 313.052; 34 TAC 9.1058(d)</i></p>
Minimum Amounts of Qualified Investment	<p>For each category of district established by Tax Code 313.022, the minimum amount of a qualified investment is set out in Tax Code 313.023. <i>Tax Code 313.023</i></p> <p>For each category of district established by Tax Code 313.052, the minimum amount of a qualified investment is set out in Tax Code 313.053. <i>Tax Code 313.053</i></p>
Eligibility	<p>Tax Code Chapter 313, Subchapters B and C apply only to property owned by an entity subject to franchise tax (Tax Code Chapter 171). To be eligible for a limitation on appraised value, the entity must use the property for a purpose stated in Tax Code 313.024.</p>
<i>Exception for Wind-Powered Energy Device</i>	<p>An owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location</p>

that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

*Tax Code 313.024*

Application for  
Limitation on  
Appraised Value

The owner or lessee of, or the holder of another possessory interest in, any qualified property may apply to the board for a limitation on the appraised value of the person's qualified property for district maintenance and operations ad valorem tax purposes. An application must be made on the form prescribed by the comptroller, must include the information required by the comptroller, and must be accompanied by:

1. The application fee established by the board;
2. Information sufficient to show that the real and personal property identified in the application as qualified property meets the applicable criteria established by Tax Code 313.021(2); and
3. Any information required by the comptroller for the purposes of Tax Code 313.026 (economic impact evaluation).

*Tax Code 313.025(a)*

*Required  
Contents and  
Format*

A completed application shall consist of, at a minimum, the items set forth in 34 Administrative Code 9.1053(a)(1) and shall be provided in the formats specified in 34 Administrative Code 9.1053(a)(2).

Optional  
Requests

An applicant may include in an application:

1. A request that the district waive the applicable requirement to create new jobs. In order for a completed application to include a job waiver request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(1); or
2. A request to begin the qualifying time period on a date that is after the date that the application is approved. In order for a completed application to include a qualifying time period deferral request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(2).

*34 TAC 9.1053(a), (b)*

*Changes*

At the request of the district or the comptroller, or with the prior approval of the district and the comptroller, the applicant may submit an application amendment or application supplement at any time after the submission of the initial application. In order to be consid-

ered as part of the application, the application amendment or supplement shall:

1. Be submitted in the same form or schedule and manner as the information was initially submitted or should have been initially submitted;
2. Include a date for the submission and a sequential number identifying the number of submissions made by the applicant;
3. Have the signature of the authorized representative(s) by which the applicant confirms and attests to the truth and accuracy of the information submitted in the application amendment or supplement, as applicable, to the best knowledge and belief of the applicant and its representative(s); and
4. Be submitted before the 120th day after the application was accepted by the district or within another time period as provided in writing by the comptroller.

*34 TAC 9.1053(c)*

If a district receives an amended application or a supplemental application from an applicant after the district has prepared or sent written notice that the applicant has submitted a completed application, the district shall either:

1. Reject the amended application, supplemental application, or application, in whole or in part, and discontinue consideration of any submission by the applicant;
2. With the written concurrence of the comptroller, consider the completed application, as amended or supplemented, before the 151st day from the application review start date; or
3. Review the documents submitted by the applicant, issue an amended written notice of a completed application, and present the amended application to the board in the manner and time period authorized by 34 Administrative Code 9.1054(c)(5).

*34 TAC 9.1054(e)* [See Acting on Completed Application, below]

Confidential  
Business  
Information

Information provided to a district in connection with an application for a limitation on appraised value that describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application shall be segregated in the application from other information in the application and is confidential and not subject to public disclosure unless the board approves the application. Other information in the custody of a district or the comptroller in



connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Tax Code Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, may not be considered confidential business information if the board agrees to consider the application. Information in the custody of a district or the comptroller if the board approves the application is not confidential under this provision. *Tax Code 313.028; 34 TAC 9.1055(a)(1)–(4)*

At the time that the applicant submits its application, application amendment, or application supplement, the applicant may request that all or parts of such document not be posted on the internet and not otherwise be publicly released. In order to make such request, the applicant shall:

1. Submit a written request that:
  - a. Specifically lists each document or portion of document and each entry in any form prescribed by the comptroller that the applicant contends is confidential; and
  - b. Identifies specific detailed reasons stating why the applicant believes each item listed should be considered confidential and identifies any relevant legal authority in support of the request;
2. Segregate the documents which are subject to the request from the other documents submitted with the application, application amendment, or application supplement that are not subject to the request; and
3. Adequately designate the documents subject to the request as “confidential.”

*34 TAC 9.1053(e)*

Action on  
Application  
*Initial Review*

Within seven days of receipt of each document, the district shall submit to the comptroller a copy of the application and the proposed agreement between the applicant and the district. If the applicant submits an economic analysis of the proposed project, the district shall submit a copy of the analysis to the comptroller. In addition, the district shall submit to the comptroller any subsequent revision of or amendment to any of those documents within seven days of receipt. *Tax Code 313.025(a-1); 34 TAC 9.1054(b)*

*Acting on  
Completed  
Application*

If the board by official action elects to consider an application and determines that the application received is a completed application, the district shall:

1. Provide written notice to the applicant and to the comptroller, with a copy to the appraisal district, that the district has received and will be considering a completed application. The notice shall include:
  - a. The date on which the application was received;
  - b. The date on which the board elected to consider the application; and
  - c. The date on which the district determined that applicant has submitted a completed application;
2. At the time the district provides notice of a completed application, deliver to the comptroller:
  - a. A copy of the completed application including all material required by 34 Administrative Code 9.1053(a), and if applicable (b), (Entity Requesting Agreement to Limit Appraised Value); and
  - b. A request to the comptroller to provide an economic impact evaluation;
3. If the district maintains a generally accessible internet web site, provide a clear and conspicuous link on its web site to the internet web site maintained by the comptroller where substantive documents for the value limitation application for such district are posted;
4. On request of the comptroller, provide such written documents containing information requested by the comptroller as necessary for the consideration of a limitation on appraised value pursuant to Tax Code Chapter 313 within 20 days of the date of the request.

*34 TAC 9.1054(c)(1)–(4)*

*Economic Impact  
Evaluation and  
Certification*

The board is not required to consider an application for a limitation on appraised value. If the board elects to consider an application, the board shall deliver a copy of the application to the comptroller and request that the comptroller conduct an economic impact evaluation of the proposed investment. The comptroller shall conduct or contract with a third person to conduct the economic impact evaluation, which shall be completed and provided to the board, along with the comptroller's certificate or written explanation of the decision not to issue a certificate, as soon as practicable but not later than the 90th day after the date the comptroller receives the application. The board shall provide to the comptroller or to a third person contracted by the comptroller to conduct the economic im-

fact evaluation any requested information. The board shall provide a copy of the economic impact evaluation to the applicant on request. *Tax Code 313.025(b); 34 TAC 9.1055(d)*

Supplemental application information, amended application information, and additional information requested by the comptroller shall be promptly forwarded to the comptroller within 20 days of the date of the request. On request of the district or applicant, the comptroller may extend the deadline for providing additional information for a period of not more than ten working days. *34 TAC 9.1055(b)(1)(A)–(B)*

After receiving a copy of the application, the comptroller shall determine whether the property meets the requirements for eligibility for a limitation on appraised value. The comptroller shall notify the board of the comptroller's determination and provide the applicant an opportunity for a hearing before the determination becomes final. If the comptroller's determination becomes final, the comptroller is not required to provide an economic impact evaluation of the application or to submit a certificate for a limitation on appraised value of the property or a written explanation of the decision not to issue a certificate, and the board may not grant the application. *Tax Code 313.025(h), (i); 34 TAC 9.1055(b)(3), (c), (d), .1056*

*Effect on  
Instructional  
Facilities*

The comptroller shall promptly deliver a copy of the application to the Texas Education Agency (TEA). TEA shall determine the effect that the applicant's proposal will have on the number or size of the district's instructional facilities and submit a written report containing TEA's determination to the district. The board shall provide any requested information to TEA. Not later than the 45th day after the date TEA receives the application, TEA shall make the required determination and submit the written report to the board. *Tax Code 313.025(b-1)*

Fees

The board by official action shall establish reasonable nonrefundable application fees to be paid by property owners who apply to the district for a limitation on the appraised value of the person's property. The amount of an application fee must be reasonable and may not exceed the estimated cost to the district of processing and acting on an application, including any cost to the district associated with the required economic impact evaluation. *Tax Code 313.031(b); 34 TAC 9.1054(a)*

The total fee shall be paid at the time the application is submitted to the district. Any fees not accompanying the original application shall be considered supplemental payments. *34 TAC 9.1054(a)*

The comptroller may charge the applicant a fee sufficient to cover the costs of providing the economic impact evaluation. *Tax Code 313.025(b)*

*Supplemental  
Payments*

A person and the district may not enter into an agreement under which the person agrees to provide supplemental payments to a district or any other entity on behalf of a district in an amount that exceeds an amount equal to the greater of \$100 per student per year in average daily attendance or \$50,000 per year, or for a period that exceeds the period beginning with the qualifying time period and ending December 31 of the third tax year after the date the person's eligibility for a limitation under Tax Code Chapter 313 expires. This limit does not apply to amounts described below at item 4 at Contents, Required and item 1 at Contents, Optional. *Tax Code 313.027(i)*

Approval

The board shall approve or disapprove an application not later than the 150th day after the date the application is filed, unless the economic impact evaluation has not been received or an extension is agreed to by the board and the applicant. *Tax Code 313.025(b)*

The board may extend the time period to approve a completed application required only if:

1. Either:
  - a. An economic impact analysis has not been submitted to the district by the comptroller; or
  - b. By agreement with the applicant; and
2. Notice of the extension is provided to the comptroller within seven days of the decision to provide the extension.

*34 TAC 9.1054(d)*

Before approving or disapproving an application that the board elects to consider, the board must make a written finding as to any criteria considered by the comptroller in conducting the economic impact evaluation under Tax Code 313.026. The board shall deliver a copy of those findings to the applicant.

The board may approve an application only if the board finds that the information in the application is true and correct, finds that the applicant is eligible for the limitation on the appraised value of the person's qualified property, and determines that granting the application is in the best interest of the district and this state.

The board may not approve an application unless the comptroller submits to the board a certificate for a limitation on appraised value of the property.

*Tax Code 313.025(d-1), (e), (f)*

When presented a completed application for which the comptroller has submitted a certificate for a limitation, the board shall either:

1. By majority vote adopt a written resolution approving the application which shall include:
  - a. Written findings:
    - (1) As to each criterion listed in 34 Administrative Code 9.1055(d)(3)(B)–(D) (Comptroller Application Review and Agreement to Limit Appraised Value);
    - (2) As to the criteria required by Tax Code 313.025(f-1) (waiver of new jobs creation requirement) if applicable;
    - (3) That the information in the application is true and correct; and
    - (4) That the applicant is eligible for the limitation on the appraised value of the entity's qualified property;
  - b. A determination that granting the application is in the best interest of the district and this state; and
  - c. Designate and direct a representative of the board to execute the agreement for property tax limitation presented by the approved applicant that complies with 34 Administrative Code Chapter 9, Subchapter F and Tax Code Chapter 313;
2. By majority vote disapprove the application; or
3. Take no official action and the application shall be considered disapproved on the 151st day after the application review start date.

*34 TAC 9.1054(c)(5), (f)*

In determining whether to approve an application, the board is entitled to request and receive assistance from the comptroller, the Texas Economic Development and Tourism Office, the Texas Workforce Investment Council, and the Texas Workforce Commission. The Texas Economic Development and Tourism Office or its successor may recommend that a district approve an application under Tax Code Chapter 313. In determining whether to approve

an application, the board shall consider any recommendation made by the Texas Economic Development and Tourism Office or its successor. *Tax Code 313.025(c), (g)*

Continued Eligibility

In order to obtain and continue to receive a limitation on appraised value pursuant to Tax Code Chapter 313, an applicant shall:

1. Have a completed application approved by the board in compliance with 34 Administrative Code 9.1054(f) (School District Application Review and Agreement to Limit Appraised Value);
2. At least 30 days prior to the meeting at which the board is scheduled to consider the application, provide to the district and the comptroller a Texas Economic Development Act Agreement, as specified in 34 Administrative Code 9.1052(a)(6) [now 9.1052(a)(4)], with terms acceptable to the applicant;
3. If the applicant includes a combined group or members of the combined group, have the agreement executed by the authorized representative of each member of the combined group that owns a direct interest in property subject to the proposed agreement by which such members are jointly and severally liable for the performance of the stipulations, provisions, terms, and conditions of the agreement;
4. Comply with all stipulations, provisions, terms, and conditions of the agreement for a limitation on appraised value executed with the district, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313;
5. Be and remain in good standing under the laws of this state and maintain legal status as an entity;
6. Owe no delinquent taxes to the state;
7. Maintain eligibility for limitation on appraised value pursuant to Tax Code Chapter 313;
8. Provide to the district, the comptroller, and the appraisal district any change to information provided in the application, including but not limited to changes of the authorized representative(s); changes to the location and contact information for the approved applicant including all members of the combined group participating in the limitation agreement; and copies of any valid assignments of the agreement and contact information for authorized representative(s) of any assignees; and
9. Within 30 days after filing a completed application with the district, provide the comptroller with estimates of the gross tax

benefit resulting from the requested limitation on appraised value for school district maintenance and operations ad valorem tax and future revenues from the qualified property.

*34 TAC 9.1053(f)*

Agreement

No later than 20 business days after receiving an agreement for limitation on appraised value acceptable to an applicant, the comptroller:

1. Shall review the agreement for compliance with Tax Code Chapter 313 and the applicable rules (34 Administrative Code 9.1051–.1060), and consistency with the application submitted to the comptroller and as amended or supplemented;
2. May amend or withdraw the comptroller certificate for a limitation if the comptroller determines that the agreement as submitted by the applicant does not comply with Tax Code Chapter 313 or the applicable rules or that the agreement contains provisions that are not consistent with or represents information significantly different from that presented in the application as submitted to the comptroller; and
3. Provide written notification to the district of the actions taken.

*34 TAC 9.1055(e)*

The board and the property owner shall enter into a written agreement for the implementation of the limitation on appraised value on the owner's qualified property. *Tax Code 313.027(d); 34 TAC 9.1054(g), .1060*

*Limitation on  
Appraised Value*

If the person's application is approved by the board, the appraised value for district maintenance and operations ad valorem tax purposes of the person's qualified property as described in the agreement between the person and the district may not exceed the lesser of:

1. The market value of the property; or
2. Subject to the minimum limitation amount below, the amount agreed to by the board.

Minimum  
Limitation

The amount agreed to by the board must be an amount in accordance with Tax Code 313.027(b), according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.

*Tax Code 313.027(a), (b), (c)*

For a district to which Tax Code Chapter 313, Subchapter C applies, the amount agreed to by the board must be an amount in ac-

cordance with Tax Code 313.054, according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.  
*Tax Code 313.054*

*Contents*

Required

The agreement must:

1. Provide that the limitation applies for a period of ten years;
2. Specify the beginning date of the limitation, which must be January 1 of the first tax year that begins after the application date, the qualifying time period, or the date commercial operations begin at the site of the project;
3. Describe with specificity the qualified investment that the person will make on or in connection with the person's qualified property that is subject to the limitation; other property of the person that is not specifically described in the agreement is not subject to the limitation unless the board, by official action, provides that the other property is subject to the limitation;
4. Incorporate each relevant provision of Tax Code Chapter 313, Subchapter B, and, to the extent necessary, include provisions for the protection of future district revenues through the adjustment of the minimum valuations, the payment of revenue offsets, and other mechanisms agreed to by the property owner and the district;
5. Require the property owner to maintain a viable presence in the district for at least five years after the date the limitation on appraised value of the owner's property expires;
6. Provide for the termination of the agreement, the recapture of ad valorem tax revenue lost as a result of the agreement if the owner of the property fails to comply with the terms of the agreement, and payment of a penalty or interest, or both, on that recaptured ad valorem tax revenue;
7. Specify the ad valorem tax years covered by the agreement;
8. Be in a form approved by the comptroller; and
9. Disclose any consideration promised in conjunction with the application and the limitation.

*Tax Code 313.027(a-1), (e), (f), (j)*

Optional

The agreement may:

1. Provide that the property owner will protect the district in the event the district incurs extraordinary education-related expenses related to the project that are not directly funded in



state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment attributable to the project.

2. Specify any conditions the occurrence of which will require the district and the property owner to renegotiate all or any part of the agreement.
3. Provide for a deferral of the date on which the qualifying time period for the project is to commence or, subsequent to the date the agreement is entered into, be amended to provide for such a deferral. The agreement may not provide for the deferral of the date on which the qualifying time period is to commence to a date later than January 1 of the fourth tax year that begins after the date the application is approved except that if the agreement is one of a series of agreements related to the same project, the agreement may provide for the deferral of the date on which the qualifying time period is to commence to a date not later than January 1 of the sixth tax year that begins after the date the application is approved.

*Tax Code 313.027(f), (h)*

If an agreement for limitation on appraised value includes a provision in which the qualifying time period starts more than one year after the date that the application is approved, no earlier than 180 days and no later than 90 days prior to the start of the deferred qualifying time period:

1. The district shall provide the comptroller:
  - a. Copies of any documents or other information received from the applicant; and
  - b. After reviewing documents and information provided by the applicant, either:
    - (1) A written acknowledgment of receiving the application amendment or supplement; or
    - (2) A statement that no such amendment or supplement has been submitted; and
2. If the comptroller provides:
  - a. A comptroller certificate for a limitation with conditions different from the existing agreement, the board shall hold a meeting and determine whether to amend the agreement to include the conditions required by the comptroller or terminate the agreement; or

- b. A written explanation of the comptroller's decision not to re-issue a certificate, the district shall terminate the agreement.

*34 TAC 9.1054(h), .1055(g)*

Compliance and  
Enforcement

The district shall provide to the comptroller any documents that reasonably appear to be substantive documents, and, within seven days of executing the agreement, a copy of the executed agreement and any attachments thereto. The district shall provide a copy of the executed agreement to the appraisal district.

The district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement for limitation of the appraised value, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313. To determine and obtain compliance with each agreement, for each calendar year during the term of the agreement the district shall require the approved applicant to submit:

1. Either the information necessary to complete the annual eligibility report, or a completed annual eligibility report;
2. A completed job creation compliance report (Form 50-825); and
3. Any information required by the state auditor office or its designee.

*34 TAC 9.1054(i)*

Disclosure of  
Appraised Value  
Limitation  
Information

If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Tax Code 313.0265(c)*

Accessibility of  
Documents

Any documents submitted in an electronic format (including searchable pdfs) to the comptroller must comply with the accessibility standards and specifications described in 1 Administrative Code Chapters 206 and 213. *34 TAC 9.1055(a)(5)*

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**Note:** The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022.

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value.

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**Texas Economic Development Act**

Purpose

These provisions outline the District’s procedures for accepting, reviewing, and considering applications and amendments to applications, and, when necessary, enforcing agreements under the Texas Economic Development Act (the Act), as set forth in Tax Code Chapter 313. [See CCGB(LEGAL)]

Definitions

In addition to the definitions set out in CCGB(LEGAL), the following definitions apply in this policy:

“Application review period” means the period during which the Board will consider and act on an application. The application review period begins on the application review start date and ends on the 151st day thereafter, unless the application review period is extended by Board action prior to the expiration date.

“Appraisal district” means each county appraisal district that appraises property that is the subject of an application.

“Large project application” means an application for which the qualified investment exceeds \$300,000,000.

**Filing an Application**

In the form and formats required by the comptroller, an applicant shall file with the Superintendent the original and copies of the completed application along with a searchable electronic copy certified to contain information identical to the original hard copy. [See CCGB(LEGAL) at Required Contents and Format]

The Superintendent shall hold any incomplete applications or applications submitted without the full application fee until the application is properly completed and the application fee is paid. The Superintendent’s determination of whether an application is complete shall be final.

Confidentiality of Applicant Information

If the Board decides to consider an application, information provided in connection with an application will not be considered confidential except as allowed by law. [See CCGB(LEGAL) at Confidential Business Information]

Amending an  
Application

An applicant may seek to amend an application at any time prior to final Board action on the application. If an amended application is filed within 60 days of the end of the application review period, the application review period shall be extended automatically to the 61st day after the date on which the last amended application is filed, unless the Board takes action to extend the application review period otherwise.

The Superintendent shall review and forward to the comptroller any amended application or supplemental information on receipt.

Standard  
Application Fee

An applicant shall pay a standard application fee of \$75,000 to the District to cover the District's costs in processing and considering the application. This fee is nonrefundable except as set forth in this policy:

1. For large project fees after the initial fee submission; or
2. If the application is rejected after an initial Board review.

The standard application fee does not include any amount charged by the comptroller to the applicant for the comptroller's economic impact evaluation.

*Large Project  
Application Fee*

For a large project application, the Board may set an application fee higher than the standard application fee if the analysis or evaluation of the application warrants a higher fee. In this case, the applicant shall initially submit the standard application fee. If the Board sets a higher fee, the applicant may withdraw its application and any fee submitted if the applicant disagrees with the higher fee.

**Processing an  
Application**

Before Initial Board  
Review

Upon receipt of an application and application fee, the Superintendent shall:

1. Send the applicant written confirmation of receipt of the application and application fee.
2. Review the application and, as necessary, require the applicant to submit additional and/or supplementary information, including all required schedules.
3. Within seven days of receipt of a completed application, submit the application to the comptroller, together with any economic analysis of the proposed project submitted by the applicant.
4. Obtain necessary conflict of interest disclosures. [See BBFA(LEGAL)]

- Initial Board Review** As soon as practical after an application is filed, the Board shall conduct an initial review of the application during which the Board may consider the Superintendent's recommendation and written or oral presentations concerning the application.
- If, after the initial review, the Board determines that the application is not in the best interests of the District, the Board shall reject the application and return to the applicant the application fee, less any necessary and reasonable costs of the initial review.
- If the Board accepts a large project application for further consideration, the Board may set an appropriate fee in accordance with this policy.
- After Initial Board Review** If the Board elects to consider the completed application, the Superintendent shall:
1. Deposit the application fee and provide required written notice to the applicant and comptroller, with a copy to the appraisal district, that the District has received and will consider the completed application;
  2. Deliver to the comptroller a copy of the application and required material along with a request for an economic impact evaluation;
  3. Accept on behalf of the Board any amendments or supplements submitted by the applicant, and transmit copies to the comptroller within seven days of receipt;
  4. Direct appropriate District personnel to create a link from the District's website to the location on the comptroller's website where copies of applications are posted;
  5. Within the time allowed by law, provide all required supplemental information necessary to assist the comptroller and the Texas Education Agency (TEA) with the required analyses;
  6. On receipt, provide the applicant and District consultants with a copy of the economic impact evaluation and the school facilities impact analysis;
  7. Work with the applicant and District consultants to provide the District and the comptroller with copies of the proposed agreement in a timely manner [see CCGB(LEGAL) at Continued Eligibility];
  8. Take all action necessary or required to process the application;

9. Not later than 151 days after the application review start date, present to the Board an agreement for final approval or a request for extension of the application review period;
10. If an extension of the application review period is requested, report each such request to the comptroller within seven days of the decision to grant the extension; and
11. After Board action on the application, if any, transmit all necessary and required information to the comptroller, the applicant, and the appraisal district.

District Consultants On retention by the Board, District consultants, including legal counsel, shall review the application to ensure it includes all required information. District consultants shall also begin an analysis of the application, consider any legal implications of the application, draft and negotiate an appropriate revenue protection agreement, and evaluate the analyses from the comptroller and TEA on receipt.

District consultants shall be paid for services from the application fee and shall complete their analyses in time to assist the Board, as appropriate, in its initial review or final determination on the application.

**Board Action on Application**

Completed applications may be considered for approval by the Board only after completion of the economic impact evaluation and the school facilities impact analysis and receipt of the comptroller's certification, as required by the Act.

Public Hearing

The Board's final determination on an application shall be made after a public hearing at which the Superintendent, District consultants, the applicant, and members of the public may provide input and information concerning the proposed application. The comptroller's certification shall be disclosed at the public hearing.

The public hearing shall be held at a time that allows the Board to approve or disapprove an application before the expiration of the application review period, unless the deadline has been extended.

Findings of Fact

After the public hearing, the Board shall make specific written findings as required by law. [See CCGB(LEGAL) at Approval]

Adoption of Agreement

After considering the comptroller's certification, the economic impact evaluation, the school facilities impact analysis, information from District consultants, and any other relevant information, the Board may approve the application and enter into an agreement that complies with all legal requirements. [See CCGB(LEGAL) at Agreement] The Board shall also consider and adopt an agreement with the applicant to provide protection from or compensation

for any financial risks undertaken by the District in accepting the application.

Waiver of Jobs  
Requirement

The Board may waive the new jobs creation requirement in accordance with the law. [See CCGB(LEGAL) at Waiver of New Jobs Creation Requirement] If an applicant makes a waiver request subsequent to the original application, the Board may charge the applicant a fee to cover the costs of any consultant required by the Board in making the requisite finding.

**Superintendent  
Responsibilities  
After Agreement**

During the term of any agreement, the Superintendent shall ensure that all reporting requirements are met in a timely manner by the District and the applicant. The Superintendent is authorized to delegate this function to District consultants.

**Statements  
Regarding Conflicts  
of Interest**

Each Board member and any District employee who is a local government official under Local Government Code Chapter 176 shall submit a conflict of interest statement confirming or denying the existence of a conflict of interest or a substantial business interest in each project that is the subject of an application, agreement, or amendment to an agreement with the District. Within 60 days after each Board election or the appointment of a Board member, each new Board member shall complete a statement. The completed statements shall be retained by the District with each affected application or agreement. If a conflict or substantial interest exists, the appropriate disclosure forms shall be completed and filed as required by law. [See BBFA(LEGAL)]





**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be \$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.



PURCHASING AND ACQUISITION

CH  
(LEGAL)

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**Note:** For legal requirements applicable to purchases with federal funds, see CBB.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

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

For legal requirements related to energy savings performance contracts, see CL.

For information on procuring school buses, see CNB.

For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA.

For information regarding construction of school facilities, see CV series.

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**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, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district 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.

*Disaster Delegation*

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

*Education Code 44.0312*

**Purchases Valued at or Above \$50,000**

Methods

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. A method provided by Government Code Chapter 2269 for construction services [see CV series];
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 (purchase of electricity).

*Education Code 44.031(a)*

*Exceptions*

Emergency  
Damage or  
Destruction

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

Sole Source

Without complying with Education Code 44.031(a) above, a district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of the existence 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 exceptions above do 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)*

*Competitive Bidding*

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Contract Selection Factors, below].

Except as provided below, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts) does not apply to a competitive bidding process under this policy.

Local Government Code Sections 271.026 (Opening of Bids), 271.027(a) (Award of Contract), and 271.0275 (Safety Record of Bidder Considered) apply to a competitive bidding process under Education Code Chapter 44, Subchapter B. [See CVA for these requirements.]

*Education Code 44.0351*

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

*Competitive Sealed Proposals*

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a district shall follow the procedures prescribed below.

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

*Education Code 44.0352*

*Interlocal  
Contracts*

“Interlocal contract” means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A district may agree with another local government and with the state or a state agency, including the comptroller, to purchase goods and services. *Gov’t Code 791.003(2), .011(a), .025(a)*

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must 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. An interlocal contract may be renewed. Notwithstanding item 2 above, an interlocal contract may have a specified term of years.

*Gov’t Code 791.011(d)–(f), (i)*

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or maintenance of the goods. This provision does not apply to ser-

vices provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

A district that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of the goods and services. *Gov't Code 791.025(c); Atty. Gen. Op. JC-37 (1999)*

*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)*

Site-Based  
Purchasing

If a purchase is made at the campus level in a district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Education Code Subchapter F, Chapter 11 [see BQ series], that delegates purchasing decisions to the campus level, Education Code 44.031 applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this provision shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Education Code 44.031(a). *Education Code 44.031(m)*

**Contract Selection  
Factors**

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or 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 and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

*Education Code 44.031(b)*

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

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.)

Preferences  
*Agricultural  
Products*

A district that purchases agricultural products shall give preference to those produced, processed, or grown in Texas if the cost to the district is equal and the quality is equal. If agricultural products produced, processed, or grown in Texas are not equal in cost and quality to other products, the district shall give preference to agricultural products produced, processed, or grown in other states of the United States, if the cost and quality of the U.S. and foreign products are equal.

"Agricultural products" includes textiles and other similar products.

“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.

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

Vegetation for  
Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

*Education Code 44.042*

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

*Recycled  
Products*

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *30 TAC 328.203*

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. *30 TAC 328.204(a)*

A district regularly shall review and revise its procurement procedures and specifications for the 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; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

*Health and Safety Code 361.426(b)–(c)*

*Bidder's Place of Business*

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

**Notice Publication**

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

**Electronic Bids or Proposals**

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

*Education Code 44.0313*

**Right to Work**

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

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

*Education Code 44.043*

**Contract with Person  
Indebted to District**

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to 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.

“Person” includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the district requiring approval by the board.

*Education Code 44.044*

**Out-of-State Bidders**

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov’t Code 2252.002*

This requirement does not apply to a contract involving federal funds. A district shall use the information published by the comptroller under Government Code 2252.003 (Publication of Other State’s Laws on Contracts) to evaluate the bid of a nonresident bidder. A district may rely on information published under Government Code 2252.003 to meet the requirements of Government Code 2252.002. *Gov’t Code 2252.003–.004*

“Governmental contract” means a contract awarded by a governmental entity, including a public school district, for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

“Resident bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

*Gov’t Code 2252.001*

**Professional  
Services**

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A district may, at its option, contract for professional services rendered

by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003 (Professional Services Procurement Act) (see below), in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Professional  
Services  
Procurement Act  
*Selection*

A district may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.003(a)*

*Definition*

“Professional services” means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, registered nurse, or a forensic analyst or forensic science expert; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

*Gov't Code 2254.002*

[For specific information on procuring architectural or engineering services, see CV. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee  
Contract for Legal  
Services

“Contingent fee contract” means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action. *Gov't Code 2254.101(2)*

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compen-

sate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

*Gov't Code 2254.102*

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code 2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

In procuring legal services under a contingent fee contract, a district shall:

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

*Gov't Code 2254.1032*

**Specific Purchases**

Computers

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

Automated  
Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.222* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

PURCHASING AND ACQUISITION

CH  
(LEGAL)

Automated External Defibrillators      A district that purchases or leases an automated external defibrillator (AED), as defined by Health and Safety Code 779.001, shall ensure that the AED meets standards established by the federal Food and Drug Administration. *Education Code 44.047(a)*

Insurance      A contract for the purchase of insurance is not a contract for professional services. A district must award such a contract using one of the methods in Education Code 44.031. *Atty. Gen. Op. DM-418 (1996)*

*Multiyear Contracts*      A district may execute an insurance contract for a period longer than 12 months, if the contract complies with Local Government Code 271.903(a) [see Commitment of Current Revenue, below]. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

**Other Purchasing Methods**

State Purchasing Program      The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible.
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government.
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

*Local Gov't Code 271.082*

*District Participation*      A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, and to the extent the comptroller deems feasible, and stating that the district will:

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, and that the board will direct the decisions of the representative;

2. Be responsible for:
  - a. Submitting requisitions to the comptroller under any contract; or
  - b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor;
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies any state law requiring the district to seek competitive bids for the purchase of the item.

*Local Gov't Code 271.083*

Multiple Award  
Contract Schedule

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state. *Gov't Code 2155.502(a)*

A district may purchase goods or services directly from a vendor under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I. A district contracting for the purchase of an automated information system under a contract listed on a schedule shall comply with Government Code 2157.068(e-1) (Purchase of Information Technology Commodity Items) [see Automated Information System, above]. A purchase authorized by this provision satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I.

*Gov't Code 2155.504*

Cooperative  
Purchasing  
Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign



an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or 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 to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

A district that purchases goods or services under these provisions satisfies any state law requiring the district to seek competitive bids for the purchase of the goods or services.

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

*Cooperative  
Purchasing  
Contract Fees*

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document a contract-related fee, including a management fee, paid by or to the district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

*Education Code 44.0331*

**Commitment of  
Current Revenue**

If a contract for the acquisition, including lease, of real or personal property retains to the board the continuing right to terminate at the expiration of each budget period during the term of the contract, is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of a district's current revenue only. *Local Gov't Code 271.903*

**Change Orders**

For provisions regarding change orders, see CV.

**Criminal Offenses**

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

“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, made over a period, of items that in normal purchasing practices would be made in one purchase.

*Education Code 44.032(a)–(b)*

An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from  
Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

**Injunction**

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, dis-

trict 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 provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*



To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

All school resource officers shall receive at least the minimum amount of education and training required by law.



**Reduction of Energy Consumption**

The board shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan. The plan must include:

1. Strategies for achieving energy efficiency that:
  - a. Result in net savings for the district; or
  - b. Can be achieved without financial cost to the district; and
2. For each strategy identified above, the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy.

A strategy for achieving energy efficiency includes facility design and construction.

In determining whether a strategy may result in financial cost to the district, the board shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy.

The board may submit the plan to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

*Education Code 44.902*

**Energy Savings Performance Contracts**

"Energy savings performance contract" has the meaning assigned by Local Government Code 302.001.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. An energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

Government Code Chapter 2269 (Contracting and Delivery Procedures for Construction Projects) does not apply to energy savings performance contracts.

**Performance Bond** Before entering an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond relating to the installation of the measures in accordance with Government Code Chapter 2253 (Public Work Performance and Payment Bonds). The board may also require a separate bond to cover the value of the guaranteed savings on the contract.

**Financing** An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing.
2. With the proceeds of bonds.
3. Under a contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures under these provisions, and the board is not required to pay for such costs solely out of the savings realized by the district under an energy savings performance contract. The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the district under the contract. If the term of an energy savings performance contract exceeds one year, the district's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures as determined by the district, divided by the number of years in the contract term.



Contract  
Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004 (the Professional Services Procurement Act). [See CH] Notice of the request for qualifications shall be published in the manner provided for competitive bidding.

Cost Savings  
Review

Before entering into an energy savings performance contract, the board must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. Occupations Code 1001.053 and 1001.407 (Texas Engineering Practice Act) apply to work performed under the contract.

*Education Code 44.901*

**Recycling Program**

A district shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the district's operations.
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials.
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
4. Establish educational and incentive programs to encourage maximum employee participation.

*Health and Safety Code 361.425; 30 TAC 328.202*

Exemptions

These provisions do not apply to a school district with a student enrollment of less than 10,000 students.

A district may exclude one or more recyclable materials from their program if the Texas Commission on Environmental Quality (TCEQ) finds that:

1. A recycling program for a recyclable material is not available through their solid waste provider; or
2. The inclusion of a recyclable material would create a hardship.

A district may request additional consideration from TCEQ if compliance with these provisions would create a hardship.

*30 TAC 328.204*

Definitions

“Hardship” means a circumstance that causes unreasonable burden on the governmental entity.

“Recyclable material” means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

*30 TAC 328.201(2), (3)*

**Pools**

Generally

For required public pool sanitation and safety standards, see Health and Safety Code 341.064 and .0645 and 25 Administrative Code 265.181–.198.

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. Section 8003. “Public pool and spa” means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

**Safety Rules**

The board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out Education Code Chapter 37, Subchapter D (Protection of Buildings and Grounds) and the governance of the district, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

**Identification and Right to Reject**

Identification may be required of any person on school property. A school administrator, school resource officer, or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. *Education Code 37.105(a), (b)* [See GKA]

**Human Trafficking Warning Signs**

Each school shall post warning signs of the increased penalties for trafficking of persons under Penal Code 20A.02(b-1)(2) at the following locations:

1. Parallel to and along the exterior boundaries of the school's premises;
2. At each roadway or way of access to the premises;
3. For premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
4. At each entrance to the premises and building; and
5. At conspicuous places reasonably likely to be viewed by all persons entering the premises.

*Education Code 37.086(b); 19 TAC 61.1053(b)*

Each warning sign must:

1. Describe the offense of trafficking in persons as provided under Penal Code 20A.02(a). The sign must emphasize that an offense under Penal Code 20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:
  - a. On the premises of or within 1,000 feet of the premises of a school; or
  - b. On premises or within 1,000 feet of premises where:
    - (1) An official school function was taking place; or
    - (2) An event sponsored or sanctioned by the University Interscholastic League was taking place;

2. Be written in English and Spanish;
3. Be at least 8.5 by 11 inches in size; and
4. Be properly maintained to ensure readability and protection from the elements for outdoor signs.

*Education Code 37.086(c); 19 TAC 61.1053(c)*

“School” means a public or private primary or secondary school.  
“Premises” means real property and all buildings and appurtenances pertaining to the real property. *Education Code 37.086(a); 19 TAC 61.1053(a); Health and Safety Code 481.134*

<b>Buildings</b>	A school building must be located on grounds that are well-drained and maintained in a sanitary condition. A school building must be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, handwashing facilities, a heating system, and lighting facilities that conform to established standards of good public health engineering practices.
<b>Lunchrooms</b>	A school lunchroom must comply with state food and drug regulations.
<b>Custodial Services</b>	A school building and its appurtenances shall be maintained in a sanitary manner. A full-time building custodian or janitor shall know the fundamentals of safety and school sanitation.  <i>Health and Safety Code 341.065</i>
<b>Structural Pest Control</b>	A district may obtain pest control services for school buildings only by: <ol style="list-style-type: none"><li>1. Contracting with a person who holds a license to perform the services; or</li><li>2. Requiring a district employee who is licensed as a certified noncommercial applicator or technician to perform the services.</li></ol> <i>Occupations Code 1951.459</i>
<b>Integrated Pest Management Program</b>	Each district shall establish, implement, and maintain an integrated pest management (IPM) program. An IPM program is a regular set of procedures for preventing and managing pest problems using an integrated pest management strategy. The school district is responsible for each IPM coordinator's compliance with the regulations in 4 Administrative Code 7.201–.205 (Division 7). <i>Occupations Code 1951.212; 4 TAC 7.201</i>
Definitions	“Integrated pest management” means a pest management strategy that relies on multiple pest control tactics, including the judicious use of pesticides, informed by accurate identification and scientific knowledge of pests, reliable monitoring methods to assess pest presence, preventative measures to avoid pest infestations, and thresholds to determine when corrective control measures are needed. <i>4 TAC 7.114(13)</i>  “Area of common access” means an area that an individual is likely to be present in or at on a regular basis, such as a building entranceway, mailboxes, laundry rooms, beverage machines, building bulletin boards, hallways, etc. <i>4 TAC 7.114(3)</i>

IPM Program  
Requirements

The IPM program shall contain these essential elements:

1. A board-approved IPM policy, stating the district's commitment to follow integrated pest management guidelines in all pest control activities that take place on district property. The IPM policy statement shall include:
  - a. A definition of IPM consistent with this section;
  - b. A reference to Texas laws and rules governing pesticide use and IPM in public schools;
  - c. Information about who can apply pesticides on school district property; and
  - d. Information about designating, registering, and required training for the district's IPM coordinator. The superintendent and IPM coordinator shall maintain a copy of the policy.
2. A monitoring program to determine when pests are present and when pest problems are severe enough to justify corrective action;
3. The preferential use of lower risk pesticides and the use of non-chemical management strategies to control pests, rodents, insects, and weeds;
4. A system for keeping records of facility inspection reports, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints;
5. A plan for educating and informing district employees about their roles in the IPM program; and
6. Written guidelines that identify thresholds for when pest control actions are justified.

*4 TAC 7.201(1)*

IPM Coordinator

The superintendent shall appoint an IPM coordinator to implement the district's IPM program. Not later than 90 days after the superintendent designates or replaces an IPM coordinator, the district must report to the Texas Department of Agriculture (TDA) the newly appointed coordinator's name, address, telephone number, e-mail address and the effective date of the appointment. A district that appoints more than one IPM coordinator shall designate a responsible IPM coordinator who will have overall responsibility for the IPM program and provide oversight of subordinate IPM coordinators regarding IPM program decisions. When a district removes an IPM coordinator, the departing IPM coordinator, superintendent,

or superintendent's designee must notify TDA of the removal within ten days in writing. A district may not be without an IPM coordinator for more than 30 days. *Occupations Code 1951.212(e); 4 TAC 7.201(2)*

*Training*

The IPM coordinator shall:

1. Successfully complete a TDA-approved IPM coordinator training course within six months of appointment; and
2. Obtain at least six hours of TDA-approved IPM continuing education units every three years in accordance with the requirements of 4 Administrative Code 7.202.

*Occupations Code 1951.212(f); 4 TAC 7.202*

*Duties*

In addition to implementing the district's IPM program, the IPM coordinator shall oversee and be responsible for:

1. Coordination of pest management personnel, ensuring that all school employees who perform pest control, including those employees authorized to perform incidental use applications, have the necessary training, are equipped with the appropriate personal protective equipment, and have the necessary licenses for their pest management responsibilities;
2. Ensuring that all IPM program records, including incidental use training records, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints are maintained for a period of two years and are made available to a TDA inspector upon request;
3. Working with district administrators to ensure that all pest control proposal specifications for outside contractors are compatible with IPM principles, and that contractors work under the guidelines of the district's IPM policy;
4. Ensuring that all pesticides used on district property are in compliance with the district's IPM program and that current pesticide labels and safety data sheets (SDS) are available for interested individuals upon request;
5. Overseeing and implementing that portion of the plan that ensures that district administrators and relevant district personnel are provided opportunities to be informed and educated about their roles in the IPM program, reporting, and notification procedures;
6. Ensuring that pesticide applications, including the approval of emergency applications at buildings and on district grounds, are conducted in accordance with Division 7; and

7. Maintaining a current copy of the school district's IPM policy and making it available to a TDA inspector upon request.

*4 TAC 7.202(d)*

Licensed Applicator

A district that engages in pest control activities must employ or contract with a licensed applicator, who may, if an employee, also serve as the IPM coordinator. *4 TAC 7.201(3)*

The certified commercial or noncommercial certified applicator or licensed technician shall:

1. Apply only United States Environmental Protection Agency (EPA) labeled pesticides, appropriate for the target pest, except as provided in Division 7;
2. Provide the structural pest management needs of the district by following the district's IPM program and these regulations;
3. Obtain written approval from the IPM coordinator for the use of pesticides in accordance with Division 7;
4. Handle and forward to the IPM coordinator records of IPM activities, any complaints relating to pest problems, and pesticide use;
5. Ensure that pesticide use records are forwarded to the IPM coordinator within two business days or in a time frame as agreed to by the IPM coordinator;
6. Consult with the IPM coordinator concerning the use of control measures in buildings and grounds, including residential properties; and
7. Ensure that all pest control activities are consistent with the district's IPM program and IPM policy.

*4 TAC 7.203*

Notice

A district shall prior to or by the first week of school attendance, ensure that a procedure is in place to provide prior notification of pesticide applications in accordance with 4 Administrative Code Chapter 7. Individuals who request in writing to be notified of pesticide applications may be notified by telephonic, written, or electronic methods. *4 TAC 7.201(4)*

The chief administrator, IPM coordinator, or building manager must notify individuals who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the individuals



are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Making available, on request, the consumer information sheet made available by the certified applicator or technician.

*Occupations Code 1951.455(a); 4 TAC 7.146(c), .147(e), .148(b)*

Chief administrators or the IPM coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See FD]

*Emergency  
Exception*

The pre-notification requirements of 4 Administrative Code 7.146–.148 are waived if the customer and certified applicator sign a statement attesting to the fact that an emergency exists which requires immediate treatment. If such an emergency exists, the consumer information sheet must be made available by the licensee. The statement must be kept on file with the pest control use records. If the customer is not available to sign a statement at the time of treatment, that shall be recorded in the use records along with the customer's name and telephone number. An emergency is defined as an imminent hazard to health. An emergency treatment is limited to the localized area of the emergency. *4 TAC 7.147(g), .148(d)*

Pesticide Use

All pesticides used by districts must be registered with the EPA and the TDA, with the exception of those pesticides that have been exempted from registration by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 25(b). All pesticides used by districts must also bear a label as required by FIFRA and Chapter 76 of the Texas Agriculture Code. Pesticide use must also meet the following requirements:

1. Pest control signs shall be posted at least 48 hours prior to a pesticide application inside district buildings, including residential properties, as provided for under 4 Administrative Code 7.148.
2. For outdoor applications made on district grounds, including residential properties, the treated area must be identified at all entry points with a sign, or must be secured using a locking device, a fence or other practical barrier such as commercially available barrier caution tape, or periodically monitored to

keep students out of the treated area until the allowed reentry time.

3. Pesticides used on district property shall be mixed outside of student occupied areas of buildings and grounds.
4. The use of non-pesticide control measures, non-pesticide monitoring tools and mechanical devices, such as glue boards and traps as permitted in accordance with Division 7, are exempt from posting requirements. The use of non-pesticide tools and devices by unlicensed district personnel, for monitoring purposes, shall be permitted. Monitoring by unlicensed district personnel shall be done only as directed, under the supervision of the IPM coordinator.
5. Pesticide applications shall not be made to outdoor school grounds if such an application will expose students to physical drift of pesticide spray particles. Reasonable preventative measures shall be taken to avoid the potential of drift to occur.
6. Districts are allowed to apply the pesticides to control pests, rodents, insects, and weeds at school buildings, grounds, or other facilities in accordance with the approval for use and restrictions listed for each category detailed in 4 Administrative Code 7.204(6).

#### *4 TAC 7.204*

#### Incidental Use

The Incidental Use For Schools Fact Sheet must contain the text specified in 4 Administrative Code 7.205 and must be provided during pesticide instruction and training by the IPM coordinator to each district employee whose primary duty is not pest control, and whose work may include tasks subject to the exception. The IPM coordinator must keep records of all the training conducted annually. Pest control use records for all incidental pesticide use application, including the reason for application and justification for emergency, must be maintained by the IPM coordinator for two years. *4 TAC 7.205*

#### Inspections

School districts will be inspected at least once every five years. TDA may waive these requirements due to TDA staff availability, budgetary constraints, inspection trends, or operational efficiencies. School districts demonstrating a lack of compliance with TDA rules may be inspected more frequently based on risk using the following elements of consideration: prior violations, prior inspection results, and prior complaints. *4 TAC 7.149*

**Integrated Pest  
Management  
Program**

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time  
Frame

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

No Unauthorized  
Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.



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**Note:** For provisions regarding selection and adoption of instructional materials, see EFA.

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**Instructional  
Materials and  
Technology**

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)-(b)*

**Allotment**

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

**No Appeal**

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

**Delayed Publisher  
Payment Option**

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and

will prioritize payment for requisitions under this provision over reimbursement of purchases made directly by a district.

*19 TAC 66.1312(a)–(e)*

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. *Education Code 31.0215(d)*

Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. *19 TAC 66.1312(f); Education Code 31.0215(d)*

Government Code Chapter 2251 (payments for goods and services) does not apply to requisitions under this provision. *Education Code 31.0215(e); 19 TAC 66.1312(g)*

Allotment  
Adjustment  
*Change in  
Enrollment*

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

*High Enrollment  
Growth*

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

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1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional allotment funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual allotment funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

*19 TAC 66.1309*

Permitted  
Expenditures

Each district's allotment funds must be expended according to the following priorities established in Education Code 31.0211:

1. First, instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Education Code 28.002; and
2. Then, any other instructional materials or allowed technological equipment.

Maintaining the priorities above, the allotment funds may be used to pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;

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8. Supplemental instructional materials, as provided by Education Code 31.035;
9. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
11. Activities related to the local review and adoption of instructional materials;
12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials;
13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;
14. Providing access to technological equipment for instructional use;
15. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;
16. Inventory software or systems for storing, managing, and accessing instructional materials;
17. Software for analyzing the use and effectiveness of instructional materials;
18. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;
19. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment to ensure internet access; and
20. Training for personnel in the electronic administration of assessment instruments.

The allotment funds may not be used to pay for:

1. Services for installation;
2. The physical conduit that transmits data such as cabling and wiring or electricity, except to the extent allotment funds are



necessary to pay for allowable expenses under items 18 and 19, above;

3. Office and school supplies;
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
5. Travel expenses; or
6. Equipment used for moving or storing instructional materials.

*19 TAC 66.1307(e)–(g); Education Code 31.0211(c)*

*Technological  
Equipment*

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and
2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

*19 TAC 66.1307(l); Education Code 31.0211(d-1)*

Certification of  
Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

**Instructional  
Materials and  
Technology Account**

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

*Education Code 31.0212*

**Access to Allotment**

The allotment for each biennium will be made available for district use through the state’s online instructional material ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
  - a. The district has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
  - b. The district has used its allotment for only allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of the state ordering system for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in the state ordering system.

*19 TAC 66.1307(h)–(j)*

**Online Requisition System**

The commissioner shall maintain an online requisition system for districts to requisition instructional materials to be purchased with the district’s allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

**Requisitions, Use, and Distribution**

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental  
Instructional  
Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open  
Education Resource  
Instructional  
Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

*Education Code 31.103(d)*

**Employee Training**

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

**Special Instructional  
Materials**

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

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For Teachers

Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents

Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

*19 TAC 66.1311(a)–(d), (h), (j)*

**Bilingual  
Instructional  
Materials**

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

**Certification of  
Instructional  
Materials**

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;
5. Instructional materials developed or purchased by the district; and
6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

Each district shall certify, in a format approved by the commissioner, that the district protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 U.S.C. 254(h)(5)(B) and (C). [See CQ]

The certifications shall be ratified by the board in a public, noticed meeting.

*Education Code 31.004; 19 TAC 66.105*

#### **Ownership**

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

*Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)*

#### **Responsibility for Instructional Materials and Equipment**

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the

student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

*Education Code 31.104(d), (e), (h); 19 TAC 66.107(c)* [See also EF]

Acceptable  
Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

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1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

*19 TAC 66.1310*

Lost or Damaged  
Instructional  
Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

**Sale or Disposal**

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

*Use of Proceeds*

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

*Education Code 31.105*

**Annual Inventory**

A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

**Local Handling  
Expenses**

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*





**Safety Standards**

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002; Transp. Code 547.102; 37 TAC 14.51–.52*

**Student Safety**  
Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
  - a. On the floor of the bus, or
  - b. In any location on the bus that is not designed as a seat.

*Transp. Code 545.426*

**Seat Belts**  
*Required on Buses*

A bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus purchased by a school district that is a model year 2017 or earlier; or
2. A bus purchased by a school district that is a model year 2018 or later if the board:
  - a. Determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; and
  - b. Votes to approve that determination in a public meeting.

*Transp. Code 547.701(e)*

**Student Requirement**

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

*Donations*

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

*Education Code 34.014*

Use of Warning  
Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
  - a. Food; or
  - b. Technological equipment for use by the student for educational purposes.

*Transp. Code 547.701(c), (c-1)*

**Wireless  
Communication  
Devices**

General Rule

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

*Transp. Code 545.4252*

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

**Definitions**

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

**Disruption of  
Transportation**

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

**Exhibition of Firearm**

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

**Accident Reports**

**Notice to DPS**

A district shall provide DPS written notification of any accident directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)*

Notice must be received not more than five days from the date of the accident and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the accident;
4. The city or county where the accident occurred; and

5. The investigating police agency.

*37 TAC 14.65(c)*

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Notice to TEA

A district shall report annually to TEA the number of accidents in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file the annual report to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus accidents;
2. The date each accident occurred;
3. The type of bus, as specified in 19 Administrative Code 61.1028(a), involved in each accident;
4. Whether the bus involved in each accident was equipped with seat belts and, if so, the type of seat belts;
5. The number of students and adults involved in each accident;
6. The number and types of injuries that were sustained by the bus passengers in each accident; and
7. Whether the injured passengers in each accident were wearing seat belts at the time of the accident and, if so, the type of seat belts.

A school district shall report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or
2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the accident involved a collision with a pedestrian.

*Exceptions*

A school district shall not report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the accident

occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the accident did not involve a collision with a pedestrian; or

2. The accident involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the accident.

A school district shall not report an accident that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

*Education Code 34.015(b); 19 TAC 61.1028(b)*



**Texas Department of  
Agriculture Authority**

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

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**Note:** Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

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**Program Compliance**

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of “school food authority,” see COA(LEGAL).]

**Administrative  
Review**

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

“Administrative reviews” means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program, and includes other areas of program operations determined by TDA to be important to program performance.

*7 C.F.R. 210.18*

**Appeals**

Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. *4 TAC 26.200–.207*

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**Note:** For recordkeeping and retention information, see TDA's [Food and Nutrition Division Administrator's Reference Manual](#),<sup>1</sup> Section 30, *Records Retention*.

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**School Nutrition Professional Standards**

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in *7 C.F.R. 210.30. 7 C.F.R. 210.30(b)*

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**Note:** All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. See *Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart, 7 C.F.R. 210.30(b)(2)*.

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**Exempt Fundraisers**

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in *7 C.F.R. Parts 210 and 220* as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

*4 TAC 26.1*

**Unpaid Meal Charges**

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:



- a. Accumulating a negative balance on the student's card or account; or
  - b. Otherwise receiving an extension of credit from the district;
2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;
  3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and
  4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

*Education Code 33.908*

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.
2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.
3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.
4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016*, [Unpaid Meal Charges: Local Meal Charge Policies](#)<sup>2</sup> (July 8, 2016)

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

*Education Code 28.002(l-3)(2)*

### **Donation of Food**

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

*Education Code 33.907*

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<sup>1</sup> TDA's Food and Nutrition Division Administrator's Reference Manual: <https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx>

<sup>2</sup> USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies*: <https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf>

**Next Generation  
Technology**

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, robotic process automation, and artificial intelligence. *Gov't Code 2054.601*

**Children's Internet  
Protection Act**

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

Definitions

*Harmful to Minors*

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

*47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)*

*Technology  
Protection  
Measure*

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. *47 U.S.C. 254(h)(7)(I)*

Universal Service  
Discounts (E-Rate)

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

*Certifications to  
the FCC*

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to  
Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a tech-

nology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and
3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

*47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)*

With Respect to  
Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and
2. Enforcing the operation of such technology protection measure during any use of such computers.

*47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)*

*Disabling for  
Adults*

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

*Internet Safety  
Policy*

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including "hacking," and other unlawful activities by minors online;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

5. Measures designed to restrict minors' access to materials harmful to minors.

*47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)*

Public Hearing A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. *47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)*

Inappropriate for Minors A determination regarding what matter is inappropriate for minors shall be made by the board or designee. *47 U.S.C. 254(l)(2)*

*Noncompliance* A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

*47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)*

ESEA Funding No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and
2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

<i>Certification to U.S. Department of Education</i>	<p>A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.</p> <p><i>20 U.S.C. 7131</i></p>
<b>Uniform Electronic Transactions Act (UETA)</b>	<p>The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. <i>Business and Commerce Code 322.003(a)</i></p> <p>The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. <i>Business and Commerce Code 322.005(a)–(c)</i></p> <p>Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. <i>Business and Commerce Code 322.017(c)</i></p>
Records Retention	<p>If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:</p> <ol style="list-style-type: none"><li>1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and</li><li>2. Remains accessible for later reference.</li></ol> <p>A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.</p> <p><i>Business and Commerce Code 322.012(a), (f)</i></p> <p>[For more information on records management, see CPC.]</p>
Definitions	<p>"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.</p> <p>"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.</p>

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

*Business and Commerce Code 322.002(7), (8), (15)*

**Digital Signature**

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060(b)* [See 1 Administrative Code Chapter 203 for DIR rules related to management of electronic transactions and signed records.]

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

**Interception of Communications**

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).





**Information Required  
on Website**

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

*Gov't Code 2051.201*

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**Note:** See GBA regarding the confidentiality of certain board member information.

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Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

*Education Code 11.1518*

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**Note:** The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

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**Other Required  
Internet Postings**

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]
8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]
9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]
10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]
11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]
12. A district shall post an election notice required under Election Code 85.007. [See BBBA]
13. A district shall post election information under Election Code 4.009. [See BBBA]
14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
16. A district shall post election results under Election Code 65.016. [See BBBB]
17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]
18. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enroll-

- ment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]
19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]
  20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
  21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]
  22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]
  23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]
  24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]
  25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]
  26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]
  27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
  28. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]
  29. A district shall include on the home page of its website the prescribed statement if the district increases the amount of

- taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]
30. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]
  31. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
  32. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]
  33. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]
  34. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]
  35. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]
  36. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]
  37. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]
  38. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

39. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]
40. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
41. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]
42. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]
43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]
44. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]
45. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]
46. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]
47. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]
48. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

49. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]
50. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]
51. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]
52. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]
53. Each school year, the board shall post a summary of the [Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis](#)<sup>1</sup> on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]
54. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]
55. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]
56. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]
57. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]
58. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code

552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

59. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]
60. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

**Optional Internet Postings**

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

**Geospatial Data Products**

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information



about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

*Gov't Code 2051.102*

*Exemption*

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

*Gov't Code 2051.103*

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<sup>1</sup> TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis:

<https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FI-NAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf>



INSURANCE AND ANNUITIES MANAGEMENT  
UNEMPLOYMENT INSURANCE

CRF  
(LOCAL)

**Reasonable  
Assurance**

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]



FACILITIES CONSTRUCTION  
COMPETITIVE BIDDING

CVA  
(LOCAL)

**Specifications**

The Superintendent shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

**Bid Process**

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

**Safety Record**

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.



FACILITIES CONSTRUCTION  
COMPETITIVE SEALED PROPOSALS

CVB  
(LOCAL)

**Specifications**

The Superintendent shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

**Process**

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and  
Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal  
Acceptance

The District may reject any and all proposals.

**Safety Record**

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.





**Criminal History  
Reviews**

Definitions

“Criminal history clearinghouse” (clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov’t Code 411.0845(a), (h)*

“Criminal history record information” (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov’t Code 411.082(2)*

“National criminal history record information” (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

“Request for CHRI” is the processing and entry of a person’s complete set of fingerprints in DPS’s tenprint database and the comparison of those prints to DPS’s latent print database and if authorized the entry into FBI’s tenprint and comparison to the FBI’s latent print database. *37 TAC 27.172*

Participation in the  
Criminal History  
Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. “Validation” is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

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the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

*37 TAC 27.171, .172(8), .174*

Certified Persons

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

Noncertified  
Employees

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

*Applicability*

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

*Information to  
DPS and TEA*

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide the Texas Education Agency (TEA) with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

*Employment  
Pending Review*

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

*Criminal History*

A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

*Education Code 22.0833; 19 TAC 153.1109(d)*

*Districts of  
Innovation*

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

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open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district's designation as a district of innovation. [See AF]

*Education Code 22.0815*

Substitute Teachers	This section applies to a person who is a substitute teacher for a district or shared services arrangement.
<i>Applicability</i>	For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.
<i>Information to DPS and TEA</i>	<p>A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.</p> <p>A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:</p> <ol style="list-style-type: none"><li>1. May not be hired or must be discharged as provided by Education Code 22.085; or</li><li>2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.</li></ol>
<i>Employment Pending Review</i>	After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.
<i>Criminal History</i>	<p>A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.</p> <p><i>Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)</i></p>
Student Teachers	This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.
<i>Applicability</i>	
<i>Criminal History</i>	<p>A student teacher may not perform any student teaching until:</p> <ol style="list-style-type: none"><li>1. The student teacher has provided to a district a driver's license or another form of identification containing the person's</li></ol>

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

*Education Code 22.0835*

Coordination of Efforts

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

All Other Employees

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or
2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;
2. A law enforcement or criminal justice agency; or
3. A private consumer reporting agency [see Consumer Credit Reports, below].

*Education Code 22.083(a), (a-1); Gov't Code 411.097*

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**Note:** For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

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Confidentiality of Record

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

*Gov't Code 411.084*

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

*Gov't Code 411.097(d), (f)*

Destruction of CHRI A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

*Gov't Code 411.097(d)(3)*

Confidentiality of  
Information  
Obtained from  
Applicant or  
Employee

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

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In addition, the information is not subject to disclosure under Government Code Chapter 552.

The district shall destroy the information not later than the first anniversary of the date the information is received.

*Education Code 22.08391*

Unauthorized  
Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

*Gov't Code 411.085*

Refusal to Hire  
Convicted  
Applicants

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
  - a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
  - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

*Exception*

However, a district is not required to refuse to hire an applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

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2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to  
Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for  
Failure to Disclose

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

*Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]*

**Pre-employment  
Affidavit**

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

*Education Code 21.009*

**Do Not Hire Registry**

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

*Education Code 22.095*

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and



5. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].

*Education Code 22.092*

**Commercial Driver License Drug and Alcohol Clearinghouse**

The U.S. Department of Transportation (DOT) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators [see DHE] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. *49 U.S.C. 31306a*

Pre-employment Query Required

A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.

Annual Query Required

A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.

Prohibition

A district may not allow a driver the district employs or intends to hire or use to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.

Recordkeeping Required

A district must retain for three years a record of each query and all information received in response to each query made under this section.

*49 C.F.R. 382.701*

**Consumer Credit Reports**

Definitions

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

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evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

“Employment purposes” when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

*15 U.S.C. 1681a*

Obtaining Reports

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

Adverse Action

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person’s rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

*15 U.S.C. 1681b(b)(2)*

Disposal of Records

A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

“Dispose” includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;
2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

*16 C.F.R. 682.3*

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

**Pay Administration**

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. Any pay adjustments for individual employees shall be determined within the approved budget following established procedures.

*Midyear Pay  
Increases*

Contract  
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements.]

Noncontract  
Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

**Pay During Closing**

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools.]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Premium Pay  
During Disasters

Nonexempt employees who are required to work to mitigate the reason for an emergency closing shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.

Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

<b>Fair Labor Standards Act</b>	Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. 29 <i>U.S.C. 206(a)(1)</i>
Minimum Wage and Overtime	Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. 29 <i>U.S.C. 207(a)(1)</i> ; 29 <i>C.F.R. pt. 778</i>
Breaks for Nonexempt Employees	Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. 29 <i>C.F.R. 785.18</i>  Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. 29 <i>C.F.R. 785.19</i>
Compensatory Time <i>Accrual</i>	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.
<i>Payment for Accrued Time</i>	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).
<i>Use</i>	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 (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

*29 U.S.C. 207(o); Christensen v. Harris Cnty., 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. *29 U.S.C. 213(a)(1)*

*Academic  
Administrators*

The term "employee employed in a bona fide administrative capacity" includes an employee:

1. Compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the district by which employed; and
2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;
2. The principal and any vice principals responsible for the operation of an elementary or secondary school;
3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and
4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

*29 C.F.R. 541.204*

*Salary Basis*

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. 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 exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

*Partial-Day  
Deductions*

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

*29 C.F.R. 541.710*

*Safe Harbor  
Policy*

If a 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 exemption unless the district willfully violates the policy by con-

tinuing 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 a district's intranet.

*29 C.F.R. 541.603(d)*

*Teachers*

The term "employee employed in a bona fide professional capacity" includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and
7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for



exemption, provided that such individual is employed as a teacher by the employing school or school system.

*29 C.F.R. 541.303*

Wage and Hour  
Records

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

**Payday Law  
Exemption**

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*



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

## SECTION E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
EEA	Grouping for Instruction
EEB	Class Size
EEC	Scheduling for Instruction
EED	Student Schedules
EEH	Homebound Instruction
EEJ	Individualized Learning
EEL	Contracts with Outside Agencies
EEM	Juvenile Residential Facilities
EEP	Lesson Plans
EF	INSTRUCTIONAL RESOURCES
EFA	Instructional Materials
EFB	Library Materials
EH	CURRICULUM DESIGN
EHA	Basic Instructional Program
EHAA	Required Instruction (All Levels)
EHAB	Required Instruction (Elementary)
EHAC	Required Instruction (Secondary)
EHAD	Elective Instruction
EHB	Special Programs
EHBA	Special Education
EHBAA	Identification, Evaluation, and Eligibility
EHBAB	ARD Committee and Individualized Education Program
EHBAC	Students in Non-District Placement
EHBAD	Transition Services
EHBAE	Procedural Requirements
EHBAF	Video/Audio Monitoring
EHBB	Gifted and Talented Students
EHBC	Compensatory Services and Intensive Programs
EHBCA	Accelerated Instruction
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten

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## SECTION E: INSTRUCTION

EHBH	Other Special Populations
EHBI	Adult and Community Education
EHBJ	Innovative and Magnet Programs
EHBK	Other Instructional Initiatives
EHBL	High School Equivalency
EHBM	Travel Study
EHBN	Honors
EHD	Alternative Methods for Earning Credit
EHDA	Summer School
EHDB	Credit by Examination with Prior Instruction
EHDC	Credit by Examination without Prior Instruction
EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EHDF	Local Remote Learning Program
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
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Learners/Emergent Bilingual Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CAMPUS OR PROGRAM CHARTERS
ELA	Partnership Charters
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

**School Library**

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library  
Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

*Bd. of Educ. v. Pico, 457 U.S. 853 (1982)*

**Instructional  
Materials**

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

*Taking Home  
Materials*

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

*Students Without  
Reliable Access  
to Technology*

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a

district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

*Learning  
Management  
System or Online  
Portal*

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

*Education Code 26.006*

Harmful Materials

“Harmful material” means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

*Penal Code 43.24(a)*

Obscene

“Obscene” means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes
  - a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
  - b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

*Penal Code 43.21(1)*

**Information  
Collection and  
Access**

U.S. ED–Funded  
Surveys (PPRA)  
*Consent  
Required*

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (ED), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at Protected Information, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

*Parental  
Inspection*

All instructional materials, including teacher’s manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. ED shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

Information  
Collection Funded  
by Other Sources  
*Policies*

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent’s right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district’s arrangements to protect student privacy in the event a survey containing one or more of the items listed under Protected Information, below, is administered or distributed to a student.
3. The parent’s right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.
4. The administration of physical examinations or screenings that a district may administer to the student.
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instruc-

tional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

*Parental  
Notification*

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at Protected Information, below.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)–(4) [See FFAA]



INSTRUCTIONAL RESOURCES

EF  
(LEGAL)

Protected  
Information

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

*20 U.S.C. 1232h(b), (c)(1)(B)*

"Personal  
Information"  
Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

*20 U.S.C. 1232h(c)(6)(E)*



**Driver Education**

A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

1. Conduct the course and charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by a driver education provider that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education provider that holds a license under Education Code Chapter 1001 to conduct the course.

*Education Code 29.902(c)*

[For more information regarding driver education safety program requirements, see 16 Administrative Code Chapter 84.]

**Life Skills Programs**

A district may provide an integrated program of educational and support services for students who are pregnant or who are parents. If a district provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day care facility.
5. Transportation for students, as appropriate, to and from the campus or day care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

A district shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

A district may operate a shared services arrangement program to operate a life skills program for student parents.

*Education Code 29.085* [See EHBC and FNE]

**School-Based  
Savings Program**

A district may establish a school-based savings program to facilitate increased awareness of the importance of saving for higher education and facilitate personal financial literacy instruction. A district may offer the program in conjunction with a personal financial literacy course under Education Code 28.0021 [see EHAC].

A school-based savings program may, through partnerships with appropriate institutions, promote:

1. General savings, by offering savings accounts or certificates of deposit through partner financial institutions; or
2. Savings dedicated for higher education, by offering through partner institutions the following accounts or bonds the primary purpose of which must be to pay expenses associated with higher education:
  - a. An account authorized under Section 529, Internal Revenue Code of 1986;
  - b. A Coverdell education savings account established under 26 U.S.C. Section 530;
  - c. A certificate of deposit;
  - d. A savings account; and
  - e. A Series I savings bond.

A district establishing a program:

1. Shall seek to establish partnerships with appropriate institutions that are able to offer an account or bond above; and
2. May seek to establish partnerships with public sector partners, private businesses, nonprofit organizations, and philanthropic organizations in the community.

A partnership established between a district and:

1. An appropriate institution may allow a student in the program or the student and an adult in the student's family jointly to have an opportunity to establish an account or purchase a bond; and
2. An appropriate institution, public sector partner, private business, or nonprofit or philanthropic organization may provide:

- a. A structure for the management of the program; and
- b. Incentives that encourage contribution to a school-based account or purchase of a bond, including incentives that provide matching funds or seed funding.

*Education Code 28.0024*

**Local Credit Courses** A district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:

1. Be flexible in approving a course for credit for high school graduation; and
2. Approve courses in cybersecurity for credit for high school graduation.

*Education Code 28.002(f) [See EIF]*

**Apprenticeships** A district may offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board for credit without obtaining State Board of Education approval if the district meets the requirements in Education Code 28.002(g-1) and (g-2).

A district shall annually report to TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled under this section. TEA shall make information provided under this section available to other districts.

*Education Code 28.002(g-1)–(g-2); 19 TAC 74.11(n)*

**Cybersecurity** A district may offer a course in cybersecurity that is approved by the board for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course. *Education Code 28.002(g-3)*

A district shall annually report to TEA the names of cybersecurity courses approved by the board for credit and institutions of higher education in which the district's students have enrolled as authorized above. TEA shall make information provided under this section available to other districts. *19 TAC 74.11(o)*



**Admission, Review,  
and Dismissal  
Committee**

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

*19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

**Committee  
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;
10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;
11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
12. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.18 and 300.156.

*19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321;*

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

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)*

*Regular  
Education  
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*



*Parent  
Involvement*

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

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

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

*34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)*

*Alternative  
Means of  
Meeting  
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

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

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district

personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)*

*Meeting at  
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

**Transfer Students**

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The timeline for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from  
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district deter-

mines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

*19 TAC 89.1050(j)*

**Transfer of Records**

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)*

**Students Who Are Homeless or in Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

*19 TAC 89.1615*

**Military Dependents**

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

**Individualized  
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

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

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

- or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
  11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
  12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
  13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
  14. The date of the meeting;
  15. The name, position, and signature of each member participating in the meeting; and
  16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055*

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

#### IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the required supplement, see Education Code 29.0052 and the commis-

sioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

Supplemental  
Special Education  
Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and
2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

*Education Code 29.048*

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

*19 TAC 102.1601(i)-(j)*

Behavioral  
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:

- a. The placement of the student in a different educational setting;
  - b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
  - c. A pattern of unexcused absences; or
  - d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

*19 TAC 89.1055(g); Education Code 29.005(h)*

Translation of IEP  
into Native  
Language

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

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written

translation of the student's IEP in the parent's native language as provided above.

*19 TAC 89.1050(i)*

Autism/Pervasive  
Developmental  
Disorder

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

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

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a



statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

*Visual  
Impairment*

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

*Collaborative  
Process*

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

*Ten-Day Recess*

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

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

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

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

*Failure to Reach  
Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD

committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

*Education Code 29.005(c); 19 TAC 89.1050(g)*

**Modification of  
Existing IEP**

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

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

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

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

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

**Teacher Access to  
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to  
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

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

*Education Code 29.001(11); 19 TAC 89.1075(d)*

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**Parental Consent  
Not Required**

An employee of a district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety under Education Code 29.022. *Education Code 26.009(b)*

**Video Surveillance of  
Special Education  
Settings**

In order to promote student safety, on receipt of an authorized written request, a district shall provide equipment, including a video camera, to the campus in the district specified in the request.

**Classroom or Other  
Setting**

A campus that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and
2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022.

*Education Code 29.022(a)*

**Definitions**

"Incident" means an event or circumstance that:

*Incident*

1. Involves alleged "abuse" or "neglect," as described in Family Code 261.001, of a student by a staff member of the district or alleged "physical abuse" or "sexual abuse," as described in Family Code 261.410, of a student by another student; and
2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted.

*Other Special  
Education Setting*

"Other special education setting" means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a district—including a room attached to the classroom or setting used for time-out—in which a

majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Residential care and treatment facility—separate campus; or
2. Off home campus—separate campus.

*Parent*

“Parent” means a person described in Education Code 26.002, whose child receives special education and related services in one or more self-contained classrooms or other special education settings. “Parent” also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

*School Business Day*

“School business day” means a day that campus or district administrative offices are open.

*Self-contained Classroom*

“Self-contained classroom” means a classroom on a regular campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, but not including a classroom that is a resource room instructional arrangement under Education Code 48.102, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instructional day and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility—full-time early childhood special education setting;
5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
6. Off home campus—full-time early childhood special education setting.

<i>Staff Member</i>	“Staff member” means a teacher, a related service provider, a paraprofessional, a counselor, or an educational aide assigned to work in the self-contained classroom or other special education setting.
<i>Time-out</i>	“Time-out” has the meaning assigned by Education Code 37.0021.
<i>Video Camera</i>	“Video camera” means a video surveillance camera with audio recording capabilities.
<i>Video Equipment</i>	“Video equipment” means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by Education Code 29.022 and 19 Administrative Code 103.1301. “Video equipment” also means any technology and equipment needed to store and access video recordings as required.  <i>19 TAC 103.1301(b); Education Code 29.022</i>
<i>Administrative Coordinator</i>	Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses. <i>Education Code 29.022(a-2)</i>
<i>Authorized Requestors</i>	The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting: <ol style="list-style-type: none"><li>1. A parent of a child who receives special education services for the campus at which the child receives those services;</li><li>2. The board of trustees for one or more specified campuses;</li><li>3. The principal or assistant principal for their campus; and</li><li>4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.</li></ol> <i>Education Code 29.022(a-1)</i>
<i>Processing the Request</i>	A written request must be submitted and acted on as follows: <ol style="list-style-type: none"><li>1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator;</li><li>2. A principal must submit a request by the principal to the district's designated administrator; and</li></ol>

3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

A campus shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

*Education Code 29.022(a-3)–(b)*

Video Camera  
Coverage

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and
2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

*Education Code 29.022(c)–(c-1)*

Written Notice

Before a campus activates a video camera in a classroom or special education setting, the campus shall provide written notice of the placement to all campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the tenth school day before the end of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following

school year unless a person eligible to make a request for the next school year submits a new request.

*Education Code 29.022(b), (d)*

Retention Period

A district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

If a person requests to view a video recording from a video camera, a district must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or campus shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

*Education Code 29.022(e)–(e-1)*

Gifts, Grants, and Donations

A district may solicit and accept gifts, grants, and donations from any person to implement the requirements of Education Code 29.022 and 19 Administrative Code 103.1301. A district is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement these requirements. *19 TAC 103.1301(d)*

No Waiver of Immunity

The requirements described by Education Code 29.022 do not:

1. Waive any immunity from liability of a district, or of district officers or employees; or
2. Create any liability for a cause of action against a district or against district officers or employees.

No Monitoring

A district may not:

1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.

*Education Code 29.022(g)–(h)*

Confidentiality

A video recording of a student made under this provision is confidential and may not be released or viewed except as provided below.

*Limited Release*

A district shall release a recording for viewing by:



1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;
2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;
3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;
4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or
5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

*Education Code 29.022(i)–(i-1); 19 TAC 103.1301(h)–(i)*

*Duty to Report*

If a person described by item 4 or 5, above, views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code Chapter 261, the person must submit a report to the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under 19 Administrative Code 61.1051 (Reporting Child Abuse and Neglect) and Family Code Chapter 261 [see FFG].

*19 TAC 103.1301(j); Education Code 29.022(j)*

*Use in  
Disciplinary  
Actions Against  
District Personnel*

If a person described by items 3, 4, or 5, above, views the recording and believes that it documents a possible violation of district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by the Family Educational Rights and Privacy Act (FERPA) or other law. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a

parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student must be released for viewing by the district employee who is the subject of the disciplinary action at the request of the employee. *19 TAC 103.1301(k)*

*Federal Law /  
FERPA*

19 Administrative Code 103.1301(j) (child abuse reporting) and (k) (disciplinary actions against personnel) do not limit the access of a student's parent to a record regarding the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails. *19 TAC 103.1301(l)*

District Policy

A district must adopt written policies relating to the placement, operation, and maintenance of video cameras under Education Code 29.022 and 19 Administrative Code 103.1301. At a minimum, the policies must include:

1. A statement that video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings;
2. Information on how a person may appeal an action by the district that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeal and expedited review processes under 19 Administrative Code 103.1303 (Commissioner's Review of Actions Concerning Video Cameras in Special Education Settings) and the appeals process under Education Code 7.057;
3. A requirement that the district provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Education Code 29.022(a-3) (at Limited Release, above) that authorizes the request or states the reason for denying the request;
4. Except as provided by item 6 of this provision, a requirement that a campus begin operation of a video camera in compliance with this provision not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the Texas Education Agency (TEA) grants an extension of time;
5. A provision permitting the parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will

be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

- a. The date on which the current school year ends; or
  - b. The tenth school business day after the date of the placement determination by the ARD committee;
6. A requirement that, if a request is made by a parent in compliance with item 5 of this provision, unless TEA grants an extension of time, a campus begins operation of a video camera in compliance with this provision not later than the later of:
- a. The tenth school day of the fall semester; or
  - b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made;
7. The procedures for requesting video surveillance and the procedures for responding to a request for video surveillance;
8. The procedures for providing advanced written notice to the campus staff and the parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted or cease in the classroom or setting, including procedures for notice, in compliance with Education Code 29.022(b), of the opportunity to request continued video and audio surveillance if video and audio surveillance will otherwise cease;
9. A requirement that video cameras be operated at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed;
10. A statement regarding the personnel who will have access to video equipment or video recordings for purposes of operating and maintaining the equipment or recordings;
11. A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in Education Code 29.022(a), for the remainder of the school year in which the campus received the request, unless the requester withdraws the request in writing;
12. A requirement that video cameras placed in a self-contained classroom or other special education setting be capable of

recording video and audio of all areas of the classroom or setting, except that no visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. Incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required;

13. A statement that video recordings must be retained for at least three months after the date the video was recorded and that video recordings will be maintained in accordance with the requirements of Education Code 29.022(e-1), when applicable;
14. A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety;
15. At the district's discretion, a requirement that campuses post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting;
16. The procedures for reporting an allegation to the district that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted;
17. The local grievance procedures for filing a complaint alleging violations of Education Code 29.022, and/or 19 Administrative Code 103.1301; and
18. A statement that video recordings made under Education Code 29.022 and 19 Administrative Code 103.1301 are confidential and a description of the limited circumstances under which the recordings may be viewed.

*19 TAC 103.1301(g)*

Governmental  
Record

A video recording under this section is a governmental record only for purposes of Penal Code 37.10.

Operation of  
Camera

These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other

special education setting during the regular school year and extended school year services.

A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

*Education Code 29.022(s)–(t)*

Exclusions	A district is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school. <i>19 TAC 103.1301(c)</i>
Dispute Resolution	The special education dispute resolution procedures in 34 Code of Federal Regulations 300.151–.153 and 300.504–.515 do not apply to complaints alleging that a district has failed to comply with Education Code 29.022 and 19 Administrative Code 103.1301. Complaints alleging violations of those sections must be addressed through the district’s local grievance procedures or other dispute resolution channels. <i>19 TAC 103.1301(e)</i>
Denial of Request	The following standards and procedures apply to a denial of a request for placement of a video camera under Education Code 29.022(a), or to the denial of a request to release a video or to view a video made under Education Code 29.022(i) or (l)(2).
<i>Exhaustion of Administrative Remedies</i>	Once a request for placement of a video camera or a request to release a video is administratively denied, the requester must exhaust administrative remedies through the district’s grievance process even if the requester opts for the expedited review process. However, a district, parent, staff member, or administrator may request an expedited review even before the local remedies are exhausted.  After local remedies are exhausted by filing a grievance with the board and obtaining a board determination, the requester may appeal the denial to the commissioner of education under Education Code 7.057 by filing a petition for review.
<i>Proper Request</i>	In a case where there is a denial of a request for the placement of a video camera, the commissioner will determine whether the person requesting placement is a person allowed to request placement under Education Code 29.022(a-1) (see Limited Release, above) and whether the requester made a proper request under Education Code 29.022(a-3) (see Processing the Request, above).
<i>Cost</i>	The commissioner will not consider the cost to the district of installing cameras or releasing video.

*Release  
Determination*

In a case where there is a denial of a request to release a video, the commissioner will determine whether the requester is a person allowed to receive a video under Education Code 29.022(i) (described at Limited Release, above).

*Timelines for  
Petition for  
Review*

The following timelines are established for filing a petition for review:

1. A petition for review shall be filed with the commissioner within ten calendar days of the decision of the board denying the request being first communicated to the requester or requester's counsel, whichever occurs first. The petition for review shall be made in accordance with 19 Administrative Code 157.1073(c) (hearings brought under Education Code 7.057) and may include a request for expedited review.
2. The district's answer and local record shall comply with 19 Administrative Code 157.1052(b) and (c) and 19 Administrative Code 157.1073(d) and shall be filed with the commissioner within ten calendar days of the district receiving notification from the commissioner of the appeal.
3. The procedures specified in 19 Administrative Code 157.1059; .1061; and .1073(e)–(h), (j), and (k) apply to a case brought to the commissioner under this section.

*Expedited  
Review*

A request for expedited review is governed by the following.

1. The expedited review process is designed to allow a requester to promptly receive a preliminary judgment from the commissioner as to a decision to deny a request for the installation of cameras or a decision to deny a request to release a video while at the same time respecting the school grievance process. The expedited review process does not apply to a request to only view a video. Invoking the expedited review process results in a prompt initial determination. However, the final commissioner's determination is to be based on a substantial evidence review of the district's grievance record. This allows for a full record to be developed at the district level and does not require the requester and the district to make an evidentiary record before TEA in Austin, Texas. Because the requirements of Education Code 7.057 are met when the board's decision is heard by the commissioner, an appeal to district court is allowed under Education Code 7.057(d). Education Code 29.022 does not by itself allow an appeal to district court.
2. A district, parent, staff member, or administrator may request an expedited review. Any request for an expedited review

shall include the names, telephone numbers, and addresses of all interested parties to the request. "Interested parties" are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the district. The request for expedited review shall specify whether the district denied a request for the placement of a video camera or the district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

3. A request for expedited review shall be filed with the commissioner no earlier than 14 business days after a request for placement of a video camera or a request to release a video is administratively denied under Education Code 29.022(i) or (l)(2) (see Limited Release and Process, above), and no later than the fifth business day after a board resolves a grievance as to a request for placement of a video camera or a request to release a video. A request for expedited review shall be filed with the commissioner electronically as provided on TEA's Division of Hearings and Appeals website or by U.S. Mail, facsimile, hand-delivery, or by a commercial delivery service.
4. Whenever an interested party files a document with the commissioner, with the exception of the request for expedited review, the interested party shall send the same document to all other interested parties by the same method that the document was sent to the commissioner. Hand-delivery of the document by the next day may be substituted for service by facsimile delivery.
5. If a request for expedited review is timely filed, the commissioner will establish a briefing schedule and will send to all interested parties a notice that an expedited review has been filed, which will include relevant statutes and rules. Any interested party who knows of any additional interested parties who have not been notified will promptly inform the commissioner in writing.
6. All briefing shall clearly state the facts relied upon. Documents relevant to the issues presented may be attached to a brief. All briefing shall provide the reasons why the commissioner should or should not grant the request for expedited review. Citations to statutes, rules, commissioner decisions, and case law are important to identify the legal basis for the claims made.

7. All interested parties who are in favor of granting the request for expedited review shall file briefing at the time specified for the requester of the expedited review.
8. All interested parties who are opposed to granting the request for expedited review shall file briefing at the same time.
9. Briefing is not limited to the issues specifically raised in the pleadings in the case. However, no new arguments may be raised in the reply briefs. Reply briefs may contain new citations to the record and legal authority as to issues previously raised.
10. A preliminary judgment shall be issued based on the briefing of the interested parties. The preliminary judgment will be sent to the requestor, the district, and all interested parties. If it is determined that a district is not likely to prevail on the issue of a request for the placement of video cameras or the issue of a request to view a video under full review, the district will fully comply with Education Code 29.022.
11. After a preliminary judgment is made, a final judgment will be made in accordance with the procedures set forth in 19 Administrative Code 103.1303(b)(1)–(5) (the Denial of Request Review process).

*19 TAC 103.1303(b)*

Extension of Time

A request by a district for an extension of time to begin the operation of a video camera under Education Code 29.022 shall be made and decided using the following procedures.

*Request*

Any request by a district for an extension of time to begin the operation of a video camera shall be filed with the commissioner prior to the 45th school business day after a request to begin operating a video camera is received. However, a district should request an extension of time as soon as it determines that an extension of time should be filed.

A request for an extension of time to begin the operation of a video camera shall specify why an extension of time should be granted. The request shall include affidavits supporting any factual claims made in the request and reference any legal authority as to why the request should be granted. The request may include a request for expedited review. The request shall name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: "You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the



commissioner of education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code 103.1303(c) and Texas Education Code 29.022.”

A request for an extension of time to begin the operation of a video camera shall list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.

*Filing Documents*

All documents in a case shall be filed with the Division of Hearings and Appeals, Texas Education Agency, 1701 N. Congress Ave., Austin, Texas 78701, facsimile number (512) 475-3662. Documents shall be filed electronically as provided on the division's website or by mail, delivery, or facsimile. All documents must be actually received by the Division of Hearings and Appeals by the date specified in this section. The mailbox rule does not apply to filings in a case filed under this subsection. Electronic filing is strongly encouraged.

All filings in a case shall be sent to the district, the individual who initially requested the installation of the cameras, and all interested parties who have filed a request to receive documents filed in the case by the same method as the request is filed with the commissioner. Due to the requirements of FERPA, the names, telephone numbers, and addresses of parents and other publicly identifiable student information may not be given to the interested parties. The copies of the filings sent to interested parties shall be redacted to remove all personally identifiable student information.

*Filing Responses*

Any response to a request for an extension of time to begin the operation of a video camera shall be filed with the commissioner by an interested party within ten calendar days of the filing of the request. If no response to the request is timely filed, the commissioner shall issue a final decision within 20 calendar days of the filing of the request.

A response to a request for an extension of time to begin the operation of a video camera shall specify why an extension of time should or should not be granted. The response shall include affidavits concerning any factual claims made in the request and reference any legal authority as to why the request should or should not

be granted. The response may include a request for expedited review.

*Expedited  
Review*

A request for expedited review must be filed with the commissioner within ten calendar days of the filing of the request for an extension of time to begin the operation of a video camera. If a request for expedited review is made, all interested parties shall be notified that they have been identified as interested parties in the request for an extension of time to begin the operation of a video camera. In particular, the interested parties will be informed that it is their choice whether to participate in the proceedings before the commissioner, that it is entirely up to them to determine to what extent they wish to participate in the proceedings, that the procedures governing these proceedings are found in 19 Administrative Code 103.1303 and Education Code 29.022, and that upon their written request filed with the commissioner they will be sent all filings in this case.

If a request for an expedited review is not made, the commissioner shall issue a final decision within 45 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

If a request for expedited review is made, the following procedures shall be followed:

1. Any reply by the district to any response to the request shall be filed with the commissioner within 25 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
2. A preliminary judgment shall be made by the commissioner within 35 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
3. Any interested party or the district may file objections to the preliminary judgment within 40 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
4. Any reply to an objection to a preliminary judgment must be filed within 45 calendar days of the filing of a request for an extension of time to begin the operation of a video camera.

5. The commissioner shall issue a final decision within 55 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

*Commissioner  
Consideration*

In making either a preliminary judgment or a final judgment under this subsection, the commissioner will consider whether granting the requested extension is reasonable considering all factors, including contracting statutes, architectural and structural issues, and the difference in costs to the district if a moderate extension of time is granted.

*No Appeal*

A commissioner's final decision under this provision is not subject to appeal.

*19 TAC 103.1303(c)*



**Designing and  
Implementing  
Services**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

[See EHBCA for information regarding acceleration instruction and accelerated learning committees.]

**Intensive Program of  
Instruction**

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
  - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
  - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving  
Special Education  
Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Use of State Funds

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

*Education Code 28.0213*

**Compensatory  
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.  
*Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
  - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
  - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

*Education Code 48.104(k)*

Dropout Prevention  
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
  - a. High-quality, college readiness instruction with strong academic and social supports;
  - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
  - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

*Education Code 29.918*

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. 19 TAC 109.25(a)

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see At-Risk Student, below]. 19 TAC 109.25(b)

**Educationally  
Disadvantaged  
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

*19 TAC 61.1027(a)*

Virtual School  
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

**At-Risk Student**

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;



3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is an emergent bilingual student, as defined by Section 29.052;
11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or
15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

*Education Code 29.081(d)(1)*

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility  
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Dropout Recovery  
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

*Education Code 29.081(e)–(f)*

Communities in  
Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

**Optional Extended  
Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

**Optional Flexible  
Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

**Optional Flexible  
School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

*Education Code 29.0822*

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

*19 TAC 129.1027(c)*

**Tutorial Services**

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

*Education Code 29.084*

**Basic Skills  
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

*Education Code 29.086(a)*

**After-School and  
Summer Intensive  
Mathematics and  
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
  - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
  - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

*Education Code 29.088, .090; 19 TAC 102.1041*

**Mentoring Services  
Program**

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

*Education Code 29.089*

**Accelerated Reading Instruction Program**

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

*Education Code 28.006(g), (g-1)*

**College Preparatory Courses**

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
  - a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

**Faculty**

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

**Notice**

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

**Credit Earned**

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced

English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit                      A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners. [See EHDD]

Instructional  
Materials                      Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

*Education Code 28.014*

End-of-Course  
Exam                      A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

**Accelerated  
Instruction in Grades  
3–8**

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see below].

*Education Code 28.0211(a-1)*

Participation  
Requirements

Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. 19 TAC 104.1001(c)

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [see EHA series] for the grade level in which the student is enrolled; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

*Education Code 28.0211(a-3)*

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction. [See Sup-

plemental Instruction Requirements for Certain Funding, item 3, below.]

*19 TAC 104.1001(c)*

ARD Committee  
Determination

For a student served by special education who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) [see EKB], the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a FAPE. *19 TAC 104.1001(b)(3)*

Supplemental  
Instruction  
Requirements for  
Certain Funding

If a district receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and



8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

*Education Code 28.0211(a-4)*

Supplemental  
Accelerated  
Instruction  
Requirements

Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school district. Supplemental accelerated instruction shall be provided as outlined in items 2–5 and 8 (above), to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group. *19 TAC 104.1001(d)*

Transportation

A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

Notice to Parents of  
Performance and  
Accelerated  
Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. *Education Code 28.0211(h)*

**Assessments Not  
Required**

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or
2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of fail-

ure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

*Education Code 28.0211(o)–(p)*

**Accelerated  
Instruction After  
EOC Assessments**

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

*Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)*

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

*Education Code 28.0217*

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

**No Available Test  
Score**

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. *19 TAC 104.1001(b)(4)*

**Accelerated Learning Committee**

A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:

1. The third grade mathematics or reading assessment;
2. The fifth grade mathematics or reading assessment; or
3. The eighth grade mathematics or reading assessment.

*Education Code 28.0211(a)*

Composition

The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. *Education Code 28.0211(c)*

If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee. *19 TAC 104.1001(e)(1)*

Educational Plan

An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an educational plan.

*Education Code 28.0211(f)–(f-3)*

Failure in a Subsequent School Year

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's

designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

*Education Code 28.0211(f-4)–(f-5)*

ARD Determination  
for Grades 3, 5, and  
8

The ARD committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

*Students Who  
Meet Criteria for  
the Alternative  
Assessment*

The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under Education Code 39.023(b) [see EKB], who do not perform satisfactorily on a mathematics or reading assessment instrument in grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by 19 Administrative Code 104.1001(b) do not apply.

*ARD Committee  
Responsibilities*

In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet and develop a plan [see Education Plan, above] to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the required members of a properly constituted ARD committee [see EHBAB].

When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of 19 Administrative Code 89.1050(d) and 34 Code of Federal Regulations 300.322 [see EHBAB].

The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated

instruction in writing and a copy must be provided to the student's parent or guardian. This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

*Dispute  
Resolution*

A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in 19 Administrative Code 89.1150 [see EHBAE] to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the district grievance policy [see FNG].

*19 TAC 104.1001(f)*

Parent Request

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Classroom  
Assignment

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

*Education Code 28.0211(n)–(n-1)*



Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. *Education Code 29.303*

**Personnel**

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of deaf or hard-of-hearing students either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

The district shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the district and shall make positive efforts to employ qualified individuals with disabilities.

*Education Code 29.304*

**Involvement of Others**

Students who are deaf or hard of hearing must have an education in which parents or legal guardians and advocates for parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals may be involved at the discretion of parents or legal guardians or the district. *Education Code 29.306*

Students who are deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models. *Education Code 29.307*

**Advisory Committee**

If the district has students who are deaf or hard of hearing, it shall include in its local special education advisory committee persons who are deaf or hard of hearing and parents or students who are deaf or hard of hearing, if practicable. *Education Code 29.309*

**Assessment**

The district shall not discriminate on the basis of race, culture, or sex when selecting and administering procedures and materials for assessment and placement of students who are deaf or hard of hearing. *Education Code 29.310(a)*

Placement

A single assessment instrument may not be the sole criterion for determining the placement of a student who is deaf or hard of hearing. *Education Code 29.310(b)*

Procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials

used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication. *Education Code 29.310(c)*

**Deaf or Hard-of-Hearing Programs**

Programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including agencies operating early childhood intervention programs, preschools, agencies operating child development programs, nonpublic nonsectarian schools, agencies operating regional occupational centers and programs, and the Texas School for the Deaf. The programs must also be coordinated with postsecondary and adult programs for persons who are deaf or hard of hearing. *Education Code 29.311*

**Counseling**

Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. Appropriate auditory systems shall be used with students who are hard of hearing, if required by the admission, review, and dismissal (ARD) committee. *Education Code 29.312*

**Evaluation**

The district must provide continuous evaluation of the effectiveness of programs for students who are deaf or hard of hearing. If practicable, the evaluations shall follow program excellence indicators established by TEA. *Education Code 29.313*

**Transition to Regular Class**

In addition to satisfying requirements under state and federal law for vocational training, the district shall develop and implement a transition plan for transition of students who are deaf or hard of hearing into a regular class program if the students are to be transferred from a special class or center or from a nonpublic, nonsectarian school into a regular class for any part of the school day. The transition plan must provide for activities to integrate the students into the regular education program and to support the transition of the students from the special education program into the regular education program. *Education Code 29.314*

**Regional Day School Programs for the Deaf**

In accordance with Education Code 30.081 through 30.087, a district shall have access to regional day school programs for the deaf operated by districts at sites previously established by the State Board of Education. Any student who is deaf or hard of hearing with a disability that severely impairs processing linguistic information through hearing, even with recommended amplification, and that adversely affects educational performance shall be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations. *19 TAC 89.1080*



<b>Adult Education</b>	<p>A district must provide an adult education program designed to meet the education and training needs of adults to the extent possible using available public and private resources. Bilingual education must be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development. <i>Labor Code 315.003</i></p>
<b>Essential Program Components</b>	<p>An Adult Education and Literacy (AEL) grant recipient shall ensure that essential program components are provided as outlined in the grant application for statewide AEL funds, which include the components described by 40 Administrative Code 805.4. <i>40 TAC 805.4</i></p>
<b>Staff Qualifications</b>	<p>AEL instructional aides, administrative, data entry, proctoring staff, and staff providing support or employment services to students shall have at least a high school diploma or a high school equivalency certificate. AEL directors, supervisors, and staff that oversee program assessment services and/or overall program accountability, and instructors in the content areas of reading, writing, mathematics, and English language acquisition, including substitutes, shall possess at least a bachelor's degree.</p> <p>Requests for exemptions for staff qualification requirements in individual cases may be submitted to the Texas Workforce Commission for approval. The exemption shall include a justification outlining extenuating circumstances and shall be submitted and approved prior to an individual being placed in the position in question.</p>
<b>Professional Development</b>	<p>The district shall comply with the program requirements for professional development in accordance with 40 Administrative Code 805.21.</p> <p>Records of staff qualifications and professional development shall be maintained by each grant recipient and shall be available for monitoring.</p> <p><i>40 TAC 805.21</i></p>
<b>Tuition and Fees</b>	<p>Tuition and fees shall not be charged unless a district is statutorily authorized to do so. Funds generated by tuition and fees shall be used for the AEL instructional programs and must be expended before federal and state grant funds, in accordance with 2 Code of Federal Regulations 200.305(b)(5). <i>40 TAC 805.45</i></p>
<b>Reimbursement for Community Education</b>	<p>If a board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.</p>

Conditions

A district will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year.

*Education Code 29.256*

**Innovative Courses**

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

To request approval of a new innovative course, the applying district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

*19 TAC 74.27(a)(3)–(7)*

**Magnet Schools or Programs**

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



<b>Award of Credit</b>	The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. <i>19 TAC 74.26(a)</i>
Early Award of Credit	A district may offer courses designated for grades 9–12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. <i>19 TAC 74.26(b)</i>
Partial Award	<p>In accordance with a district’s local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. <i>19 TAC 74.26(d)</i></p> <p>A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. <i>19 TAC 74.26(e)</i></p>
Attendance for Credit or Final Grade	Unless credit is awarded by the attendance committee or regained in accordance with a principal’s plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092</i>
Homeless or Substitute Care	<p>A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit).</p> <p>A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.</p> <p>The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.</p> <p>A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]</p>

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;
2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district, or does not perform satisfactorily on a state assessment instrument;
3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;
4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

*19 TAC 89.1607*

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

**Graduation Requirements**

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

**Academic Achievement Record**

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

*Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)-(d)*

**Transcript Seals**

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

**Endorsement**

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.  <i>Education Code 28.025; 19 TAC 74.5(f)–(m), .11(b), .39(e)</i>
Notation on Transcript or Diploma	A district shall ensure that each student’s official transcript or diploma indicates whether the student has completed or is on schedule to complete:  <ol style="list-style-type: none"><li>1. The recommended or advanced high school curriculum; or</li><li>2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district’s high school.</li></ol>



ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

The district must include this information on the student's transcript not later than the end of the student's junior year.

*Education Code 56.308*

Certificate of  
Coursework  
Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(n)* [See FMH for participation in the graduation ceremony.]



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**State Assessment of Academic Skills**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Emergent Bilingual Students

In grades 3–12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student’s admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student’s performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student’s developmental level as determined by the student’s ARD committee.

The student’s ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

*Education Code 39.023(b)–(c), .025(a-4)*

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute  
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII [See EIF]*

**Administration**

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

*19 TAC 101.25*

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

*Alternate Test  
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

*19 TAC 101.5003*

Test Administration  
Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)–(b-2)*

**Notice to Parents  
and Students**

A superintendent shall be responsible for the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her 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 his or her 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 his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

*19 TAC 101.3012*

**Testing in  
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

*Education Code 39.023(a)*

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.



A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student.

*Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)*

Kindergarten  
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten  
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

*19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)*

**End-of-Course  
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United

States history. The Algebra I EOC assessment instrument must be administered with the aid of technology but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

*Education Code 39.023(c)*

Students Enrolled  
Below High School  
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment  
Requirements for  
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

*Exceptions*

English I or  
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

*19 TAC 101.3022(a)–(c)*

Credits Earned  
Prior to  
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment. *19 TAC 101.3021(e)*

Substitute  
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student’s assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner’s chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional  
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability  
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

*19 TAC 101.4002*

*Verification of  
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute 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 101.4005*

Satisfactory  
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual  
Graduation  
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on

an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

*19 TAC 101.3022(e)(1), (3)*

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. [See EIF]

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

*19 TAC 101.3022(f)*

For more information on graduation requirements for special education students, see EIF.

Credit by  
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State  
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the perfor-

mance requirements established for the statutory assessments.

*Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

*Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*

**Reporting Results**

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents,  
Students, and  
Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

*19 TAC 101.3014(a)–(d)*

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and

potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2), 39.023(e)*

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**Note:** For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

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**Out-of-State Transfers**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

*19 TAC 101.3014(e)*

**Security and Confidentiality**

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;

2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
  - a. Met the requirements to participate in the student assessment program;
  - b. Received training in test security and test administration procedures; and
  - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

*19 TAC 101.3031(a)(1)–(2)*

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;



7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.003(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration  
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must

comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

**Records Retention**

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

*19 TAC 101.3031(a)(3)–(d)*

**Disciplinary Action and Penalties**

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

*19 TAC 249.15(a)–(b), (g)(8)*

**Minimize Disruptions**

In implementing the commissioner’s procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

**General Eligibility**

A board or its designee shall admit into the public schools of a district free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

Student and Parent

The person and either parent reside in the district.

Conservator

The person does not reside in the district, but one of the parents resides in the district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

Guardian or Person  
Having Lawful  
Control

The person and his or her guardian or other person having lawful control under an order of a court reside in the district.

Students Living  
Separate and Apart

The person is under the age of 18 and has established a separate residence in the district apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the district is not for the primary purpose of participation in extracurricular activities. A board is not required to admit such person, however, if the person has:

1. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
2. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or
3. Been convicted of a criminal offense and is on probation or other conditional release.

*Education Code 25.001(a)–(b), (d)*

Students Who Are  
Homeless

The person is homeless. [See also FDC]

1. "Child who is homeless," "person who is homeless," and "student who is homeless" have the meaning assigned to the term homeless children and youths under the McKinney-Vento Homeless Assistance Act.
2. "Homeless children" under the McKinney-Vento Homeless Assistance Act, means children or youths who lack a fixed, regular, and adequate nighttime residence; and includes:

- a. Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- b. Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- c. Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- d. Migratory children living in circumstances described above. "Migratory child" means a child who made a qualifying move in the preceding 36 months:
  - (1) As a migratory agricultural worker or a migratory fisher; or
  - (2) With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher. [See EEB]

*Education Code 5.001(1-a), 25.001(b)(5); 20 U.S.C. 6399;  
42 U.S.C. 11434a(2)*

[For information regarding the transfer of records and other transition requirements for a student who is homeless, see FFC.]

Foreign Exchange  
Students

The person is a foreign exchange student placed with a host family that resides in the district by a nationally recognized foreign exchange program, unless the district has applied for and been granted a waiver by the commissioner of education because:

1. This requirement would impose a financial or staffing hardship on the district;
2. The admission would diminish the district's ability to provide high-quality education services for the district's domestic students; or
3. The admission would require domestic students to compete with foreign exchange students for educational resources.

*Education Code 25.001(b)(6), (e)*

ADMISSIONS

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(LEGAL)

Students in Residential Facility	The person resides at a residential facility, as defined in Education Code 5.001, located in the district. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. <i>Education Code 25.001(b)(7), 29.012(c)</i>
Students Over 18	The person resides in the district and is 18 or older or the person's disabilities of minority have been removed. <i>Education Code 25.001(b)(8)</i>
Resident Grandparent	The person does not reside in the district but the grandparent of the person: <ol style="list-style-type: none"><li>1. Resides in the district; and</li><li>2. Provides a substantial amount of after-school care for the person as determined by the board.</li></ol> <i>Education Code 25.001(b)(9)</i>
Residence Homestead	The person and either parent of the person reside in a residence homestead, as defined by Tax Code 11.13(j), that is located on a parcel of property any part of which is located in the district. <i>Education Code 25.001(b)(10)</i>
<b>Proof of Eligibility</b>	A district may require evidence that a person is eligible to attend the public schools of the district at the time it considers an application for admission of the person. A board or its designee shall establish minimum proof of residency acceptable to a district. A board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under the provision at Students Living Separate and Apart above, a board shall determine whether an applicant qualifies as a resident of a district and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. <i>Education Code 25.001(c), (d)</i>
"Residence" Defined	"Residence" requires living in the district and having the present intention to remain there. <i>Martinez v. Bynum, 461 U.S. 321 (1983)</i>  A district may withdraw any student who ceases to be a resident. <i>Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)</i>
<b>Active-Duty Parent</b>	A person whose parent or guardian is an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, may establish residency for purposes of eligibility of admission by providing to the district a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to the district's attendance zone. <i>Education Code 25.001(c-1)</i>

A person who establishes residency under Education Code 25.001(c-1) shall provide to the district proof of residence in the district's attendance zone not later than the tenth day after the arrival date specified in the military order. For purposes of this provision, "residence" includes residence in a military temporary lodging facility. *Education Code 25.001(c-2)*

**Immigration Status**

Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*

**High School  
Equivalency  
Certificate**

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

**Substitute for Parent  
or Guardian**

A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

**Authorization  
Agreement**

"Adult caregiver" means an adult person whom a parent has authorized to provide temporary care for a child under Family Code Chapter 34. *Family Code 34.0015(1)*

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with an adult caregiver to authorize the adult caregiver to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the district; and
3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

*Family Code 34.002*

A parent may enter into an authorization agreement with an adult caregiver with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of

abuse or neglect or while the department is providing services to the parent. *Family Code 34.0021*

The authorization agreement must conform to the requirements of Family Code Chapter 34.

A child who is the subject of an authorization agreement is not considered to be placed in foster care and the parties to the agreement are not subject to any law or rule governing foster care providers. *Family Code 34.0022(b)*

An authorization agreement does not affect the rights of the child's parent or legal guardian regarding the care, custody, and control of the child, and does not mean that the adult caregiver has legal custody of the child. *Family Code 34.007(b)*

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect. *Family Code 34.002(d), .008(f)*

An authorization agreement is for a term of six months and renews automatically for six-month terms unless an earlier expiration date is stated in the agreement, the agreement is terminated under Family Code 34.008, or a court authorizes continuation. *Family Code 34.0075*

Immunity

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34. *Family Code 34.007(a)*

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**Note:** The [Authorization Agreement for Nonparent Relative \(PDF\)](#)<sup>1</sup> is available on the DFPS website.

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**Temporary  
Authorization for  
Care**

A person eligible to consent to treatment of a child under Family Code 32.001 or a person eligible to enter an authorization agreement [see Authorization Agreement, above] may seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides if:

1. The child has resided with the person for at least the 30 days preceding the date the petition was filed; and

2. The person does not have an authorization agreement or other signed, written documentation from a parent, conservator, or guardian that enables the person to provide necessary care for the child.

*Family Code 35.001–.002*

The order may authorize the petitioner to, among other things:

1. Consent to medical, dental, psychological, and surgical treatment and immunization of the child;
2. Enroll the child in the district; and
3. Authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A temporary authorization order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child. *Family Code 35.007(b)*

Immunity

A person who relies in good faith on a temporary authorization order is not subject to civil or criminal liability to any person, or to professional disciplinary action. *Family Code 35.007(a)*

**Students in Foster Care**

A child placed in foster care by an agency of the state or a political subdivision shall be permitted to attend schools in the district in which the foster parents reside free of any charge to the foster parents or to the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by a district. *Education Code 25.001(f)*

A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of DFPS and who is placed at a residence outside the attendance area for a school or outside a district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g)*

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to at-



tend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

A written case plan for any child in foster care under the responsibility of the state must include a plan for ensuring the educational stability of the child while in foster care, including:

1. Assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
2. An assurance that the appropriate state agency has coordinated with a district to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or if remaining in that school is not in the best interests of the child, assurances by the state agency and the district to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

*42 U.S.C. 675(1)(G), 675a [See CNA]*

[For information regarding the transfer of records and other transition requirements for a student who is in substitute care, see FFC.]

**Transfers from Other States**

A district shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to a district. *Education Code 25.003*

**Students Holding F-1 Student Visas**

If a student is required, as a condition of obtaining or holding the appropriate U.S. student visa, to pay tuition to the district that the student attends to cover the cost of the student's education provided by the district, the district shall accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district.

The commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a stu-

dent's education. A district may not accept tuition in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

The attendance of a student for whom a district accepts tuition is not counted for purposes of allocating state funds to the district.

*Education Code 25.0031*

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**Note:** Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal [Student and Exchange Visitor Program](#)<sup>2</sup> (SEVP) under the Department of Homeland Security.

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**Texas Juvenile Justice Department**

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in a district free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

**Enrollment**

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. A district shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

Legal Surname

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

Required Documentation

If a parent or other person with legal control of a child enrolls the child in a public school, the parent or other person, or the district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not

required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

*Education Code 25.002(a)*

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

*Education Code 25.002(a-1)*

*Residential  
Facility*

Except for a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility, a residential facility shall provide to a district that provides educational services to a student placed in the facility any information retained by the facility relating to:

1. The student's school records, including records regarding special education eligibility or services, behavioral intervention plans, school-related disciplinary actions, and other documents related to the student's educational needs;
2. Any other behavioral history information regarding the student that is not confidential under another law; and
3. The student's record of convictions or the student's probation, community supervision or parole status, as provided to the facility, if necessary to provide education services to the student.

*Education Code 29.012(f), (g)*

Summer School  
Enrollment

A district shall permit a person who is eligible under Education Code 25.001 [see General Eligibility, above] to attend school in the district but who is not enrolled in school in the district to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee authorized under Education Code 11.158 [see FP] that is charged in connection with the course.

This requirement does not apply to enrollment in a Summer Intensive Mathematics Instruction Program under Education Code 29.088, a Summer Intensive Science Instruction Program under Education Code 29.090, or in a similar intensive program.

*Education Code 25.008*

Enrollment in  
Prekindergarten  
and Kindergarten

A parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten, or enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade. *Education Code 28.02124* [See EIE]

Food Allergy  
Information

On enrollment, a district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The district shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

*Education Code 25.0022(a)–(c)*

Child in DFPS  
Possession

A district shall enroll a child without the required documentation if DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to a district not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

Inconsistent  
Documentation

If a child is enrolled under a name other than the name that appears in the identifying documents or records, a district shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

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Missing  
Documentation

If the required documents and other records are not furnished to a district within 30 days after enrollment, the district shall notify the police department of the city or the sheriff's department of the county in which the district is located and request a determination of whether the child has been reported as missing.

*Education Code 25.002(b)–(c)*

Parent Contact  
Information

The parent of a student enrolled in a district shall provide in writing to the district:

1. On enrollment of the student in the district and not later than two weeks after the beginning of each school year, the parent's address, phone number, and email address; and
2. If the parent's contact information changes during the school year, not later than two weeks after the date the information changes, the parent's updated information.

*Education Code 26.0125*

**Students Under 11**

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
  - a. A certified copy of the child's birth certificate; or
  - b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

*Code of Criminal Procedure 63.019*

**False Information**

When accepting a child for enrollment, a district shall inform the parent or other person enrolling the child that presenting a false

document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in a district is liable to the district if the student is not eligible for enrollment but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee a district may charge [see FDA] or the amount a district has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

A district may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

**Placement of Transfers**

Credits and Records

A district shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at a district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

A district shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104(a)*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. *Education Code 37.011(d)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

[For information regarding educational placement of students who are homeless or in substitute care, see FFC.]

**Foundation School Program**

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person:
  - a. Is at least five years of age and under 21 years of age, and has not graduated from high school;
  - b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or
  - c. Is at least 18 years of age and under 50 years of age and is enrolled in an adult education program provided under the adult high school charter school program under Education Code Chapter 12, Subchapter G.
2. The person is enrolled in prekindergarten under Education Code 29.153 [see EHBG].
3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.
4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

*Education Code 25.001(a), 48.003*

**Screening**

The principal of each district school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

**Pest Control Information**

Chief administrators or the integrated pest management (IPM) coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See CLB]

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<sup>1</sup> Authorization Agreement for Nonparent Relative (PDF):  
<https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf>

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232903

ADMISSIONS

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(LEGAL)

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<sup>2</sup> Student and Exchange Visitor Program: <https://www.ice.gov/sevis>



<b>Persons Age 21 and Over</b>	The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.
<b>Registration Forms</b>	The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.
Proof of Residency	In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency. The District may investigate stated residency as necessary.
<b>Minor Living Apart</b>	A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.
Person Standing in Parental Relation	
Misconduct	A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.
Exceptions	Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.
Extracurricular Activities	The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.
<b>Students Not Enrolled</b>	A student enrolled in a private school, including a homeschool, shall not be eligible for concurrent enrollment in the District nor for participation in curricular or extracurricular activities, except as required by law. [See EEL and FM]
<b>Nonresident Student in Grandparent's After-School Care</b>	<p>The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.</p> <p>The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.</p>
<b>"Accredited" Defined</b>	For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an

accrediting association recognized by the commissioner of education.

**Grade-Level  
Placement**

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited  
Schools

A student entering a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal.

Nonaccredited private schools shall be asked to furnish the following information in regard to each student coming into the District:

1. Latest standardized test scores for the student. These tests must be scored by a testing agency and not hand scored by the school. If a standardized test is not available, the District shall test the student.
2. Report card grades or course grades for the current and prior year(s) as deemed necessary by the District.

The District shall allow admission of a student on a probationary status from nonaccredited private schools at any grade level without specific course subject matter testing to determine grade level or competency. The following shall apply:

1. The District shall determine from the information received from the nonaccredited private school the course level and grade level at which a student will enter the District. Admission of the student to District classes shall be on a probationary basis for a period of six weeks, during which time the student's competency and progress in the grade and subject level will be monitored. Parents or legal guardians shall be notified of this procedure when they enroll the student.
2. If at the end of or prior to the end of the probationary period it is determined that the student has not been placed in the proper grade or course level, the student will be placed in the level appropriate for his or her competency and ability. The District personnel shall make this decision.
3. If at the end of the probationary period the student is performing satisfactorily, the student shall be removed from probation.

and given credit for courses passed prior to entering the District. The grades a student brings to the District shall be accepted.

**Foreign Exchange Students**

In order to ensure the best possible experiences for foreign exchange students, the guidelines listed below shall be followed:

1. Sponsoring agencies shall be approved by the United States Information Agency. Each sponsoring agency shall have a representative/contact person who resides within the area and who has power to make decisions for the agency.
2. The sponsoring agency and the host family shall complete all forms necessary for the placement of the exchange student before June 1 preceding the school year in which the student will be enrolled. The student shall provide the District with:
  - a. A translated, certified, and legal copy of his or her parent's or legal guardian's consent enabling the host family to act on behalf of the student.
  - b. Health records for the District's inspection and duplication.
  - c. Translated, certified, and official copies of all student records, grades, transcripts, and coursework in the English language.
3. Exchange students shall be classified according to age and ability, and may be eligible for graduation only if they meet District and TEA requirements.
4. All foreign exchange students shall comply with all federal, state, and District rules/regulations.

While the foreign exchange student is enrolled in a school within the District, the adult with authority to act for the student shall be available for and shall participate in school meetings and conferences regarding the status and/or progress of the student when requested by the principal, teacher, counselor, or other school professional designated by the principal.

**Transfer of Credit**

Accredited Texas  
Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or  
Nonaccredited  
Schools

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a non-accredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to

demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition  
Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

**Withdrawal**

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

**Agreement Between Districts**

The boards of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement and in accordance with Education Code 25.032–.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this provision, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance. *Education Code 25.035*

**Initiated by Student or Parent**

Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant’s parent, guardian, or person having lawful control agree in writing to the transfer. *Education Code 25.036* [See also FD]

**Transfer to a District Offering In-Person Instruction**

If a district provides notice to the parent or person standing in parental relation to a student enrolled in the district of the district’s intent to offer only virtual instruction for more than one grading period during a school year, the student may transfer for that school year to another district that offers in-person instruction during that school year and accepts the student’s transfer.

"Virtual instruction" means instructional activities delivered to students primarily over the internet.

A student who transfers to another school district under this section may not be charged tuition. The student is included in the average daily attendance of the district in which the student attends school.

*Education Code 25.045*

**Basis for Transfer**

A board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student’s ancestral language. *Education Code 25.032* [See FDAA]

**Transportation**

A board may establish and operate an economical public school transportation system outside the district if students enrolled in the district reside outside the district and the district meets the requirements of Education Code 34.007(a)(3) [see CNA]. *Education Code 34.007(a)*

**Funding for Transfers**

Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student’s attendance prior to the date of transfer shall be counted by the sending district and the student’s

attendance after transfer shall be counted by the receiving district.  
*Education Code 25.037*

**Credits and Records**

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

**Tuition Fee for  
Transfer Students**

A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

**Transfers to  
Adjoining States**

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**Note:** The following provision applies to a district located on the border of an adjoining state.

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Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. *Education Code 25.040*

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**Contracts for  
Education Outside  
Districts**

**Note:** The following section applies only to districts that do not offer all grades, kindergarten–grade 12.

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A district that does not offer each grade, kindergarten–grade 12, may provide by contract for students residing in the district who are at grade levels not offered by the district to be educated at those grade levels in one or more other districts. In each contract, the

districts also shall agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

Tuition

The district in which the students reside shall pay tuition to any district with which it has a contract under this section for each of its students attending school in that district at a grade level for which the district has contracted. The amount of the tuition paid may not exceed the greater of the amount provided for by Education Code 25.038 [see above], or an amount specified by commissioner rule [see below].

A district is not required to pay tuition to any district with which it has not contracted for the attendance by any of its students at a grade level for which it has contracted under this provision with another district.

A contract under this provision may not be for a period exceeding five years.

*Education Code 25.039*

*Definitions*

“Home district” means a district of residence of a transferring student.

“Receiving district” means a district to which a student is transferring for the purpose of obtaining an education.

“Tuition” means an amount charged to the home district by the receiving district to educate the transfer student.

*Tuition Allotment  
of the Home  
District*

For the purposes of calculating the tuition allotment of the home district as authorized by Education Code 48.154, the amount of tuition that may be attributed to a home district for a transfer student in payment for that student’s education may not exceed an amount per enrollee calculated for each receiving district. The calculated limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district. Tuition may be set at a rate higher than the calculated limit if both districts enter a written agreement, but the calculated tuition limit will be used in the calculation of the tuition allotment for the home district. The calculation will use the most currently available data in an ongoing school year to determine the limit that applies to the subsequent school year. For purposes of this provision, the number of students enrolled in a district will be appropriately adjusted to account for students ineligible for the Foundation School Program funding and those eligible for half-day attendance.

*Calculated  
Tuition Limit*

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt

revenue per enrollee, as calculated in 19 Administrative Code 61.1012(b)(2)–(3).

*Notification and  
Appeal Process*

In the spring of each school year, the commissioner will provide each district with its calculated tuition limit and a worksheet with a description of the derivation process. A district may appeal to the commissioner if it can provide evidence that the use of projected student counts from the LPE in making the calculation is so inaccurate as to result in an inappropriately low authorized tuition charge and undue financial hardship. A district that used significant nontax sources to make any of its debt service payments during the base year for the computation may appeal to the commissioner to use projections of its tax collections for the year for which the tuition limit will apply. The commissioner's decision regarding an appeal is final.

*19 TAC 61.1012*



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**Note:** For more information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, see FFC.

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**Children Who Are Homeless**

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district serving children who are homeless shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness:
  - a. If the child's family becomes homeless between academic years or during an academic year; and
  - b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

*42 U.S.C. 11432(g)(3)(A)* [For definition of "children who are homeless," see FD]

**Definitions**

Unaccompanied Youth

"Unaccompanied youth" includes a child who is homeless or youth not in the physical custody of a parent or guardian. *42 U.S.C. 11434A*

Enrollment

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

School of Origin

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled, including a preschool.

When the child completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

*42 U.S.C. 11432(g)(3)(I)*

**School Stability**

In determining the best interest of a child who is homeless, a district shall:

1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the

request of the child's parent or guardian, or (in the case of an unaccompanied youth) the youth;

2. Consider student-centered factors related to the child's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of children who are homeless, giving priority to the request of the child's parent or guardian or the unaccompanied youth;
3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, the district determines that it is not in the child's best interest to attend the school of origin or the school requested by the parent or guardian or the unaccompanied youth, provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth at Enrollment Disputes, below; and
4. In the case of an unaccompanied youth, ensure that the homeless liaison [see FFC] assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth at Enrollment Disputes, below.

*42 U.S.C. 11432(g)(3)(B)*

**Contact Information**

A district may require the parent or guardian of a child who is homeless to submit contact information. *42 U.S.C. 11432(g)(3)(H)*

**Immediate Enrollment**

The school selected in accordance with these provisions shall immediately enroll a child who is homeless, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or
2. Has missed application or enrollment deadlines during any period of homelessness.

*42 U.S.C. 11432(g)(3)(C)*

**Enrollment Disputes**

If a dispute arises over eligibility, or school selection or enrollment in a school:

1. The child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the district, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison [see FFC], who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

*42 U.S.C. 11432(g)(3)(E)* [See FNG]

**School Placement**

As a condition of receiving funds under the McKinney-Vento Act, TEA shall submit to the U.S. Secretary of Education a plan that includes assurances that a district will adopt policies and practices to ensure that children who are homeless are not stigmatized or segregated on the basis of their status as homeless. *42 U.S.C. 11432(g)(1)(J)(i)*

The choice regarding placement shall be made regardless of whether the child lives with the parents who are homeless or has been temporarily placed elsewhere. *42 U.S.C. 11432(g)(3)(F)*

**Records**

Academic

The enrolling school shall immediately contact the school last attended by the child to obtain relevant academic and other records. *42 U.S.C. 11432(g)(3)(C)(ii)*

Health

If the child needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the child's parent or guardian or an unaccompanied youth to the district homeless liaison [see FFC] who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records. [See also FFAB] *42 U.S.C. 11432(g)(3)(C)(iii)*

Maintenance

Any record ordinarily kept by a school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluation for special services or programs, regarding each child who is homeless shall be maintained so that the records involved are available, in a timely fashion, when a child enters a new school or district, and in a manner consistent

with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) [see FL]. *42 U.S.C. 11432(g)(3)(D)*

Privacy

Information about the living situation of a child who is homeless shall be treated as a student education record and shall not be deemed to be directory information under FERPA. [See FL] *42 U.S.C. 11432(g)(3)(G)*

**Comparable Services**

The district shall provide a child who is homeless with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

*42 U.S.C. 11432(g)(4)*

**Coordination**

A district serving children who are homeless shall coordinate:

1. The provision of services with local social services agencies and other agencies or entities providing services to children who are homeless and their families; and
2. Transportation, transfer of school records, and other interdistrict activities with other local educational agencies.

Housing Assistance

If applicable, a district shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for children who become homeless.

Purpose

The coordination shall be designed to:

1. Ensure that children who are homeless are promptly identified and have access to, and are in reasonable proximity to, available education and related support services; and
2. Raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Children who are Homeless with Disabilities

For children who are to be assisted both under the McKinney-Vento Act and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a district shall coordinate provision of services under the McKinney-Vento Act with the provision of programs for children with disabilities served by that district and other involved local educational agencies. [See EHBA series]

*42 U.S.C. 11432(g)(5)*

Barriers to Enrollment

A district shall review and revise any policies that may act as barriers to the identification or enrollment of children who are homeless. A district shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. A district shall give special attention to ensuring the identification, enrollment, and attendance of children who are homeless who are not currently attending school. *42 U.S.C. 11432(g)(7)*

**Website Information on Local Programs**

Each campus within a district with 3,000 or more students and located in a county with a population of at least 50,000 that maintains an internet website shall post on the campus website information regarding local programs and services, including charitable programs and services, available to assist students who are homeless.

A campus shall make a good faith effort to compile information and shall post the information compiled in a format and style that is easily understandable by students or parents, as appropriate based on the grade levels the campus offers.

A representative of a local program or service available to assist students who are homeless may request to have information concerning the program or service posted on a campus website. A campus may determine the information that is posted on its website and is not required to post information as requested by the representative.

The district is not liable for any harm to a student that results in connection with a local program or service referred to on the website of a campus.

*Education Code 33.906*

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**Other Related Policies:**

- AID—Federal Accountability Standards
  - CNA—Student Transportation
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- EHBD—Federal Title I Programs
  - FB—Equal Educational Opportunities
  - FD—Admissions
  - FFAB—Immunizations
  - FFC—Student Support Services
  - FL—Student Records
  - FP—Student Fees, Fines, and Charges
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**Compulsory  
Attendance**

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

**Voluntary Enrollment  
of Students 19 and  
Over**

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

*Education Code 25.085(e)–(h)*

**Accelerated /  
Compensatory  
Programs**

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
  - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]
  - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

*Education Code 25.085(d)*

**Additional  
Instructional Days**

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB(LEGAL)].  
*Education Code 25.085(i)*

**Exemptions**

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency  
Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home  
School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *Tex. Educ. Agency v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

Special Education—  
Nondistrict  
Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.



ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: <ol style="list-style-type: none"><li>1. Has the permission of the student's parent or guardian to attend the course;</li><li>2. Is required by court order to attend the course;</li><li>3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or</li><li>4. Is homeless.</li></ol>
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: <ol style="list-style-type: none"><li>1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or</li><li>2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801. [Note: The Workforce Investment Act of 1998 has been repealed.]</li></ol>
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law.

*Education Code 25.086*

**Excused Absences  
for Compulsory  
Attendance  
Determinations**

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**Note:** Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) [Student Attendance and Accounting Handbook](#).<sup>1</sup>

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A district shall excuse a student from attending school for the following purposes, including travel for those purposes.

1. Observing religious holy days;
2. Attending a required court appearance;
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship.
4. Taking part in a United States naturalization oath ceremony;
5. Serving as an election clerk [see Early Voting Clerks, below];  
or
6. If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:
  - a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
  - b. Required under a service plan under Family Code Chapter 263, Subchapter B.

*Education Code 25.087(b)(1)*

Health-Care  
Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2)–(b-3)*

Serious or Life-  
Threatening Illness

A district shall excuse an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides a certification from a physician licensed to practice medicine in Texas specifying the student's illness and the an-

anticipated period of the student's absence relating to the illness or related treatment. *Education Code 25.087(b)(3)*

Higher Education  
Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
  - a. A policy to determine when an absence will be excused for this purpose; and
  - b. A procedure to verify the student's visit at the institution of higher education.

*Education Code 25.087(b-2)*

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed  
Services

A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and

2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

*Education Code 25.087(b-5), (b-6)*

Visit to a Driver's  
License Office

A district may excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes: obtaining a driver's license; or obtaining a learner license. The district must verify the student's visit to the driver's license office in accordance with procedures adopted by the district. *Education 25.087(b-7)*

Taps at Military  
Funeral

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

No Penalty

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

Make-Up Work

The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

*Education Code 25.087(d)*

**Other Excused  
Absences**

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

**Notices to Parents**

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on

three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
  - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
  - b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

*Education Code 25.095*

**Non-Attendance**  
Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

*Affirmative  
Defense—Parent*

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

*Education Code 25.093*

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a)–(b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

*Truancy Courts*

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

*Family Code 65.004(a)–(b)*

*Affirmative  
Defense—  
Student*

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

1. Have been excused by a school official or by the court;
2. Were involuntary; or
3. Were due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

The affirmative defense is not available if, after deducting the absences described above, there remains a sufficient number of absences to constitute truant conduct.

In asserting an affirmative defense, the burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused, was involuntary, or was due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

*Family Code 65.003(c)–(f)*

**Truancy Prevention  
Measures**

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

**District Complaint or  
Referral**

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951(a)*

Uvalde CISD  
232903

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

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<sup>1</sup> TEA *Student Attendance Accounting Handbook*: <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>





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**Note:** Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) [Student Attendance and Accounting Handbook](#).<sup>1</sup>

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**Uniform Accounting System**

Each district shall use a uniform accounting system adopted by the commissioner for the data required to be reported for the Public Education Information Management System. *Education Code 48.008(b)*

**Student Attendance Accounting Handbook**

The commissioner will annually establish student attendance accounting guidelines and procedures to be used by a district to maintain records and make reports on student attendance and student participation in special programs.

The standard procedures that a district must use to maintain records and make reports on student attendance and student participation in special programs are described in the official TEA publication *Student Attendance Accounting Handbook*. A copy of the *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance.

Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.

*19 TAC 129.1025*

**Incentive for Additional Instructional Days**

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and
2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

*Education Code 48.0051(a)*

**Funding for Off-Campus Programs**

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration

of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *Student Attendance Accounting Handbook*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

*19 TAC 129.1031(c)–(d)* [See EHDD]

[For information regarding funding for virtual instruction and remote learning programs, see EHDE and EHDF.]

### **Disasters**

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

*Education Code 48.006(a), (c)*

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<sup>1</sup> TEA *Student Attendance Accounting Handbook*: <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>

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**Note:** See FB for the application of Section 504 of the Rehabilitation Act to students who qualify for individualized health plans.

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**Diabetes  
Management and  
Treatment Plan**

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

Required Elements

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

Submission to  
School

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

*Health and Safety Code 168.002*

Individualized  
Health Plan

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see Required Elements, above].

*Health and Safety Code 168.001(3), .003*

Independent  
Monitoring and  
Treatment

In accordance with the student's IHP, a school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;

2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and
5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

*Health and Safety Code 168.008*

Required Care

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. A district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCA's. *Health and Safety Code 168.007(c)–(d)*

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

School Nurse Not Available

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and
2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see Immunity from Liability, below].

*Health and Safety Code 168.007(a)*

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the student's diabetes treatment.

*Health and Safety Code 168.007(b)*

Unlicensed  
Diabetes Care  
Assistants

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCA's and to care for students with diabetes; and
2. Make efforts to ensure the school has:
  - a. At least one UDCA if a full-time nurse is assigned to the school; and
  - b. At least three UDCA's if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA Training, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

*Health and Safety Code 168.001(5)-(6), .003-.004*

UDCA Training

If a school nurse is assigned to a campus, the nurse shall coordinate the training of school employees acting as UDCA's. Training for UDCA's must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or
2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

*Health and Safety Code 168.005*

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**Note:** Guidance for the care of students with diabetes is available on the [Texas Department of State Health Services \(TDSHS\) website](#).<sup>1</sup>

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Information to  
Employees

A district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

*Health and Safety Code 168.006*

Immunity from  
Liability

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see Required Care, above] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

*Health and Safety Code 168.007(e)–(f)*

**Students at Risk for Anaphylaxis**

The board shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on [Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis](#)<sup>2</sup> developed by the commissioner of state health services. A district shall annually review the policy and, as necessary, revise its policy for the care of students with a diagnosed food allergy at risk for anaphylaxis to ensure the policy is consistent with the most current version of the guidelines.

This section does not waive any liability or immunity of the district or its officers or employees or create any liability for or a cause of action against the district or its officers or employees.

Notwithstanding any other law, these provisions do not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action.

*Education Code 38.0151(a)–(b), (d), (i)–(j)*

A district that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Education Code Chapter 38, Subchapter E [see FFAC] is not required to comply with Education Code 38.0151. *Education Code 38.0151(f)*

**Website Requirements**

Each school year, the board shall post a summary of the guidelines on the district's website [see CQA], including instructions on obtaining access to the complete guidelines document. The district's website must be accessible by each student enrolled in the district and a parent or guardian of each student. Any forms used by a district requesting information from a parent or guardian enrolling a child with a food allergy in the district must include information to access on the district's website a summary of the guidelines and instructions on obtaining access to the complete guidelines document. *Education Code 38.0151(g)*

**Seizure Management and Treatment Plan**

The parent or guardian of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the district at which the student is enrolled a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. The plan must be submitted to and reviewed by the district:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls in the district after the beginning of the school year; or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

Plan Requirements

A seizure management and treatment plan must:

1. Identify the health-care services the student may receive at school or while participating in a school activity;
2. Evaluate the student's ability to manage and level of understanding of the student's seizures; and
3. Be signed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

*Education Code 38.032(a)–(b)*

Immunity

The care of a student with a seizure disorder by a district employee under a seizure management plan submitted under Education Code 38.032 is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Education Code 22.0511, regarding immunity from liability.

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student.

*Education Code 38.032(c)–(d)*

[See DMA for seizure recognition and related first aid training.]

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<sup>1</sup> TDSHS guidance for the care of students with diabetes:

<https://www.dshs.texas.gov/diabetes/diabetes-children>

<sup>2</sup> TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis:

<https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FI-NAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf>



**Liaison for Court-Related Students**

A 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. *Education Code 37.014*

**Liaison for Students Who Are Homeless**

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)* [See FDC for more information regarding McKinney-Vento Act requirements.]

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of “homeless children.”]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. 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;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians

of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;
8. 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;
9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and
10. Unaccompanied youths:
  - a. Are enrolled in school;
  - b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and
  - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

*42 U.S.C. 11432(g)(6)(A), (B)*

Determination of  
Homeless Status

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

**Liaison for Children  
in State  
Conservatorship**

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

*Education Code 33.904*

**Transition to Higher Education**

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

*Family Code 264.1212 [See FFEA]*

**Transition Assistance for Highly Mobile Students**

Definitions

*Educational and Course Programs*

"Educational and course programs" means programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.

*Enrollment Conference*

"Enrollment conference" means a student-centered meeting between key district staff and the newly enrolled student and/or the student's parent or guardian that occurs within the first two weeks of enrollment, as soon as feasible, at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504

services, academic and/or behavioral interventions, social and emotional needs, college and career readiness). The student's attendance in the conference should be addressed on a case-by-case basis.

*Records*

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

*Welcome Packet*

"Welcome packet" means a compilation of district and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.

*19 TAC 89.1601(2), (4), (9), (11)*

Transfer of Student  
Records

Each district shall ensure that school records for students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records. Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

*19 TAC 89.1603*

Systems and  
Procedures

A district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists;
2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and
3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

*19 TAC 89.1605(a)*

A district must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists on local processes and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

A district must use the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student's previous school are missing or cannot be located, a district should use the Texas Student Data System (TSDS) Unique ID application to identify where the student was previously enrolled.

*19 TAC 89.1605(c)–(d)*

Enrollment  
Conference

A district shall convene an enrollment conference within the first two weeks or as soon as feasible, after a student who is homeless or in substitute care enrolls at a new school. The convening of the

enrollment conference shall not delay or impede the enrollment of the student.

The student's attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. McKinney-Vento or foster care liaisons;
3. Social workers;
4. Teachers;
5. School counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or DFPS caseworker;
9. The DFPS designated educational decision-maker;
10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteers, as applicable; and
11. A parent or guardian, unless the caseworker indicates the parent's or guardian's rights to participate have been restricted by the court.

*19 TAC 89.1605(b)*

Educational  
Placement

A district must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.

A district must ensure that a student who is homeless or in substitute care has the opportunity to pursue the same endorsement cat-

egories, to the extent possible. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, a district shall ensure the continuation of a student's course and educational programs, if appropriate, from the previous district by placing the student in comparable courses and programs for which they are eligible.

A district shall promote placement in academically challenging and career preparation courses.

*19 TAC 89.1609*

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Access to  
Educational and  
Extracurricular  
Programs and  
Courses

A district must develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

A district must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless and plans to participate in varsity athletics.

In compliance with Education Code 25.001(f) [see FD], a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by the district.

*19 TAC 89.1611*

Postsecondary  
Information for  
Students who are  
Homeless or in  
Substitute Care

District counselors or other designated staff shall work with district McKinney-Vento and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required by Education Code 28.02121 [see EIF].

Districts must provide postsecondary counseling in alignment with Education Code 33.007 [see FFEA], for all students, including students who are homeless or in substitute care.

Districts must connect students to college readiness initiatives, campus visits, and other postsecondary preparation opportunities provided by the district.

School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high school and each subsequent year throughout high school. [See FFEA]

*Provisions for  
Students  
Experiencing  
Homelessness*

McKinney-Vento liaisons must inform unaccompanied homeless youths of their status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x)(III).

School counselors must assist and advise students experiencing homelessness with college preparation and readiness, pursuant to 42 United States Code 11432(g)(1)(K).

*19 TAC 89.1613(a)–(b)*

*Provisions for  
Students in  
Substitute Care*

A district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

A district shall inform students in substitute care of tuition and fee exemptions under Education Code 54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

A district shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.

*19 TAC 89.1613(c)*

*Notice of Events for  
Students in  
Substitute Care*

A district must provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student. *19 TAC 89.1617*



Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];
5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];
7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

*Education Code 25.007(b)(10)*

**Child Welfare  
Contact**

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

**School-Community  
Guidance Center**

A 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 a superintendent, a governmental agency concerned with children that has jurisdiction in a 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 a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

Cooperative  
Programs

A 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 a 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.

A 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 a 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-.056*



**Definitions**

**Bullying**

“Bullying”:

1. Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements below and that:
  - a. Has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property;
  - b. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
  - d. Infringes on the rights of the victim at school; and
2. Includes cyberbullying.

**Cyberbullying**

“Cyberbullying” means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Applicability**

These provisions apply to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
  - a. Interferes with a student’s educational opportunities; or

- b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Policy**

The board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prevents and mediates bullying incidents between students that:
  - a. Interfere with a student's educational opportunities; or
  - b. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;
3. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
4. Establishes a procedure for providing notice of an incident of bullying to:
  - a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
  - b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
5. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
6. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
7. Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
8. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying;
9. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law,

including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

10. Complies with the minimum standards adopted by the Texas Education Agency (TEA) for a district's policy.

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the district improvement plan under Education Code 11.252. [See BQ]

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**Note:** [Minimum Standards for Bullying Prevention](#)<sup>1</sup> are available on TEA's website.

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### **Internet Posting**

The procedure for reporting bullying must be posted on a district's internet website to the extent practicable.

*Education Code 37.0832*

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<sup>1</sup> TEA Minimum Standards for Bullying Prevention:  
<https://tea.texas.gov/texas-schools/health-safety-discipline/student-discipline/minimum-standards-for-bullying-prevention>





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**Note:** This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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<b>Bullying Prohibited</b>	The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.
Examples	Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.
<b>Minimum Standards</b>	In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.
<b>Retaliation</b>	The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
<b>False Claim</b>	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.
<b>Timely Reporting</b>	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.
<b>Reporting Procedures</b>	To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.
Student Report	

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
<b>Notice of Report</b>	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
<b>Prohibited Conduct</b>	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
<b>Investigation of Report</b>	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
<b>Notice to Parents</b>	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

<b>District Action</b>	
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Discipline</i>	<p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
<b>Confidentiality</b>	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
<b>Appeal</b>	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
<b>Records Retention</b>	Retention of records shall be in accordance with CPC(LOCAL).
<b>Access to Policy and Procedures</b>	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.



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**Note:** For information regarding law enforcement and schools, see GRAA. For information regarding juvenile law enforcement records, see GBA.

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**Education Records**

“Education  
Records” Defined

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term “education records” does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

*20 U.S.C. 1232g; 34 C.F.R. 99.3*

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening,

and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b)* [See FFAA]

Immunization  
Records

A district shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. A district shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

Medical Records

The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

*Privacy Rule for  
Non-"Education  
Records"*

To the extent a district is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the district must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

Food Allergy  
Information

Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.

*Exceptions*

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy. [See FD]

*Education Code 25.0022(d)-(f)*

Assessment  
Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school per-

sonnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic  
Achievement  
Record (Grades 9–  
12)

Following guidelines developed by the commissioner of education, a district must use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

*Education Code 25.002(a)*

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

*Education Code 25.002(a-1)* [See FD]



**Access, Disclosure,  
and Amendment**

Definitions

*Attendance*

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

*Authorized  
Representative*

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

*Biometric Record*

“Biometric record” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

*Disclosure*

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

*Education  
Program*

“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

*Parent*

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

*Personally  
Identifiable  
Information*

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s social security number, student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

*Record*

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

*34 C.F.R. 99.3*

*Signed and  
Dated Written  
Consent*

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

*34 C.F.R. 99.30(d)*

*Disclosure With  
Consent*

The parent or eligible student shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records, except as provided by 34 C.F.R. 99.31. The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the part or class or parties to whom the disclosure may be made.

When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed.

*34 C.F.R. 99.30(a)-(c)*

*Access by Parents*

A district shall give full rights under these provisions to either parent, unless the district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. *34 C.F.R. 99.4*

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *Family Code 153.012*

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.

*Education Code 26.004*

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. *34 C.F.R. 99.12(a)*

Access by Student

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education. *34 C.F.R. 99.3*

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under these provisions transfer from the parents to the student.

Nothing in this provision prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in *34 C.F.R. 99.31(a)*, including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

*34 C.F.R. 99.5, .31(a)(8), (a)(10), .36*

Disclosure Without Consent

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following.

*School Officials*

School officials, including teachers, who have legitimate educational interests.

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which the district would otherwise use employees;
2. Is under the direct control of the district with respect to the use and maintenance of education records; and
3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

*34 C.F.R. 99.31(a)(1)*

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. *Education Code 38.009*

*Officials of Other Schools*

Officials of educational agencies or institutions, including officials of another school or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district shall:

1. Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:
  - a. The disclosure is initiated by the parent or eligible student; or
  - b. The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;

2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and
3. Give the parent or eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C.

*34 C.F.R. 99.31(a)(2), .34*

*Authorized  
Government  
Representatives*

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35(a)(1)*

A district may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. A district is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3(g), or any corresponding regulation. *8 C.F.R. 214.1(h); 8 U.S.C. 1372(c)(2)*

*Financial Aid  
Personnel*

Personnel involved with a student's application for, or receipt of, financial aid. *34 C.F.R. 99.31(a)(4)(i)*

*Juvenile Justice  
Officials*

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

*34 C.F.R. 99.31(a)(5)(i), .38*

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

*Organizations  
Conducting  
Studies*

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruc-

tion. Such studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

*34 C.F.R. 99.31(a)(6)(i)-(iv)*

*Accrediting  
Organizations*

Accrediting organizations to carry out their accrediting functions. *34 C.F.R. 99.31(a)(7)*

*Health or Safety  
Emergency*

Appropriate parties, including the student's parents, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student

or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education (U.S. ED) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

*34 C.F.R. 99.31(a)(10), .36(a),(c)*

*Agriculture  
Secretary*

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act [see COB] for which the results will be reported in an aggregate form, on the conditions as follows:

1. Any data collected under this paragraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the United States Secretary of Education; and
2. Any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

*20 U.S.C. 1232g(b)(1)(K)*

*Child Welfare  
Agency*

An agency caseworker or other representative of a state or local child welfare agency or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when the agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student. Education records, or the personally identifiable information contained in such records, of the student shall not be disclosed by the agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive the disclosure. A disclosure must be consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

*Directory  
Information*

Any person requesting directory information after a district has given public notice of that definition. [See Directory Information, below] *34 C.F.R. 99.37*

*Information  
Collection*

*U.S. ED–Funded  
Surveys (PPRA)*

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. ED, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emanci-

pated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

*20 U.S.C. 1232h(b)*

*Funded by Other Sources*

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4)* [See EF]

Subpoenaed Records

A district shall release student records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:



1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
3. An ex parte court order obtained by the United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

*34 C.F.R. 99.31(a)(9)*

Sex Offenders

A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, but not more than 45 days after it has received the request. A district shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

Records  
Destruction

A district shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

De-Identified  
Records

A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple

releases, and taking into account other reasonably available information. *34 C.F.R. 99.31(b)(1)*

*Education  
Research*

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

*34 C.F.R. 99.31(b)(2)*

*Authenticating  
Requestors'  
Identities*

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

*Transfer Not  
Permitted*

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy or fails to destroy the information as required by 20 U.S.C. 1232g(b)(1)(F), a district shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)-(d)*

A district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

*34 C.F.R. 99.33(b)*

Record of Access to  
Student Records

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

*34 C.F.R. 99.32*

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

Right to Amend

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. *34 C.F.R. 99.20*

If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. *34 C.F.R. 99.21*

Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for a copy of education records which is made for the parent or an eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review those records. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

Records of  
Students with  
Disabilities

A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*

*Access Rights*

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect district records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*
2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification,

evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

*Record Types  
and Locations*

A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

*Parental Consent*

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

*Confidentiality*

A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

*Information  
Destruction*

A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

*34 C.F.R. 300.624*

**Annual Notification  
of Rights**

A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. ED a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

*20 U.S.C. 1232g(e); 34 C.F.R. 99.7*

**Directory  
Information**

"Directory  
Information"  
Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:

- a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or
- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

**34 C.F.R. 99.3**

*Disclosure of  
Directory  
Information*

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

1. The types of personally identifiable information that it has designated as directory information.
2. A parent's or eligible student's right to refuse to let the district designate any or all of those types of information about the student as directory information.
3. The period of time within which the parent has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

*Restrictions on  
the Right of  
Refusal*

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

*Former Students*

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

STUDENT RECORDS

FL  
(LEGAL)

Confirmation of Identity or Records	<p>A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.</p> <p><i>34 C.F.R. 99.3, .37</i></p>
Homeless Students	<p>Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. <i>42 U.S.C. 11432(g)(3)(G)</i></p>
<i>Directory Information Designation</i>	<p>A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]</p> <p>Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or district publication, if any such purpose has been designated by a district, remains otherwise confidential and may not be released under Government Code Chapter 552.</p>
<i>Annual Notice</i>	<p>A district shall provide the following to the parent of each district student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:</p> <ol style="list-style-type: none"><li>1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and</li><li>2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.</li></ol>
Contents	<p>The notice must contain:</p> <ol style="list-style-type: none"><li>1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors,</li></ol>



and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]”;

2. A form, such as a check-off list or similar mechanism, that:
  - a. Immediately follows, on the same page or the next page, the required statement; and
  - b. Allows a parent to record:
    - (1) The parent’s objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;
    - (2) The parent’s objection to the release of a secondary student’s name, address, and telephone number to a military recruiter or institution of higher education; and
    - (3) The parent’s consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and
3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student’s information disclosed without the parent’s prior written consent.

*Education Code 26.013*

*Student  
Recruiting  
Information*

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to secondary school students’ names, addresses, and telephone listings unless a student’s parent has submitted the prior consent request below.

STUDENT RECORDS

FL  
(LEGAL)

Consent to  
Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student's name, address, and telephone listing not be released for purposes described above without prior written consent. Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In  
Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

*20 U.S.C. 7908*

A district shall:

1. Provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and
2. Upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available), and telephone listings, notwithstanding directory information requirements in FERPA [see above].

A district shall notify parents of their right to submit a request to the district that the student's name, address, electronic mail address, and telephone listing not be released.

*10 U.S.C. 503(c)(1)(A)–(B)* [See also GKC]

**Videotapes and  
Recordings**

A district employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

*Education Code 26.009* [See EHA, EHBAF, FM, and FO]



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

## **SECTION G: COMMUNITY AND GOVERNMENTAL RELATIONS**

GA	ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES
GB	PUBLIC INFORMATION PROGRAM
GBA	Access to Public Information
GBAA	Requests for Information
GBB	School Communications Program
GBBA	News Media Relations
GC	PUBLIC NOTICES
GE	RELATIONS WITH PARENT ORGANIZATIONS
GF	PUBLIC COMPLAINTS
GK	COMMUNITY RELATIONS
GKA	Conduct on School Premises
GKB	Advertising and Fundraising
GKC	Visitors
GKD	Nonschool Use of School Facilities
GKDA	Distribution of Nonschool Literature
GKE	Business, Civic, and Youth Groups
GKF	Cultural Institutions
GKG	School Volunteer Program
GN	RELATIONS WITH EDUCATIONAL ENTITIES
GNA	Other Schools and Districts
GNB	Regional Education Service Centers
GNC	Colleges and Universities
GND	State Education Agency
GNE	Education Accreditation Agencies
GR	RELATIONS WITH GOVERNMENTAL ENTITIES
GRA	State and Local Governmental Authorities
GRAA	Law Enforcement Agencies
GRAC	Juvenile Service Providers
GRB	Interlocal Cooperation Contracts
GRC	Emergency Management



**Public Information  
Defined**

For purposes of Government Code Chapter 552 (Public Information Act), "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a board;
2. For a board and the board:
  - a. Owns the information;
  - b. Has a right of access to the information; or
  - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a district in the officer's or employee's official capacity and the information pertains to official business of the district.

"Official business" means any matter over which the board or district has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of the district in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a district, and pertains to official business of the district.

The definition of "public information" above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

*Gov't Code 552.002(a)-(a-2), .003(2-a)*

**Forms of Public  
Information**

The general forms in which the media containing public information exist include a book, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

*Gov't Code 552.002(b)–(c)*

**Preservation of Information**

A district may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code (Local Government Records Act), governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

*Gov't Code 552.004(a), (c)* [See BBI, CPC, DH]

Temporary Custodians

“Temporary custodian” means an officer or employee of a district who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer’s agent. The term includes a former officer or employee who created or received public information in the officer’s or employee’s official capacity that has not been provided to the officer for public information or the officer’s agent. *Gov't Code 552.003(7)*

Ownership of Public Information

A current or former board member or employee of a district does not have, by virtue of the board member’s or employee’s position or former position, a personal or property right to public information the board member or employee created or received while acting in an official capacity.

Surrender or Return of Public Information

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the district not later than the 10th day after the date the officer for public information or the officer’s agent requests the temporary custodian to surrender or return the information.

*Disciplinary Action*

A temporary custodian’s failure to surrender or return public information as required is grounds for disciplinary action by the district or any other applicable penalties provided by the Public Information Act or other law.

*Gov't Code 552.233*



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**Note:** For forms prescribed by the attorney general, see the [Attorney General's Public Information website](#).<sup>1</sup>

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**Public Information**

See GB(LEGAL) for the definition of public information.

**Availability of Public Information**

Public information is available to the public at a minimum during the normal business hours of a district. Government Code Chapter 552 (Public Information Act [PIA]) does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided by the PIA. *Gov't Code 552.006, .021*

Special Rights of Access

*Person Whose Information the District Holds*

A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by the district that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests. A district may not deny this access on the grounds that the information is considered confidential by privacy principles under the Public Information Act but may assert as grounds for denial other provisions of the PIA or other law not intended to protect the person's privacy interests. Access to information under this provision shall be provided in the manner prescribed by Government Code 552.229 (consent to release) and 552.307 (timely release), below. *Gov't Code 552.023(a), (b), (e)*

*Board Members*

For information on board members' special access rights to district information, see BBE.

*Parents*

A district that receives a request from a parent for public information relating to the parent's child shall comply with the Public Information Act. *Education Code 26.0085(e)*

For information on parents' special access rights to their child's education records, see FL.

**Information That Must Be Disclosed**

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Public Information Act or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board or district, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a board.

4. The name of each official and the final record of voting on all proceedings of a board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.
6. A description of a district's central and campus organization, including where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by a board as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Each amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in the adjudication of cases.
12. A policy statement or interpretation adopted or issued by a board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under a district's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
16. Information that is also contained in a public court record.
17. A settlement agreement to which a board is a party.

*Gov't Code 552.022*

Contracting Information	Contracting information, as that term is defined in Government Code 552.003(1-a) [see GBAA], is public and must be released unless excepted from disclosure under the Public Information Act. The exceptions to disclosure provided by Government Code 552.110 (trade secrets) and 552.1101 (proprietary information) do not apply to the types of contracting information listed at Government Code 552.0222(b). <i>Gov't Code 552.0222(a), (b)</i> [See GBAA for additional procedures related to contracting information.]
Investment Information	Certain categories of information held by a district relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the Public Information Act. <i>Gov't Code 552.0225</i>
<b>Confidential Information That Must Not Be Disclosed</b>	A person commits an offense if the person distributes information considered confidential under the terms of the Public Information Act. A violation under this provision also constitutes official misconduct. <i>Gov't Code 552.352</i>
Confidential by Law	Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. <i>Gov't Code 552.101</i>
<hr/> <b>Note:</b> For confidentiality and access provisions addressed by specific statutes other than Government Code Chapter 552 (Public Information Act), see the applicable policy code. <hr/>	
Privileged Attorney-Client Information	<p>The Texas Rules of Civil Procedure and the Texas Rule of Evidence are "other law" within the meaning of Government Code 552.022 (allowing "other law" to make information confidential from required disclosure). A district does not forfeit the attorney-client privilege by failing to timely request an attorney general's decision, and the privilege is sufficiently compelling to rebut the presumption of public disclosure after an untimely request. <i>In re City of Georgetown</i>, 53 S.W.3d 328, 336 (Tex. 2001); <i>Paxton v. City of Dallas</i>, 509 S.W.3d 247 (Tex. 2017)</p> <p>The attorney-client privilege does not apply if the attorney or attorney's representative acts in a capacity other than that of providing or facilitating professional legal services to the client. <i>Harlandale Indep. Sch. Dist. V. Cornyn</i>, 25 S.W.3d 328 (Tex. App.—Austin 2000, pet. Denied)</p>
Closed Meeting Records	The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. <i>Gov't Code 551.104(c)</i> ; <i>Atty. Gen. ORD 684 (2009)</i>

[For information regarding minutes or recording of an open meeting, see BE.]

Student Education  
Records

The Public Information Act does not require the release of information contained in education records of the district, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g (FERPA).

In this provision, "student record" means information that constitutes education records as that term is defined by FERPA or information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

The district is not prohibited from disclosing or providing information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. In addition, a student record shall be made available on the request of district personnel, the student, the student's parents, legal guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as provided by Government Code 552.114(e) (information in enrollment or transfer records, below), a district may redact information in a student record from information required to be disclosed under the Public Information Act without requesting a decision from the attorney general.

*Gov't Code 552.026, .114 [See FL]*

*Enrollment or  
Transfer  
Information*

If an applicant, or a parent or legal guardian of a minor applicant, for admission to an educational institution funded wholly or partly by state revenue requests information in the record of the applicant, the district shall disclose any information that is related to the application for admission and was provided to the district by the applicant. *Gov't Code 552.114(e)*

*Student Victim  
Information*

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

Juvenile Law  
Enforcement  
Records

Except as provided by Family Code 58.008(c) (person with a determinate sentence), law enforcement records concerning a child, as defined by Family Code 51.02(2), and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public. *Family Code 58.008(b)*

Law enforcement records concerning a child may be inspected or copied by:

1. A juvenile justice agency, as defined by Family Code 58.101;
2. A criminal justice agency, as defined by Government Code 411.082;
3. The child;
4. The child's parent or guardian; or
5. The chief executive officer or the officer's designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. [See FFB]

*Family Code 58.008(d), (d-1)*

*Exclusions*

These provisions do not apply to a record relating to a child that is required or authorized to be maintained under the laws regulating the operation of motor vehicles in Texas or subject to disclosure under Code of Criminal Procedure Chapter 62 (registered sex offenders). *Family Code 58.008(a)*

Certain Personnel  
Information

**Note:** For previous determinations by the attorney general allowing governmental bodies to withhold specific categories of information in personnel records, including direct deposit forms; employment forms I-9, W-2, W-4; and fingerprints, without the necessity of requesting an attorney general decision, see Attorney General Open Records Decision (ORD) 684 (2009).

*Employee Social  
Security Numbers*

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

*Invasion of  
Privacy*

Information is excepted from public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of a district employee is to be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. The exception to public disclosure created by this provi-

sion is in addition to any exception created by Government Code 552.024. Public access to personnel information covered by Government Code 552.024 is denied to the extent provided by that provision. *Gov't Code 552.102(a)*

*Employee Birth Dates*

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and thus such dates are excepted from disclosure under Government Code 552.102(a). *Texas Comptroller of Public Accts. v. Atty. Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010)*

*College Transcripts*

Information is excepted from public disclosure if it is a transcript from an institution of higher education maintained in the personnel file of a professional employee, except that this provision does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee. *Gov't Code 552.102(b)*

*Evaluations*

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act.

At the request of a school district, open-enrollment charter school, or private school at which a teacher or administrator has applied for employment, a district shall give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

A district shall give the Texas Education Agency (TEA) a document evaluating the performance of a teacher or administrator employed by the district for purposes of an investigation conducted by TEA.

*Education Code 21.355(a), (c), (d)*

*Educator Certification Exam*

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

*Employee Accused of Improper Relationship with Student*

A primary or secondary school may not release externally to the general public the name of an employee who is accused of committing an offense under Penal Code 21.12 (improper relationship between educator and student) until the employee is indicted for the offense. The school may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

1. Report the accusation:



- a. To TEA, another state agency, or local law enforcement or as otherwise required by law; or
- b. To the school's community in accordance with the school's policies or procedures; or

2. Conduct an investigation of the accusation.

*Penal Code 21.12(d-1)*

Credit Card, Debit Card, Charge Card, and Access Device Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

*Gov't Code 552.136*

Email Addresses of the Public

An email address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

This confidentiality does not apply to an email address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;
2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a

district in the course of negotiating the terms of a contract or potential contract;

4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this provision includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an email address for any reason to another governmental body or to a federal agency.

*Gov't Code 552.137, 2001.003(2); Atty. Gen. ORD 684 (2009)*

Individuals Who  
Inform of Legal  
Violations

An informer's name or information that would substantially reveal the identity of an informer is excepted from public disclosure.

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

This exception does not apply if the informer:

1. If the informer is a student or former student, and the student, student's legal guardian, or student's spouse consents to disclosure of the student's name;
2. If the informer is an employee or former employee who consents to disclosure of the employee's name; or
3. The informer planned, initiated, or participated in the possible violation.

Information may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the Public Information Act.

*Gov't Code 552.135*

Crime Victim  
Information

*Address  
Confidentiality  
Program*

Information relating to a participant in the Address Confidentiality Program for Certain Crime Victims (including from family violence, sexual assault or abuse, stalking, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B) is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the Public Information Act. *Code of Criminal Procedure 58.060*

*Employee  
Victims*

A district employee who is a victim under Code of Criminal Procedure Chapter 56B (Crime Victims' Compensation Act) regardless of whether the employee has filed an application for compensation may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the district develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

*Gov't Code 552.132(d)*

*Victims of Certain  
Crimes*

Information is confidential and excepted from public disclosure if the information identifies an individual as a victim of:

1. A criminal offense specified by Government Code 552.1315(a)(1)(A) and (B), or
2. Any criminal offense if the victim was younger than 18 years of age when any element of the offense was committed.

Notwithstanding the above, information may be disclosed:

1. To any victim identified by the information;
2. To the parent or guardian of a victim described by item 2 above who is identified by the information;
3. To a law enforcement agency for investigative purposes; or

4. In accordance with a court order requiring the disclosure.

*Gov't Code 552.1315*

Location or Layout  
of Shelter Centers

Information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential. A district may redact this information from any information the district discloses without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.138(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.138(b-1), (c), (d)*

Criminal History  
Records

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the district from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. TEA;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or
5. By court order.

*Gov't Code 411.097(d)(1)* [See CJA, DBAA, and DHB]

Sensitive Crime  
Scene Image

A sensitive crime scene image in the custody of a district is confidential and excepted from public disclosure, regardless of the date that the image was taken or recorded. A district may not permit a person to view or copy the image unless the person is one of the individuals specified by Government Code 552.1085(d) and the district is not otherwise asserting an exception to disclosure under another provision of the Public Information Act or another law. *Gov't Code 552.1085*

Computer Security

*Computer  
Networks*

Information is excepted from public disclosure if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network.

The following information is confidential:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log. This does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053. [See CQB]

A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 [see Voluntary Disclosure, below].

*Gov't Code 552.139*

*Cybersecurity  
Information*

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Exempt from disclosure under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records.

*6 U.S.C. 1504(d)(4)(B)* [See CQB]

*Texas VIRT  
Information*

Information written, produced, collected, assembled, or maintained by a participating district or a volunteer from the district in the implementation of Government Code Chapter 2054, Subchapter N-2 (Texas Volunteer Incident Response Team) is confidential and not subject to disclosure under the Public Information Act if the information:

1. Contains the contact information for a volunteer;
2. Identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event;
3. Consists of a participating district's cybersecurity plans or cybersecurity-related practices; or
4. Is obtained from a participating district or from a participating district's computer system in the course of providing assistance under Subchapter N-2.

*Gov't Code 2054.52010*

Military Discharge  
Records

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. During that period, the district may only permit inspection, copying, or disclosure of the information contained in the record only in accordance with Government Code 552.140 or a court order. The district is authorized to withhold a Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of the district on or after September 1, 2003, under this provision without the necessity of requesting an attorney general decision. *Gov't Code 552.140(a), (b); Atty. Gen. ORD 684 (2009)*

*Limited Use*

A district that obtains this information from another governmental body shall limit the district's use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140(e)*

Firefighter or EMS  
Work Schedules

A work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by Health and Safety Code 773.003 is confidential and excepted from public disclosure. *Gov't Code 552.159*

Out-of-State Health-  
Care Provider  
Information

Information obtained by a district that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state

health-care provider pays for is confidential and excepted from public disclosure. *Gov't Code 552.162*

Applicant for  
Disaster Recovery  
Funds

The following information maintained by a district is confidential:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

*Gov't Code 552.160(b), (c)*

Threat of Physical  
Harm

Information in the custody of a district that relates to an employee or officer of the district is excepted from public disclosure if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

**Exceptions to  
Disclosure**

Voluntary  
Disclosure

The Public Information Act does not prohibit a district or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law. Information voluntarily made available as allowed under this provision must be made available to any person and cannot be withheld from further disclosure. *Gov't Code 552.007; Atty. Gen. ORD 518 (1989)*

Right of Access  
After 75 Years

Except for social security numbers, the confidentiality provisions of the Public Information Act, or as otherwise provided by law, information that is not confidential but is excepted from required disclosure under Government Code Chapter 552, Subchapter C, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Information Relating  
to Litigation

Information is excepted from public disclosure if it is information relating to litigation of a civil or criminal nature to which a district is, or

may be, a party or to which an officer or employee of the district, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated on the date the district's public information officer receives the request. *Gov't Code 552.103(a), (c)*

Information Related  
to Competition or  
Bidding

Information is excepted from public disclosure if the district demonstrates that the release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the district establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Required disclosure under Government Code 552.022 does not apply to information that is excepted from required disclosure under this provision.

*Parades,  
Concerts, and  
Entertainment  
Events*

Information relating to the receipt or expenditure of public or other funds by a district for a parade, concert, or other entertainment event paid for in whole or part with public funds is not excepted from public disclosure. A person, including a district, may not include a provision in a contract related to an event that prohibits or would otherwise prevent the disclosure of this information. A contract provision that violates Government Code 552.104(c) is void.

*Gov't Code 552.104*

Certain Information  
on Real or Personal  
Property

Information is excepted from public disclosure if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or information relating to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

Drafts Involving  
Legislation

A draft or working paper involved in the preparation of proposed legislation is excepted from public disclosure. *Gov't Code 552.106*

Certain Legal  
Information

Information is excepted from public disclosure if it is not privileged information but information that an attorney of a district is prohibited from disclosing because of a duty to the board under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct, or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

Certain Law  
Enforcement  
Information

Information (other than basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime; or



2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from public disclosure if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or
2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

Gov't Code 552.108; *Houston Chronicle Publ'g Co. v. City of Houston*, 536 S.W.2d 559 (Tex. 1976)

Private  
Correspondence of  
Elected Official

Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. Gov't Code 552.109; *Industrial Foundation of the South v. Texas Indus. Acc. Bd.*, 540 S.W.2d 668 (Tex. 1976)

Trade Secrets

Except as provided by Government Code 552.0222 (disclosure of contracting information), information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). Gov't Code 552.110(b)

Certain Commercial  
and Financial  
Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from public disclosure. Gov't Code 552.110(c)

Proprietary  
Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), information submitted to a district by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor demonstrates based on specific factual evidence that disclosure of the information would be proprietary as specified under Government Code 552.1101(a).

This exception to disclosure may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of pro-

protecting the interests of the vendor, contractor, potential vendor, or potential contractor.

A district must decline to release this information as provided by Government Code 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to assert the exception to disclosure provided by Government Code 552.1101(a) (proprietary information).

*Gov't Code 552.1101* [See GBAA for additional procedures related to information involving proprietary interests of a vendor, contractor, or potential vendor or contractor.]

Proprietary Records  
and Trade Secrets  
in Certain  
Partnerships

Information in the custody of a district that relates to a proposal for a qualifying project authorized under Government Code Chapter 2267 is excepted from public disclosure if the information and records meet the criteria outlined at Government Code 552.153(b). The district is not authorized to withhold information as outlined by Government Code 552.153(c). *Gov't Code 552.153* [See CDH]

Certain Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with a district is excepted from public disclosure. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

Audit Working  
Paper

An audit working paper of an auditor of a school district, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted.

“Audit” means an audit authorized or required by a statute of Texas or the United States or a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, and includes an investigation.

“Audit working paper” includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts. *Gov't Code 552.116*

Personal  
Information of  
Certain Individuals  
*Board Members  
and Others*

Option to  
Restrict Access

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom Government Code 552.1175(a) applies (including a current or honorably retired peace officer, commissioned security officer, elected public officer, members of the military, or a firefighter or volunteer firefighter), or that reveals whether the individual has family members is confidential and may not be disclosed to the public if the individual to whom the information relates chooses to restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status. This choice remains valid until rescinded in writing by the individual.

Redaction and  
Notice to  
Requestor

In accordance with Government Code 552.1175(f), a district may redact information that must be withheld under this provision from any information the district discloses under the Public Information Act without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

*Gov't Code 552.1175*

*Board Member  
and Employee  
Personnel  
Information*

Information is excepted from public disclosure if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the persons listed at Government Code 552.117(a) or that reveals whether the person has family members. Government Code 552.117(a) includes the following:

1. A current or former district employee or board member, except as provided by Government Code 552.024, below;
2. Certain peace officers, security officers, law enforcement personnel, and first responders; and
3. An elected public officer, regardless of whether the officer complies with Government Code 552.024, below, or .1175, above.

*Gov't Code 552.117*

Choice To Allow  
Access

Each current or former employee or board member of a district shall choose whether to allow public access to information in the custody of the district that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each current or former employee and board member shall state that person's choice to the main personnel officer of the district in a signed writing not later than the 14th day after the date on which the employee begins employment with the district, the board member is elected or appointed, or the former employee or official ends service with the district.

If the current or former employee or board member fails to state the person's choice within the period established by this provision, the information is subject to public access.

A current or former employee or board member who wishes to close or open public access to the information may request in writing that the main personnel officer of the district close or open access.

Exercising the option to close public access to protect personal information does not apply to a public information request made before the option was exercised.

*Gov't Code 552.024; Atty. Gen. ORD 530 (1989)*

Redaction and  
Notice to  
Requestors

If the current or former employee or board member chooses not to allow public access to the information, the district may redact the information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

A district that redacts or withholds information under this provision shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-1), (c-2)*

Photograph of  
Peace Officer

A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from public disclosure unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

*Gov't Code 552.119*

Testing Items

A test item developed by an educational institution that is funded wholly or in part by state revenue or by a district is excepted from public disclosure. *Gov't Code 552.122*

Certain Library Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from public disclosure, unless the record is disclosed:

1. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or a subpoena obtained in compliance with this provision.

*Gov't Code 552.124*

Superintendent Applicants

The name of an applicant for superintendent of a district is excepted from public disclosure, except that the board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

Certain Motor Vehicle and Personal Identification Information

Information is excepted from public disclosure if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information (including a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number) under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

*Gov't Code 552.130; Atty. Gen. ORD 684 (2009)*

Economic  
Development  
Negotiations

Information is excepted from public disclosure if the information relates to economic development negotiations involving a board and a business prospect that the board seeks to have locate, stay, or expand in or near a district and the information relates to:

1. A trade secret of the business prospect; or
2. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

*Gov't Code 552.131(a)*

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person is excepted from public disclosure.

After an agreement is made, the exception no longer applies to information about a financial or other incentive being offered to the business prospect:

1. By the board; or
2. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

*Gov't Code 552.131(b), (c)*

Social Security  
Numbers of Any  
Living Person

Except for the social security number of a district employee in the custody of the district, the social security number of a living person is excepted from public disclosure, but is not confidential under the Public Information Act. A district may redact the social security

	<p>number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. <i>Gov't Code 552.147(a), (c)</i></p>
<p><b>Exclusions from Public Information</b></p>	
<p>Protected Health Information</p>	<p>An individual's protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the Public Information Act. <i>Gov't Code 552.002(d)</i></p>
<p>Subpoena or Discovery Request</p>	<p>A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Public Information Act. The Public Information Act does not affect the scope of civil discovery under the Texas Rules of Civil Procedure, and exceptions from disclosure under the PIA do not create new privileges from discovery. <i>Gov't Code 552.005, .0055</i></p>
<p><b>No Right of Access</b></p>	
<p>Commercially Available Publications</p>	<p>A district is not required under the Public Information Act to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information.</p>
<p><i>Exception</i></p>	<p>The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the board or district.</p> <p><i>Gov't Code 552.027</i></p>
<p>Requests from Incarcerated Individuals</p>	<p>A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the Public Information Act. This provision does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information held by the district that pertains to the individual. <i>Gov't Code 552.028</i></p>
<p>Retirement Eligibility Records</p>	<p>Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system that are in the custody of the system or in the custody of an administering firm, a carrier, the district, or another governmental body, acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure.</p>

An administering firm, carrier, or the district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For this provision, “participant” means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

*Gov’t Code 552.0038(c), (h), 825.507(g)*

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<sup>1</sup> Office of the Attorney General and the Public Information Act:  
<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>



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**Note:** For forms prescribed by the attorney general, see the [Attorney General's Public Information website](#).<sup>1</sup>

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**Officer for Public Information and Required Sign**

Officer and Agents

The superintendent of a district is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with Government Code Chapter 552 (Public Information Act [PIA]).

*Duties*

The officer is responsible for the release of public information as required by the Public Information Act. Subject to penalties provided by the Public Information Act, the officer for public information shall:

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. Repair, renovate, or rebind public information when necessary to maintain it properly; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
  - a. The information has been requested from the district;
  - b. The officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
  - c. The officer is unable to comply with the duties imposed by the Public Information Act without obtaining the information from the temporary custodian; and
  - d. The temporary custodian has not provided the information to the officer or the officer's agent.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

*Gov't Code 552.201(a)–.204; Keever v. Finlan, 988 S.W.2d 300 (Tex. App.–Dallas 1999, pet. dismiss'd) (a district's chief administrative officer is the superintendent)*

*Training*

This provision applies to an elected or appointed board member and the officer for public information.

Each person shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the district and its board members and employees under the Public Information Act not later than the 90th day after the date:

1. The board member takes the oath of office; or
2. The officer for public information assumes duties as officer for public information.

A public information coordinator who is primarily responsible for administering the responsibilities of the board under the Public Information Act and designated for board members to satisfy the training requirement of this provision shall complete the training course regarding the responsibilities of the board and district employees under the PIA not later than the 90th day after the date the coordinator assumes the person's duties as coordinator. [See BBD, CPC(LOCAL)]

Designation of a public information coordinator does not relieve a board member from the duty to comply with any other requirement of the Public Information Act that applies to the board member. A district shall maintain and make available for public inspection the record of its board members' or, if applicable, the public information coordinator's completion of the training.

*Gov't Code 552.012(a)–(c), (e)*

PIA Sign

The officer for public information shall prominently display a sign (PIA sign) in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a district, and the procedures for inspecting or obtaining a copy of public information under the Public Information Act. The officer shall display the sign at one or more places in the district's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees of the district whose duties include receiving or responding to public information requests.

*Gov't Code 552.205(a)*

**Requests for Public Information**

Method of  
Requesting Public  
Information

A person may make a written request for public information only by delivering the request by one of the following methods to the officer for public information or a person designated by that officer:

1. United States mail;
2. Electronic mail;

3. Hand delivery; or
4. Any other appropriate method approved by the district, including facsimile transmission and electronic submission through the district's website.

A district is considered to have approved another method only if the district includes a statement on the PIA sign or the district's website that states a request for public information may be made by that method.

*Designated  
Addresses to  
Receive  
Requests*

A district may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request.

A district that posts a designated mailing address or electronic mail address on the district's website or that prints those addresses on the PIA sign is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method described above that has been approved by the district.

*Gov't Code 552.234(c), (d)*

*Optional Request  
Form*

The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the district determines is:

1. Confidential; or
2. Subject to an exception to disclosure that the district would assert if the information were subject to the request.

A district that allows requestors to use the attorney general's form and maintains a website shall post the form on its website.

*Gov't Code 552.235*

**District Response to  
Requests**

Uniform Treatment

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

ACCESS TO PUBLIC INFORMATION  
REQUESTS FOR INFORMATION

GBAA  
(LEGAL)

Inquiries by District	The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided below.
<i>Requests to Clarify or Narrow</i>	If what information is requested is unclear to the district, the district may ask the requestor to clarify the request. If a large amount of information has been requested, the district may discuss with the requestor how the scope of the request might be narrowed, but the district may not inquire into the purpose for which the information will be used.
<i>Additional Information for Vehicle Records</i>	If the information requested relates to a motor vehicle record, the officer for public information or agent may require the requestor to provide additional identifying information sufficient for the officer or agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. In this provision, "motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.  <i>Gov't Code 552.222(a)-(c)</i>
Statement of Consequences	A written request for clarification or discussion or for additional information, as described above, must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information. <i>Gov't Code 552.222(e)</i>
<i>Requestor's Failure to Respond</i>	If by the 61st day after the date the district sends a written request for clarification or discussion or for additional information, as described above, the district, officer for public information, or agent does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.
Exception to Automatic Withdrawal	Except when the requestor's information request was sent by electronic mail, described below, if the requestor's information request included the requestor's physical or mailing address, the request may not be considered to have been withdrawn unless the district or officer for public information or agent sends the request for clarification or discussion or for additional information, as described above, to that address by certified mail.  If the requestor's information request was sent by electronic mail, the request may be considered to have been withdrawn if: <ol style="list-style-type: none"><li>1. The district, officer for public information, or agent sends the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent</li></ol>

or to another electronic mail address provided by the requestor; and

2. The district, officer for public information, or agent does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

*Gov't Code 552.222(d), (f)–(g)*

Time for Production  
*Promptly*

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for ten business days public information not excepted from disclosure. *Gov't Code 552.221(a); Atty. Gen. ORD 664 (2000)*

*Certifications of Availability*

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable at the time of the request to examine because it is in storage or active use, an officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

*Gov't Code 552.221(c), (d)*

*Administrative Offices Closed*

Unless the district has initiated a temporary suspension of the Public Information Act during a catastrophe [see below], if a district closes its physical offices, but requires staff to work, including remotely, then the district shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application while its administrative offices are closed.

Failure to respond to requests may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure.

*Gov't Code 552.2211*

Methods of Production

An officer for public information complies with the requirement to promptly produce public information by:

1. Providing the information for inspection or duplication in the offices of a district. The Public Information Act does not authorize a requestor to remove an original copy of a public record from the office of a district;
2. Sending copies of the information by first class United States mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Authorized Costs and Charges, below]; or
3. Referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the district must supply the information in the manner described above at items 1 and 2.

If the officer for public information provides by email an internet location or URL address as permitted by item 3, above, the email must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as described above at items 1 and 2.

*Gov't Code 552.221(b)-(b-2), .226*

Inspection and  
Duplication  
Procedures

A district may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the Public Information Act. *Gov't Code 552.230*

The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the Public Information Act. *Gov't Code 552.224*

*Time For District  
to Provide Copies*

It shall be a policy of a district to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228(a)*

*Time for  
Requestor to  
Appear and  
Complete  
Inspection*

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in district offices on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.



A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within ten business days and does not file a request for additional time under Government Code 552.225(b) (described below), the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

*Gov't Code 552.221(e), .225*

*Electronic Data*

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A district shall provide a copy in the requested medium if:

1. The district has the technological ability to produce a copy of the information in the requested medium;
2. The district is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the district and a third party.

If a district is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the district shall provide a copy in another medium that is acceptable to the requestor. A district is not required to copy information onto a diskette or other material provided by the requestor but may use district supplies.

*Gov't Code 552.228(b), (c)*

ACCESS TO PUBLIC INFORMATION  
REQUESTS FOR INFORMATION

GBAA  
(LEGAL)

Requests Requiring  
Programming or  
Data Manipulation

*Written  
Statement  
Required*

A district shall provide to a requestor a written statement, described below, if the district determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
  - a. Compliance with the request is not feasible or will result in substantial interference with operations; or
  - b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under Government Code 552.262; and
5. A statement of the anticipated time required to provide the information in the requested form.

*Time For  
Programming or  
Manipulation  
Statement*

A district shall provide the written statement to the requestor within 20 days after the date the district receives the request. The district has an additional ten days to provide the statement if the district gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

*Requestor Reply  
Required*

On providing the written statement described above, the district does not have any further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the district to provide the information in the requested form according to the cost and time parameters set out in the written statement or according to other terms to which the requestor and the district agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement to the district, the requestor is considered to have withdrawn the request for information.

*Processing  
Procedures and  
Recordkeeping*

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A district shall maintain a file containing all written statements issued concerning responding to requests for information that require programming or manipulation of data in a readily accessible location.

*Gov't Code 552.231*

Repetitious or  
Redundant  
Requests

A district that determines a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor on payment of applicable charges must respond to the request, in relation to the information for which copies have already been furnished or made available, except that:

1. The district is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The district is not required to comply with these provisions in relation to information that the district simply furnishes or makes available to the requestor again in accordance with the request.

*Gov't Code 552.232(a)*

These provisions do not apply to information not previously furnished to a requestor or made copies available to the requestor on payment of applicable charges.

A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not exist at the time of an earlier request shall be treated in the same manner as any other request for public information under the Public Information Act.

*Gov't Code 552.232(d)*

*Certification of  
Previous  
Production*

A district shall certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;

2. The date the district received the requestor's original request for that information;
3. The date the district previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or agent making the certification.

A charge may not be imposed for making and finishing this certification.

*Gov't Code 552.232(b), (c)*

**Withholding  
Excepted  
Information**

Request for  
Attorney General  
Decision Required

A district that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under Government Code Chapter 552, Subchapter C [see GBA] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Request for Attorney General Decision Not Required, below]. A district may only request an attorney general decision if the district reasonably believes that the requested information is excepted from required disclosure. *Gov't Code 552.301(a); Atty. Gen. ORD 665 (2000)*

*Consequences of  
Missed Deadlines*

If a district does not request an attorney general decision and provides the requestor with the information required by Government Code 552.301(d) and (e-1) [see Information to Requestor, below], the information requested in writing is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.302*

*Request and  
Submissions to  
Attorney General*

The district must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after the date of receiving the written request.

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
2. A copy of the written request for information;

3. A signed statement as to the date on which the written request for information was received by the district or evidence sufficient to establish that date; and
4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The district shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

*Gov't Code 552.301(b), (e)*

*Information to Requestor*

A district that requests an attorney general decision shall provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the district wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
2. A copy of the district's written communication to the attorney general asking for the decision. If a district's written communication to the attorney general discloses the requested information, the district shall provide a redacted copy of that written communication.

The district shall send a copy of the comments to the requestor not later than the 15th business day after the district receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

*Gov't Code 552.301(d), (e-1)*

*Calculating Timeliness*

For the purposes of Government Code Chapter 552, Subchapter G (Attorney General Decisions), if a district receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the district on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the district submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a dis-

trict to submit information to the attorney general by specified methods of mail under Government Code 552.308.

When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.

For information surrendered or returned to a district by a temporary custodian, the district is considered to receive the request for that information on the date the information is surrendered or returned to the district. [See GB]

*Gov't Code 552.233(d), .309*

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

*Gov't Code 552.308*

*Third Party  
Privacy or  
Property Interests*

In a case in which information is requested under the Public Information Act and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), a district may decline to release the information for the purpose of requesting a decision from the attorney general.

*Third Party  
Submissions*

A person whose interests may be involved as described above, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. A district may, but is not required to, submit its reasons why the information should be withheld or released. The proprietary information exception to disclosure provided by Government Code 552.1101(a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the in-

terests of the vendor, contractor, potential vendor, or potential contractor.

*Gov't Code 552.305(a)–(c), .1101(c)*

Notice to Third  
Party

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.113 (geological or geophysical information), 552.131 (economic development information), or 552.143 (investment information), a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request. The notice must:

1. Be in writing and sent within a reasonable time not later than the tenth business day after the district receives the request for information; and
2. Include:
  - a. A copy of the written request for information, if any, received by the district; and
  - b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice:
    - (1) Each reason the person has as to why the information should be withheld; and
    - (2) A letter, memorandum, or brief in support of that reason.

A person who submits a letter, memorandum, or brief to the attorney general under this provision shall send a copy of that letter, memorandum, or brief to the person who requested the information from the district. If the letter, memorandum, or brief submitted to the attorney general contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.

*Gov't Code 552.305(d), (e)*

*Requests for  
Contracting  
Information Not  
Maintained by the  
District*

"Contracting information" means the following information maintained by a district or sent between a district and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a district;

2. Solicitation or bid documents relating to a contract with a district;
3. Communications sent between a district and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;
4. Documents, including bid tabulations, showing the criteria by which a district evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and
5. Communications and other information sent between a district and a vendor or contractor related to the performance of a final contract with the district or work performed on behalf of the district.

*Gov't Code 552.003(1-a)*

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a district that:

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the district; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

Government Code 552.371 applies to a written request for public information received by a district that is party to a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the district.

*Gov't Code 552.371(a), (b)*

District Request  
to Contracting  
Entity

A district that receives a written request for contracting information shall request that the entity provide the information to the district. The district must send the request in writing to the party not later than the third business day after the date the district receives the written request. *Gov't Code 552.371(c)*

Requesting  
Decision About  
Contracting  
Information

A district's request for an attorney general's decision to determine whether contracting information not maintained by the district falls within an exception to disclosure under the Public Information Act is considered timely if made not later than the 13th business day after the date the district receives the written request described above. *Gov't Code 552.371(d)(1)*



The statement and copy described above [see Information to Requestor] is considered timely if provided to the requestor not later than the 13th business day after the date the district receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Request and Submissions to Attorney General] is considered timely if sent not later than the 18th business day after the date the district receives the written request. *Gov't Code 552.371(d)(3), (4)*

The presumption that information is subject to disclosure for failing to comply with Government Code 552.301 [see Request and Submissions to Attorney General, above] does not apply if a district:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain contracting information not maintained by the district;
2. Is unable to meet a deadline because the contracting entity failed to provide the information to the district not later than the 13th business day after the date the district received the written request for the information; and
3. Complies with all notice requirements not later than the eighth business day after the date the district receives the information from the contracting entity.

*Gov't Code 552.371(e)*

Nothing in Government Code 552.371 affects the deadlines or duties of a district related to requesting an attorney general opinion regarding contracting information the district maintains. *Gov't Code 552.371(f)*

Request for  
Attorney General  
Decision Not  
Required

*Previous  
Determinations*

Same  
Information

Categories of  
Previously  
Determined  
Information

A district must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Government Code Chapter 552, Subchapter C if the district has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not excepted by Subchapter C. *Gov't Code 552.301(f)*

A district may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district;

2. The previous decision concludes that the category of information is or is not excepted from public disclosure;
3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies, such as the district, to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

*Atty. Gen. ORD 673 (2001)*

A district that relies on a previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying. *Atty. Gen. ORD 684 (2009)*

When Request  
Is Allowed for  
Previous  
Determination

A district may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the Public Information Act concerning the precise information at issue;
2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
3. The parties agree to dismiss the lawsuit.

*Gov't Code 552.301(g)*

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**Note:** For rules regarding the attorney general's review of redactions and electronic submissions to the attorney general, see 1 Administrative Code Chapter 63. For complete cost rules issued by the attorney general, see 1 Administrative Code Chapter 70.

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### **Authorized Costs and Charges**

Attorney General's  
Cost Rules

A district shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of

producing the information or for making public information that exists in a paper record available for inspection.

A district may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, a district may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the district requests an exemption.

*Gov't Code 552.262(a); 1 TAC 70.1(b), .3, .10.*

*Exemption*

A district may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If a district receives notice from the attorney general that an exemption has been granted, the district may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

Multiple Requests

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A district may not combine multiple requests from separate individuals who submit requests on behalf of an organization. *Gov't Code 552.261(e)*

Charges for  
Producing Copies

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead.

*50 Pages or Less*

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings.

*Statement of  
Labor Costs*

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

*Accrual of  
Charges*

Charges for providing a copy of public information are considered to accrue at the time the district advises the requestor that the copy is available on payment of the applicable charges.

*Gov't Code 552.261(a)–(d)*

*Deposit or Bond  
for Copies*

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (itemized estimate of charges, below); and
2. The charge for providing the copy is estimated by the district to exceed \$100, if the district has more than 15 full-time employees, or \$50, if the district has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

*Gov't Code 552.263(a), (b)*

*Effect on  
Timelines*

For purposes of Government Code Chapter 552, Subchapters F (Charges for Providing Copies of Public Information) and G (Attorney General Decisions), a request for a copy of public information is considered to have been received by the district on the date the district receives the deposit or bond for payment of anticipated costs or unpaid amounts if the officer for public information or agent requires a deposit or bond.

A requestor who fails to make such a deposit or post such a bond for payment of anticipated costs for the preparation of copies before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of public information that precipitated the requirement of the deposit or bond.

*Gov't Code 552.263(e), (f)*

*Modified  
Request*

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the district receives the written modified request. *Gov't Code 552.263(e-1)*

*Unpaid Amounts*

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes a district in relation to previous public information requests before preparing a copy of public information in response to a new request, if those

unpaid amounts exceed \$100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means.

*Documentation of Unpaid Amounts*

A district must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure.

*Gov't Code 552.263(c), (d)*

*Pre-Payments*

A district that receives a request from a requestor to produce public information for inspection or publication or to produce copies of public information in response to a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Government Code 552.261(b) (statement of labor costs, above) may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

*Waivers*

A district shall provide a copy of public information without charge or at a reduced charge if the district determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public.

If the cost to a district of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the district may waive the charge.

*Gov't Code 552.267*

*District Publications*

Government Code Chapter 552, Subchapter F (charges for providing copies of public information) does not apply to a publication that is compiled and printed by or for a district for public dissemination. If the cost of the publication is not determined by state law, a district may determine the charge for providing the publication. This provision does not prohibit the district from providing the publication free of charge if state law does not require that a certain charge be made. *Gov't Code 552.270*

*Copies for Parents*

A district may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

Charges for Inspection Without Copies

If the requestor does not request a copy of public information, a district may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below.

*Copy of Edited  
Page*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the district may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed.

*Payment,  
Deposit, or Bond  
for Inspections*

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

*Gov't Code 552.271(a)–(c)*

*Exception for  
Certain Small  
Districts*

If a district has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

*Gov't Code 552.271(d)*

*Inspection of  
Electronic  
Records*

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, a district shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available [see also Requests Requiring Programming or Data Manipulation, above].

If public information exists in an electronic form on a computer owned or leased by a district and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the district-

owned or district-leased computer before the information is copied. If such information also requires processing, programming, or manipulation before it can be electronically copied, a district may impose charges.

If information is created or kept in an electronic form, a district is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or by other means.

*Gov't Code 552.272*

Itemized Estimate  
of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record without requesting copies will result in the imposition of a charge that exceeds \$40, a district shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the district regarding the alternative method. A district must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after a district provides the requestor the itemized statement but before it makes the copy or the paper record available, the district determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the district shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

*Requestor's  
Response*

A request for which a district is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the district within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

*Actual Charges* If the actual charges exceed \$40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

*No Effect on Deadlines To Request Attorney General Decision* An original or updated itemized statement is considered to have been sent by a district, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the United States mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on a district for requesting a decision by the attorney general under Government Code Chapter 552, Subchapter G.

*Gov't Code 552.2615*

**Temporary Suspension of Requirements for Districts Impacted by Catastrophe**

The requirements of the Public Information Act do not apply to a district that is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the district to comply with the requirements of the PIA and the district complies with requirements below to elect a suspension period.

“Catastrophe” means a condition or occurrence that directly interferes with the ability of a district to comply with the requirements of the PIA, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

“Catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an appli-



	<p>cation for information electronically, but the physical office of the governmental body is closed.</p> <p>“Suspension period” means the period of time during which a district may suspend the applicability of the requirements of the Public Information Act.</p>
Initial Suspension Period	<p>A district may suspend the applicability of the Public Information Act to the district for an initial suspension period only once for each catastrophe, which may not exceed seven consecutive days and must occur during the period that:</p> <ol style="list-style-type: none"><li>1. Begins not earlier than the second day before the date the district submits notice to the attorney general; and</li><li>2. Ends not later than the seventh day after the date the district submits that notice.</li></ol>
Extension of Initial Suspension Period	<p>A board may extend an initial suspension period if the board determines that the district is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends.</p>
Maximum Suspension Period Per Catastrophe	<p>A board that initiates an initial suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as described above.</p> <p>The combined suspension period for a district filing for both an initial suspension period and a subsequent extension may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.</p> <p>Upon conclusion of any suspension period the district shall immediately resume compliance with all requirements of the Public Information Act.</p>
Notices to the Attorney General	<p>A district that elects to suspend the Public Information Act must submit notice to the attorney general that the district is currently impacted by a catastrophe and has elected to suspend the applicability of the PIA during the initial suspension period.</p> <p>A board that elects to extend an initial suspension period must submit notice of the extension on the form prescribed by the attorney general.</p> <p>The notices on the form prescribed by the attorney general must require the district to:</p>

1. Identify and describe the catastrophe that the district is currently impacted by;
2. State the date the initial suspension period determined by the board begins and the date that period ends;
3. If the board has determined to extend the initial suspension period:
  - a. State that the district continues to be impacted by the catastrophe; and
  - b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the office of the attorney general determines necessary.

**Notice to the Public** A district that elects to suspend the Public Information Act must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the district is required to post a notice under Government Code Chapter 551, Subchapter C (Notice of Meetings). The district must maintain the notice of the suspension during the suspension period.

**Requests During Suspension Period** Notwithstanding another provision of the Public Information Act, a request for public information received by a district during a suspension period is considered to have been received by the district on the first business day after the date the suspension period ends.

**Pending Requests Tolloed** A request for public information received by a district before the date an initial suspension period begins are tolloed until the first business day after the date the suspension period ends.

*Gov't Code 552.2325(a)-(j), (l), (m)*

**Large or Frequent Requests** A district may establish reasonable monthly and yearly limits on the amount of time that district employees are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. A yearly time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to a district's fiscal year. A monthly time limit may not be less than 15 hours for a requestor for a one-month period.

*Request by Minor* In determining whether a time limit applies, any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has con-

trol of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

*Gov't Code 552.275(a), (b), (c)*

Written Statement  
of Cumulative  
Personnel Time

If a district establishes a time limit, each time the district complies with a request for public information, the district shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement to the requestor. *Gov't Code 552.275(d)*

*Written Estimate  
of Charges  
Beyond Time  
Limit*

Subject to unpaid cost estimates for large and frequent requests, as described below, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the district-established time limit, the district shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the tenth day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Government Code 552.262(a) and (b).

Additional Time

If a district provides the requestor with written notice that additional time is required to prepare the written estimate, the district must provide the written estimate as soon as practicable, but on or before the tenth day after the date the district provided the notice that additional time was required.

*Gov't Code 552.275(e), (f)*

Unpaid Cost  
Estimate

When a request is made by a requestor who has made a previous request to the district that has not been withdrawn, for which the district has located and compiled documents in response, and for which the district has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, the district is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or

withdraws the previous request to which the statement applies.  
*Gov't Code 552.275(e-1)*

*Production Not  
Required Until  
Payment*

If a district provides a requestor with the estimate of charges and the district's time limits regarding the requestor have been exceeded, the district is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the district provided the written estimate, the requestor submits payment of the amount stated in the written estimate.

If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the request.

*Gov't Code 552.275(g)-(h)*

*Exceptions*

The provisions above concerning requests that require large amounts of employee or personnel time do not apply if the requestor is:

1. An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
  - a. Dissemination by a news medium or communication service provider (as defined by Government Code 552.275(m)), including:
    - (1) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
    - (2) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
  - b. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.
2. An elected official of the United States, this state, or a political subdivision of this state.
3. A representative of a publicly funded legal services organization that is exempt from federal income taxation under Internal Revenue Code 501(a), as amended, by being listed as an exempt entity under 501(c)(3) of that code.

*Gov't Code 552.275(j)-(l)*

**Filing Suit to  
Challenge Attorney  
General's Decision**

The only suit a district may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325, and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

The district must bring the suit not later than the 30th calendar day after the date the district receives the attorney general's decision determining that the requested information must be disclosed to the requestor. If the district does not bring suit within that period, the district shall comply with the decision of the attorney general.

Exception for  
Affirmative  
Defenses

If the district wishes to preserve an affirmative defense for its officer for public information as provided by Government Code 552.353(b)(3), the district must file suit not later than the tenth calendar day after receipt of the attorney general's decision.

*Gov't Code 552.324, .353(b)(3)*

Suits Over Parent's  
Request

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the Public Information Act, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general, unless an earlier deadline is established by the Public Information Act.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, a district may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If a district does not bring suit within the period established, the district shall comply with the decision of the attorney general.

This provision does not affect the earlier deadline for purposes of Government Code 532.353(b)(3) (exception for affirmative defenses, above) for a suit brought by an officer for public information.

*Education Code 26.0085*

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<sup>1</sup> Office of the Attorney General and the Public Information Act:  
<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>



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**Note:** The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

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**Child Protective Investigations**

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

**Special Investigations**

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

*Family Code 261.406(a); 40 TAC 707.597-.625*

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of

school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

*40 TAC 707.605(6)–(7)*

Notice to School  
Personnel

Prior to conducting an investigation of school personnel or volunteers, SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

*Family Code 261.105(d); 40 TAC 707.615*

No Interference with  
Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on  
School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School  
Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

*Family Code 261.303(a); 40 TAC 707.619(a)*



Report of Findings

After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of the district. On request, SI shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

*Family Code 261.406(b); 40 TAC 707.623*

**Prohibited Law  
Enforcement  
Citations**

For this provision, a “school offense” means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district. “Child” means a person who is a student and at least ten years of age and younger than 18 years of age.

A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense. Education Code Chapter 37, Subchapter E-1 (Criminal Procedure) does not prohibit a child from being taken into custody under Family Code 52.01 (described below).

*Education Code 37.141, .143*

**Students Taken into  
Custody**

For the following provisions, “child” means a person who is:

1. Ten years of age or older and under 17 years of age, or
2. Seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

*Family Code 51.02(2)*

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

RELATIONS WITH GOVERNMENTAL ENTITIES  
STATE AND LOCAL GOVERNMENTAL AUTHORITIES

GRA  
(LEGAL)

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

*Family Code 52.01(a), 58.0021*

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

*Family Code Ch. 262*

**Students in Custody**

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### **CCGB(LOCAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT**

The Texas Economic Development Act expired on December 31, 2022. We recommend adding a note to this local policy regarding the expiration and continued application of the law to limitations on appraised value in existence at that time.

#### **CFB(LOCAL) ACCOUNTING: INVENTORIES**

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

#### **CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL**

To better align the district's legal and local policies, provisions addressing school resource officers have been relocated to CKEC(LOCAL).

#### **CKEC(LOCAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS**

Provisions addressing school resource officers have been relocated to this code from CKE(LOCAL). Please review the provisions for accuracy. If revisions are needed regarding other security personnel, please contact your policy consultant.

#### **CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE**

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

#### **CRF(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE**

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CVA(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING**

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

#### **CVB(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS**

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

# Explanatory Notes

## TASB Localized Policy Manual Update 121

### Uvalde CISD

#### DEA(LOCAL)

#### COMPENSATION AND BENEFITS: COMPENSATION PLAN

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly*. Other revisions are recommended for policy style and to clarify the circumstances under which certain employees will receive premium pay during an emergency closing for a disaster.

If the district no longer wants to provide premium pay for nonexempt employees who are required to work during an emergency closing for a disaster, please contact your policy consultant for appropriate revisions to this policy.

The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

#### FD(LOCAL)

#### ADMISSIONS

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The [Legal Issues in Update 121](#) memo describes common legal concerns and best practices specific to this policy's topic.

**Please note:** We have retained the district's locally developed requirements for foreign exchange students. Please call you consultant with any questions.

#### FFI(LOCAL)

#### STUDENT WELFARE: FREEDOM FROM BULLYING

The [Minimum Standards for Bullying Prevention](#), completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

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**Note:** The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022.

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value.

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**Texas Economic Development Act**

Purpose

These provisions outline the District's procedures for accepting, reviewing, and considering applications and amendments to applications, and, when necessary, enforcing agreements under the Texas Economic Development Act (the Act), as set forth in Tax Code Chapter 313. [See CCGB(LEGAL)]

Definitions

In addition to the definitions set out in CCGB(LEGAL), the following definitions apply in this policy:

"Application review period" means the period during which the Board will consider and act on an application. The application review period begins on the application review start date and ends on the 151st day thereafter, unless the application review period is extended by Board action prior to the expiration date.

"Appraisal district" means each county appraisal district that appraises property that is the subject of an application.

"Large project application" means an application for which the qualified investment exceeds \$300,000,000.

**Filing an Application**

In the form and formats required by the comptroller, an applicant shall file with the Superintendent the original and copies of the completed application along with a searchable electronic copy certified to contain information identical to the original hard copy. [See CCGB(LEGAL) at Required Contents and Format]

The Superintendent shall hold any incomplete applications or applications submitted without the full application fee until the application is properly completed and the application fee is paid. The Superintendent's determination of whether an application is complete shall be final.

Confidentiality of Applicant Information

If the Board decides to consider an application, information provided in connection with an application will not be considered confidential except as allowed by law. [See CCGB(LEGAL) at Confidential Business Information]

Amending an Application	<p>An applicant may seek to amend an application at any time prior to final Board action on the application. If an amended application is filed within 60 days of the end of the application review period, the application review period shall be extended automatically to the 61st day after the date on which the last amended application is filed, unless the Board takes action to extend the application review period otherwise.</p> <p>The Superintendent shall review and forward to the comptroller any amended application or supplemental information on receipt.</p>
Standard Application Fee	<p>An applicant shall pay a standard application fee of \$75,000 to the District to cover the District's costs in processing and considering the application. This fee is nonrefundable except as set forth in this policy:</p> <ol style="list-style-type: none"><li>1. For large project fees after the initial fee submission; or</li><li>2. If the application is rejected after an initial Board review.</li></ol>
<i>Large Project Application Fee</i>	<p>The standard application fee does not include any amount charged by the comptroller to the applicant for the comptroller's economic impact evaluation.</p> <p>For a large project application, the Board may set an application fee higher than the standard application fee if the analysis or evaluation of the application warrants a higher fee. In this case, the applicant shall initially submit the standard application fee. If the Board sets a higher fee, the applicant may withdraw its application and any fee submitted if the applicant disagrees with the higher fee.</p>
<b>Processing an Application</b> Before Initial Board Review	<p>Upon receipt of an application and application fee, the Superintendent shall:</p> <ol style="list-style-type: none"><li>1. Send the applicant written confirmation of receipt of the application and application fee.</li><li>2. Review the application and, as necessary, require the applicant to submit additional and/or supplementary information, including all required schedules.</li><li>3. Within seven days of receipt of a completed application, submit the application to the comptroller, together with any economic analysis of the proposed project submitted by the applicant.</li><li>4. Obtain necessary conflict of interest disclosures. [See BBFA(LEGAL)]</li></ol>

**Initial Board Review** As soon as practical after an application is filed, the Board shall conduct an initial review of the application during which the Board may consider the Superintendent's recommendation and written or oral presentations concerning the application.

If, after the initial review, the Board determines that the application is not in the best interests of the District, the Board shall reject the application and return to the applicant the application fee, less any necessary and reasonable costs of the initial review.

If the Board accepts a large project application for further consideration, the Board may set an appropriate fee in accordance with this policy.

**After Initial Board Review** If the Board elects to consider the completed application, the Superintendent shall:

1. Deposit the application fee and provide required written notice to the applicant and comptroller, with a copy to the appraisal district, that the District has received and will consider the completed application;
2. Deliver to the comptroller a copy of the application and required material along with a request for an economic impact evaluation;
3. Accept on behalf of the Board any amendments or supplements submitted by the applicant, and transmit copies to the comptroller within seven days of receipt;
4. Direct appropriate District personnel to create a link from the District's website to the location on the comptroller's website where copies of applications are posted;
5. Within the time allowed by law, provide all required supplemental information necessary to assist the comptroller and the Texas Education Agency (TEA) with the required analyses;
6. On receipt, provide the applicant and District consultants with a copy of the economic impact evaluation and the school facilities impact analysis;
7. Work with the applicant and District consultants to provide the District and the comptroller with copies of the proposed agreement in a timely manner [see CCGB(LEGAL) at Continued Eligibility];
8. Take all action necessary or required to process the application;

9. Not later than 151 days after the application review start date, present to the Board an agreement for final approval or a request for extension of the application review period;
10. If an extension of the application review period is requested, report each such request to the comptroller within seven days of the decision to grant the extension; and
11. After Board action on the application, if any, transmit all necessary and required information to the comptroller, the applicant, and the appraisal district.

District Consultants On retention by the Board, District consultants, including legal counsel, shall review the application to ensure it includes all required information. District consultants shall also begin an analysis of the application, consider any legal implications of the application, draft and negotiate an appropriate revenue protection agreement, and evaluate the analyses from the comptroller and TEA on receipt.

District consultants shall be paid for services from the application fee and shall complete their analyses in time to assist the Board, as appropriate, in its initial review or final determination on the application.

**Board Action on Application**

Completed applications may be considered for approval by the Board only after completion of the economic impact evaluation and the school facilities impact analysis and receipt of the comptroller's certification, as required by the Act.

Public Hearing

The Board's final determination on an application shall be made after a public hearing at which the Superintendent, District consultants, the applicant, and members of the public may provide input and information concerning the proposed application. The comptroller's certification shall be disclosed at the public hearing.

The public hearing shall be held at a time that allows the Board to approve or disapprove an application before the expiration of the application review period, unless the deadline has been extended.

Findings of Fact

After the public hearing, the Board shall make specific written findings as required by law. [See CCGB(LEGAL) at Approval]

Adoption of Agreement

After considering the comptroller's certification, the economic impact evaluation, the school facilities impact analysis, information from District consultants, and any other relevant information, the Board may approve the application and enter into an agreement that complies with all legal requirements. [See CCGB(LEGAL) at Agreement] The Board shall also consider and adopt an agreement with the applicant to provide protection from or compensation



for any financial risks undertaken by the District in accepting the application.

Waiver of Jobs  
Requirement

The Board may waive the new jobs creation requirement in accordance with the law. [See CCGB(LEGAL) at Waiver of New Jobs Creation Requirement] If an applicant makes a waiver request subsequent to the original application, the Board may charge the applicant a fee to cover the costs of any consultant required by the Board in making the requisite finding.

**Superintendent  
Responsibilities  
After Agreement**

During the term of any agreement, the Superintendent shall ensure that all reporting requirements are met in a timely manner by the District and the applicant. The Superintendent is authorized to delegate this function to District consultants.

**Statements  
Regarding Conflicts  
of Interest**

Each Board member and any District employee who is a local government official under Local Government Code Chapter 176 shall submit a conflict of interest statement confirming or denying the existence of a conflict of interest or a substantial business interest in each project that is the subject of an application, agreement, or amendment to an agreement with the District. Within 60 days after each Board election or the appointment of a Board member, each new Board member shall complete a statement. The completed statements shall be retained by the District with each affected application or agreement. If a conflict or substantial interest exists, the appropriate disclosure forms shall be completed and filed as required by law. [See BBFA(LEGAL)]

**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be \$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

All school resource officers shall receive at least the minimum amount of education and training required by law.

**Integrated Pest  
Management  
Program**

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time  
Frame

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

No Unauthorized  
Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

INSURANCE AND ANNUITIES MANAGEMENT  
UNEMPLOYMENT INSURANCE

CRF  
(LOCAL)

**Reasonable  
Assurance**

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

FACILITIES CONSTRUCTION  
COMPETITIVE BIDDING

CVA  
(LOCAL)

**Specifications**

The Superintendent shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

**Bid Process**

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

**Safety Record**

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

FACILITIES CONSTRUCTION  
COMPETITIVE SEALED PROPOSALS

CVB  
(LOCAL)

**Specifications**

The Superintendent shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

**Process**

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and  
Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal  
Acceptance

The District may reject any and all proposals.

**Safety Record**

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

**Pay Administration**

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. Any pay adjustments for individual employees shall be determined within the approved budget following established procedures.

*Midyear Pay  
Increases*

Contract  
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements.]

Noncontract  
Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

**Pay During Closing**

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools.]



COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Premium Pay  
During Disasters

Nonexempt employees who are required to work to mitigate the reason for an emergency closing shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.

Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

<b>Persons Age 21 and Over</b>	The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.
<b>Registration Forms</b>	The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.
Proof of Residency	In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency. The District may investigate stated residency as necessary.
<b>Minor Living Apart</b>	A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.
Person Standing in Parental Relation	
Misconduct	A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.
Exceptions	Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.
Extracurricular Activities	The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.
<b>Students Not Enrolled</b>	A student enrolled in a private school, including a homeschool, shall not be eligible for concurrent enrollment in the District nor for participation in curricular or extracurricular activities, except as required by law. [See EEL and FM]
<b>Nonresident Student in Grandparent's After-School Care</b>	<p>The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.</p> <p>The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.</p>
<b>"Accredited" Defined</b>	For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an

accrediting association recognized by the commissioner of education.

**Grade-Level Placement**

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student entering a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal.

Nonaccredited private schools shall be asked to furnish the following information in regard to each student coming into the District:

1. Latest standardized test scores for the student. These tests must be scored by a testing agency and not hand scored by the school. If a standardized test is not available, the District shall test the student.
2. Report card grades or course grades for the current and prior year(s) as deemed necessary by the District.

The District shall allow admission of a student on a probationary status from nonaccredited private schools at any grade level without specific course subject matter testing to determine grade level or competency. The following shall apply:

1. The District shall determine from the information received from the nonaccredited private school the course level and grade level at which a student will enter the District. Admission of the student to District classes shall be on a probationary basis for a period of six weeks, during which time the student's competency and progress in the grade and subject level will be monitored. Parents or legal guardians shall be notified of this procedure when they enroll the student.
2. If at the end of or prior to the end of the probationary period it is determined that the student has not been placed in the proper grade or course level, the student will be placed in the level appropriate for his or her competency and ability. The District personnel shall make this decision.
3. If at the end of the probationary period the student is performing satisfactorily, the student shall be removed from probation

and given credit for courses passed prior to entering the District. The grades a student brings to the District shall be accepted.

**Foreign Exchange Students**

In order to ensure the best possible experiences for foreign exchange students, the guidelines listed below shall be followed:

1. Sponsoring agencies shall be approved by the United States Information Agency. Each sponsoring agency shall have a representative/contact person who resides within the area and who has power to make decisions for the agency.
2. The sponsoring agency and the host family shall complete all forms necessary for the placement of the exchange student before June 1 preceding the school year in which the student will be enrolled. The student shall provide the District with:
  - a. A translated, certified, and legal copy of his or her parent's or legal guardian's consent enabling the host family to act on behalf of the student.
  - b. Health records for the District's inspection and duplication.
  - c. Translated, certified, and official copies of all student records, grades, transcripts, and coursework in the English language.
3. Exchange students shall be classified according to age and ability, and may be eligible for graduation only if they meet District and TEA requirements.
4. All foreign exchange students shall comply with all federal, state, and District rules/regulations.

While the foreign exchange student is enrolled in a school within the District, the adult with authority to act for the student shall be available for and shall participate in school meetings and conferences regarding the status and/or progress of the student when requested by the principal, teacher, counselor, or other school professional designated by the principal.

**Transfer of Credit**

Accredited Texas  
Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or  
Nonaccredited  
Schools

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a non-accredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to

demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition  
Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

**Withdrawal**

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

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**Note:** This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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<b>Bullying Prohibited</b>	The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.
Examples	Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.
<b>Minimum Standards</b>	In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.
<b>Retaliation</b>	The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
<b>False Claim</b>	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.
<b>Timely Reporting</b>	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.
<b>Reporting Procedures</b>	To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.
Student Report	

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
<b>Notice of Report</b>	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
<b>Prohibited Conduct</b>	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
<b>Investigation of Report</b>	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
<b>Notice to Parents</b>	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

<b>District Action</b>	
<i>Bullying</i>	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Discipline</i>	<p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
<i>Improper Conduct</i>	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
<b>Confidentiality</b>	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
<b>Appeal</b>	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
<b>Records Retention</b>	Retention of records shall be in accordance with CPC(LOCAL).
<b>Access to Policy and Procedures</b>	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.





## (LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

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**Note:** While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make formatting changes appear tracked, even though the text remains the same.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

<b>Contact:</b>	<b>School Districts and Education Service Centers</b>	<b>Community Colleges</b>
	<a href="mailto:policy.service@tasb.org">policy.service@tasb.org</a>	<a href="mailto:colleges@tasb.org">colleges@tasb.org</a>
	800.580.7529	800.580.1488

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**Note:** The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022.

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value.

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**Texas Economic Development Act**

Purpose

These provisions outline the District’s procedures for accepting, reviewing, and considering applications and amendments to applications, and, when necessary, enforcing agreements under the Texas Economic Development Act (the Act), as set forth in Tax Code Chapter 313. [See CCGB(LEGAL)]

Definitions

In addition to the definitions set out in CCGB(LEGAL), the following definitions apply in this policy:

“Application review period” means the period during which the Board will consider and act on an application. The application review period begins on the application review start date and ends on the 151st day thereafter, unless the application review period is extended by Board action prior to the expiration date.

“Appraisal district” means each county appraisal district that appraises property that is the subject of an application.

“Large project application” means an application for which the qualified investment exceeds \$300,000,000.

**Filing an Application**

In the form and formats required by the comptroller, an applicant shall file with the Superintendent the original and copies of the completed application along with a searchable electronic copy certified to contain information identical to the original hard copy. [See CCGB(LEGAL) at Required Contents and Format]

The Superintendent shall hold any incomplete applications or applications submitted without the full application fee until the application is properly completed and the application fee is paid. The Superintendent’s determination of whether an application is complete shall be final.

Confidentiality of Applicant Information

If the Board decides to consider an application, information provided in connection with an application will not be considered confidential except as allowed by law. [See CCGB(LEGAL) at Confidential Business Information]

Amending an  
Application

An applicant may seek to amend an application at any time prior to final Board action on the application. If an amended application is filed within 60 days of the end of the application review period, the application review period shall be extended automatically to the 61st day after the date on which the last amended application is filed, unless the Board takes action to extend the application review period otherwise.

The Superintendent shall review and forward to the comptroller any amended application or supplemental information on receipt.

Standard  
Application Fee

An applicant shall pay a standard application fee of \$75,000 to the District to cover the District's costs in processing and considering the application. This fee is nonrefundable except as set forth in this policy:

1. For large project fees after the initial fee submission; or
2. If the application is rejected after an initial Board review.

The standard application fee does not include any amount charged by the comptroller to the applicant for the comptroller's economic impact evaluation.

*Large Project  
Application Fee*

For a large project application, the Board may set an application fee higher than the standard application fee if the analysis or evaluation of the application warrants a higher fee. In this case, the applicant shall initially submit the standard application fee. If the Board sets a higher fee, the applicant may withdraw its application and any fee submitted if the applicant disagrees with the higher fee.

**Processing an  
Application**

Before Initial Board  
Review

Upon receipt of an application and application fee, the Superintendent shall:

1. Send the applicant written confirmation of receipt of the application and application fee.
2. Review the application and, as necessary, require the applicant to submit additional and/or supplementary information, including all required schedules.
3. Within seven days of receipt of a completed application, submit the application to the comptroller, together with any economic analysis of the proposed project submitted by the applicant.
4. Obtain necessary conflict of interest disclosures. [See BBFA(LEGAL)]

**Initial Board Review** As soon as practical after an application is filed, the Board shall conduct an initial review of the application during which the Board may consider the Superintendent's recommendation and written or oral presentations concerning the application.

If, after the initial review, the Board determines that the application is not in the best interests of the District, the Board shall reject the application and return to the applicant the application fee, less any necessary and reasonable costs of the initial review.

If the Board accepts a large project application for further consideration, the Board may set an appropriate fee in accordance with this policy.

**After Initial Board Review** If the Board elects to consider the completed application, the Superintendent shall:

1. Deposit the application fee and provide required written notice to the applicant and comptroller, with a copy to the appraisal district, that the District has received and will consider the completed application;
2. Deliver to the comptroller a copy of the application and required material along with a request for an economic impact evaluation;
3. Accept on behalf of the Board any amendments or supplements submitted by the applicant, and transmit copies to the comptroller within seven days of receipt;
4. Direct appropriate District personnel to create a link from the District's website to the location on the comptroller's website where copies of applications are posted;
5. Within the time allowed by law, provide all required supplemental information necessary to assist the comptroller and the Texas Education Agency (TEA) with the required analyses;
6. On receipt, provide the applicant and District consultants with a copy of the economic impact evaluation and the school facilities impact analysis;
7. Work with the applicant and District consultants to provide the District and the comptroller with copies of the proposed agreement in a timely manner [see CCGB(LEGAL) at Continued Eligibility];
8. Take all action necessary or required to process the application;

9. Not later than 151 days after the application review start date, present to the Board an agreement for final approval or a request for extension of the application review period;
10. If an extension of the application review period is requested, report each such request to the comptroller within seven days of the decision to grant the extension; and
11. After Board action on the application, if any, transmit all necessary and required information to the comptroller, the applicant, and the appraisal district.

District Consultants On retention by the Board, District consultants, including legal counsel, shall review the application to ensure it includes all required information. District consultants shall also begin an analysis of the application, consider any legal implications of the application, draft and negotiate an appropriate revenue protection agreement, and evaluate the analyses from the comptroller and TEA on receipt.

District consultants shall be paid for services from the application fee and shall complete their analyses in time to assist the Board, as appropriate, in its initial review or final determination on the application.

**Board Action on Application**

Completed applications may be considered for approval by the Board only after completion of the economic impact evaluation and the school facilities impact analysis and receipt of the comptroller's certification, as required by the Act.

Public Hearing

The Board's final determination on an application shall be made after a public hearing at which the Superintendent, District consultants, the applicant, and members of the public may provide input and information concerning the proposed application. The comptroller's certification shall be disclosed at the public hearing.

The public hearing shall be held at a time that allows the Board to approve or disapprove an application before the expiration of the application review period, unless the deadline has been extended.

Findings of Fact

After the public hearing, the Board shall make specific written findings as required by law. [See CCGB(LEGAL) at Approval]

Adoption of Agreement

After considering the comptroller's certification, the economic impact evaluation, the school facilities impact analysis, information from District consultants, and any other relevant information, the Board may approve the application and enter into an agreement that complies with all legal requirements. [See CCGB(LEGAL) at Agreement] The Board shall also consider and adopt an agreement with the applicant to provide protection from or compensation for

any financial risks undertaken by the District in accepting the application.

Waiver of Jobs  
Requirement

The Board may waive the new jobs creation requirement in accordance with the law. [See CCGB(LEGAL) at Waiver of New Jobs Creation Requirement] If an applicant makes a waiver request subsequent to the original application, the Board may charge the applicant a fee to cover the costs of any consultant required by the Board in making the requisite finding.

**Superintendent  
Responsibilities  
After Agreement**

During the term of any agreement, the Superintendent shall ensure that all reporting requirements are met in a timely manner by the District and the applicant. The Superintendent is authorized to delegate this function to District consultants.

**Statements  
Regarding Conflicts  
of Interest**

Each Board member and any District employee who is a local government official under Local Government Code Chapter 176 shall submit a conflict of interest statement confirming or denying the existence of a conflict of interest or a substantial business interest in each project that is the subject of an application, agreement, or amendment to an agreement with the District. Within 60 days after each Board election or the appointment of a Board member, each new Board member shall complete a statement. The completed statements shall be retained by the District with each affected application or agreement. If a conflict or substantial interest exists, the appropriate disclosure forms shall be completed and filed as required by law. [See BBFA(LEGAL)]

**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be ~~\$5,000~~\$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

~~SAFETY PROGRAM/RISK MANAGEMENT  
SECURITY PERSONNEL~~

CKE  
(LOCAL)

**School Resource  
Officers**

~~To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.~~

~~A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.~~

Training

~~All school resource officers shall receive at least the minimum amount of education and training required by law.~~

~~[See CKEC]~~



To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

All school resource officers shall receive at least the minimum amount of education and training required by law.

**Integrated Pest Management Program**

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall ~~possibly~~ include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time Frame

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

No Unauthorized Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

INSURANCE AND ANNUITIES MANAGEMENT  
UNEMPLOYMENT INSURANCE

CRF  
(LOCAL)

**Reasonable  
Assurance**

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

**Specifications**

The Superintendent ~~or designee~~ shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

**Bid Process**

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

**Safety Record**

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

FACILITIES CONSTRUCTION  
COMPETITIVE SEALED PROPOSALS

CVB  
(LOCAL)

**Specifications**

The Superintendent ~~or designee~~ shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

**Process**

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and  
Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal  
Acceptance

The District may reject any and all proposals.

**Safety Record**

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA]- The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

**Pay Administration**

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The ~~Superintendent or designee shall classify~~ classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or ~~bimonthly~~ semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. ~~The Superintendent or designee shall determine~~ Any pay adjustments for individual employees; shall be determined within the approved budget following established procedures.

~~Mid-Year~~ Midyear  
Pay Increases

Contract  
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements].]

Noncontract  
Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

**Pay During Closing**

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools].]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Premium Pay  
During Disasters

Nonexempt employees who are required to work ~~during to mitigate the reason for~~ an emergency closing ~~for a disaster, as declared by a federal, state, or local official or the Board,~~ shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. ~~All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.~~

Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent ~~or designee~~ shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

ADMISSIONS

FD  
(LOCAL)

**Persons Age 21 and Over**

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

**Registration Forms**

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

~~At the time of initial registration and on an annual basis thereafter~~In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency ~~in accordance with administrative regulations developed by the Superintendent.~~ The District may investigate stated residency as necessary.

**Minor Living Apart**

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

**Students Not Enrolled**

A student enrolled in a private school, including a homeschool, shall not be eligible for concurrent enrollment in the District nor for participation in curricular or extracurricular activities, except as required by law. [See EEL and FM]

**Nonresident Student in Grandparent's After-School Care**

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.



**“Accredited” Defined**

For the purposes of this policy, “accredited” shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

**Grade-Level Placement**

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student entering a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal.

Nonaccredited private schools shall be asked to furnish the following information in regard to each student coming into the District:

1. Latest standardized test scores for the student. These tests must be scored by a testing agency and not hand scored by the school. If a standardized test is not available, the District shall test the student.
2. Report card grades or course grades for the current and prior year(s) as deemed necessary by the District.

The District shall allow admission of a student on a probationary status from nonaccredited private schools at any grade level without specific course subject matter testing to determine grade level or competency. The following shall apply:

1. The District shall determine from the information received from the nonaccredited private school the course level and grade level at which a student will enter the District. Admission of the student to District classes shall be on a probationary basis for a period of six weeks, during which time the student’s competency and progress in the grade and subject level will be monitored. Parents or legal guardians shall be notified of this procedure when they enroll the student.
2. If at the end of or prior to the end of the probationary period it is determined that the student has not been placed in the proper grade or course level, the student will be placed in the level appropriate for his or her competency and ability. The District personnel shall make this decision.

3. If at the end of the probationary period the student is performing satisfactorily, the student shall be removed from probation and given credit for courses passed prior to entering the District. The grades a student brings to the District shall be accepted.

**Foreign Exchange Students**

In order to ensure the best possible experiences for foreign exchange students, the guidelines listed below shall be followed:

1. Sponsoring agencies shall be approved by the United States Information Agency. Each sponsoring agency shall have a representative/contact person who resides within the area and who has power to make decisions for the agency.
2. The sponsoring agency and the host family shall complete all forms necessary for the placement of the exchange student before June 1 preceding the school year in which the student will be enrolled. The student shall provide the District with:
  - a. A translated, certified, and legal copy of his or her parent's or legal guardian's consent enabling the host family to act on behalf of the student.
  - b. Health records for the District's inspection and duplication.
  - c. Translated, certified, and official copies of all student records, grades, transcripts, and coursework in the English language.
3. Exchange students shall be classified according to age and ability, and may be eligible for graduation only if they meet District and TEA requirements.
4. All foreign exchange students shall comply with all federal, state, and District rules/regulations.

While the foreign exchange student is enrolled in a school within the District, the adult with authority to act for the student shall be available for and shall participate in school meetings and conferences regarding the status and/or progress of the student when requested by the principal, teacher, counselor, or other school professional designated by the principal.

**Transfer of Credit**

Accredited Texas  
Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or  
Nonaccredited  
Schools

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's

records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition  
Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ~~determine transfer of~~ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

**Withdrawal**

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

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**Note:** This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyber-bullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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**Bullying Prohibited**

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

**Minimum Standards**

In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.

**Retaliation**

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**False Claim**

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

**Timely Reporting**

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

**Reporting Procedures**

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
<b>Notice of Report</b>	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
<b>Prohibited Conduct</b>	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
<b>Investigation of Report</b>	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
<b>Notice to Parents</b>	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

<b>District Action</b>	
Bullying	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Discipline</i>	<p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
<b>Confidentiality</b>	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
<b>Appeal</b>	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
<b>Records Retention</b>	Retention of records shall be in accordance with CPC(LOCAL).
<b>Access to Policy and Procedures</b>	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.



## (LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

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**Note:** While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make formatting changes appear tracked, even though the text remains the same.

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For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

<b>Contact:</b>	<b>School Districts and Education Service Centers</b>	<b>Community Colleges</b>
	<a href="mailto:policy.service@tasb.org">policy.service@tasb.org</a>	<a href="mailto:colleges@tasb.org">colleges@tasb.org</a>
	800.580.7529	800.580.1488



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**Note:** The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022.

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value.

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**Texas Economic Development Act**

Purpose

These provisions outline the District’s procedures for accepting, reviewing, and considering applications and amendments to applications, and, when necessary, enforcing agreements under the Texas Economic Development Act (the Act), as set forth in Tax Code Chapter 313. [See CCGB(LEGAL)]

Definitions

In addition to the definitions set out in CCGB(LEGAL), the following definitions apply in this policy:

“Application review period” means the period during which the Board will consider and act on an application. The application review period begins on the application review start date and ends on the 151st day thereafter, unless the application review period is extended by Board action prior to the expiration date.

“Appraisal district” means each county appraisal district that appraises property that is the subject of an application.

“Large project application” means an application for which the qualified investment exceeds \$300,000,000.

**Filing an Application**

In the form and formats required by the comptroller, an applicant shall file with the Superintendent the original and copies of the completed application along with a searchable electronic copy certified to contain information identical to the original hard copy. [See CCGB(LEGAL) at Required Contents and Format]

The Superintendent shall hold any incomplete applications or applications submitted without the full application fee until the application is properly completed and the application fee is paid. The Superintendent’s determination of whether an application is complete shall be final.

Confidentiality of Applicant Information

If the Board decides to consider an application, information provided in connection with an application will not be considered confidential except as allowed by law. [See CCGB(LEGAL) at Confidential Business Information]



Amending an  
Application

An applicant may seek to amend an application at any time prior to final Board action on the application. If an amended application is filed within 60 days of the end of the application review period, the application review period shall be extended automatically to the 61st day after the date on which the last amended application is filed, unless the Board takes action to extend the application review period otherwise.

The Superintendent shall review and forward to the comptroller any amended application or supplemental information on receipt.

Standard  
Application Fee

An applicant shall pay a standard application fee of \$75,000 to the District to cover the District's costs in processing and considering the application. This fee is nonrefundable except as set forth in this policy:

1. For large project fees after the initial fee submission; or
2. If the application is rejected after an initial Board review.

The standard application fee does not include any amount charged by the comptroller to the applicant for the comptroller's economic impact evaluation.

*Large Project  
Application Fee*

For a large project application, the Board may set an application fee higher than the standard application fee if the analysis or evaluation of the application warrants a higher fee. In this case, the applicant shall initially submit the standard application fee. If the Board sets a higher fee, the applicant may withdraw its application and any fee submitted if the applicant disagrees with the higher fee.

**Processing an  
Application**

Before Initial Board  
Review

Upon receipt of an application and application fee, the Superintendent shall:

1. Send the applicant written confirmation of receipt of the application and application fee.
2. Review the application and, as necessary, require the applicant to submit additional and/or supplementary information, including all required schedules.
3. Within seven days of receipt of a completed application, submit the application to the comptroller, together with any economic analysis of the proposed project submitted by the applicant.
4. Obtain necessary conflict of interest disclosures. [See BBFA(LEGAL)]

- Initial Board Review As soon as practical after an application is filed, the Board shall conduct an initial review of the application during which the Board may consider the Superintendent's recommendation and written or oral presentations concerning the application.
- If, after the initial review, the Board determines that the application is not in the best interests of the District, the Board shall reject the application and return to the applicant the application fee, less any necessary and reasonable costs of the initial review.
- If the Board accepts a large project application for further consideration, the Board may set an appropriate fee in accordance with this policy.
- After Initial Board Review If the Board elects to consider the completed application, the Superintendent shall:
1. Deposit the application fee and provide required written notice to the applicant and comptroller, with a copy to the appraisal district, that the District has received and will consider the completed application;
  2. Deliver to the comptroller a copy of the application and required material along with a request for an economic impact evaluation;
  3. Accept on behalf of the Board any amendments or supplements submitted by the applicant, and transmit copies to the comptroller within seven days of receipt;
  4. Direct appropriate District personnel to create a link from the District's website to the location on the comptroller's website where copies of applications are posted;
  5. Within the time allowed by law, provide all required supplemental information necessary to assist the comptroller and the Texas Education Agency (TEA) with the required analyses;
  6. On receipt, provide the applicant and District consultants with a copy of the economic impact evaluation and the school facilities impact analysis;
  7. Work with the applicant and District consultants to provide the District and the comptroller with copies of the proposed agreement in a timely manner [see CCGB(LEGAL) at Continued Eligibility];
  8. Take all action necessary or required to process the application;

9. Not later than 151 days after the application review start date, present to the Board an agreement for final approval or a request for extension of the application review period;
10. If an extension of the application review period is requested, report each such request to the comptroller within seven days of the decision to grant the extension; and
11. After Board action on the application, if any, transmit all necessary and required information to the comptroller, the applicant, and the appraisal district.

District Consultants On retention by the Board, District consultants, including legal counsel, shall review the application to ensure it includes all required information. District consultants shall also begin an analysis of the application, consider any legal implications of the application, draft and negotiate an appropriate revenue protection agreement, and evaluate the analyses from the comptroller and TEA on receipt.

District consultants shall be paid for services from the application fee and shall complete their analyses in time to assist the Board, as appropriate, in its initial review or final determination on the application.

**Board Action on Application**

Completed applications may be considered for approval by the Board only after completion of the economic impact evaluation and the school facilities impact analysis and receipt of the comptroller's certification, as required by the Act.

Public Hearing

The Board's final determination on an application shall be made after a public hearing at which the Superintendent, District consultants, the applicant, and members of the public may provide input and information concerning the proposed application. The comptroller's certification shall be disclosed at the public hearing.

The public hearing shall be held at a time that allows the Board to approve or disapprove an application before the expiration of the application review period, unless the deadline has been extended.

Findings of Fact

After the public hearing, the Board shall make specific written findings as required by law. [See CCGB(LEGAL) at Approval]

Adoption of Agreement

After considering the comptroller's certification, the economic impact evaluation, the school facilities impact analysis, information from District consultants, and any other relevant information, the Board may approve the application and enter into an agreement that complies with all legal requirements. [See CCGB(LEGAL) at Agreement] The Board shall also consider and adopt an agreement with the applicant to provide protection from or compensation for

any financial risks undertaken by the District in accepting the application.

Waiver of Jobs  
Requirement

The Board may waive the new jobs creation requirement in accordance with the law. [See CCGB(LEGAL) at Waiver of New Jobs Creation Requirement] If an applicant makes a waiver request subsequent to the original application, the Board may charge the applicant a fee to cover the costs of any consultant required by the Board in making the requisite finding.

**Superintendent  
Responsibilities  
After Agreement**

During the term of any agreement, the Superintendent shall ensure that all reporting requirements are met in a timely manner by the District and the applicant. The Superintendent is authorized to delegate this function to District consultants.

**Statements  
Regarding Conflicts  
of Interest**

Each Board member and any District employee who is a local government official under Local Government Code Chapter 176 shall submit a conflict of interest statement confirming or denying the existence of a conflict of interest or a substantial business interest in each project that is the subject of an application, agreement, or amendment to an agreement with the District. Within 60 days after each Board election or the appointment of a Board member, each new Board member shall complete a statement. The completed statements shall be retained by the District with each affected application or agreement. If a conflict or substantial interest exists, the appropriate disclosure forms shall be completed and filed as required by law. [See BBFA(LEGAL)]

**Capitalization  
Threshold**

The capitalization threshold for purposes of classifying individual capital assets shall be ~~\$5,000~~\$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

**School Resource  
Officers**

~~To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.~~

~~A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.~~

Training

~~All school resource officers shall receive at least the minimum amount of education and training required by law.~~

~~[See CKEC]~~

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

A school resource officer shall perform duties as described in the agreement and as included in the District improvement plan and the Student Code of Conduct. A school resource officer shall not be assigned routine classroom discipline or administrative tasks.

All school resource officers shall receive at least the minimum amount of education and training required by law.

**Integrated Pest Management Program**

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall ~~possibly~~ include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time Frame

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

No Unauthorized Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.



INSURANCE AND ANNUITIES MANAGEMENT  
UNEMPLOYMENT INSURANCE

CRF  
(LOCAL)

**Reasonable  
Assurance**

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

**Specifications**

The Superintendent ~~or designee~~ shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

**Bid Process**

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

**Safety Record**

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

FACILITIES CONSTRUCTION  
COMPETITIVE SEALED PROPOSALS

CVB  
(LOCAL)

**Specifications**

The Superintendent ~~or designee~~ shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

**Process**

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and  
Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal  
Acceptance

The District may reject any and all proposals.

**Safety Record**

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA]- The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

**Pay Administration**

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The ~~Superintendent or designee shall classify~~ classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or ~~bimonthly~~ semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. ~~The Superintendent or designee shall determine~~ Any pay adjustments for individual employees, shall be determined within the approved budget following established procedures.

~~Mid-Year~~ Midyear  
Pay Increases

Contract  
Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements].]

Noncontract  
Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

**Pay During Closing**

During an emergency closure, all employees shall continue to be paid for their regular duty schedule unless otherwise provided by Board action. Following an emergency closure, the Board shall adopt a resolution or take other Board action establishing the purpose and parameters for such payments. [See EB for the authority to close schools].]

COMPENSATION AND BENEFITS  
COMPENSATION PLAN

DEA  
(LOCAL)

Premium Pay  
During Disasters

Nonexempt employees who are required to work ~~during to mitigate the reason for~~ an emergency closing ~~for a disaster, as declared by a federal, state, or local official or the Board,~~ shall be paid at the rate of one and one-half times their regular rate of pay for all hours worked up to 40 hours per week. ~~All other nonexempt employees who are required to work during an emergency closing shall be paid their regular rate of pay.~~

Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB] The Superintendent ~~or designee~~ shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

**Persons Age 21 and Over**

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

**Registration Forms**

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

~~At the time of initial registration and on an annual basis thereafter~~In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency ~~in accordance with administrative regulations developed by the Superintendent.~~ The District may investigate stated residency as necessary.

**Minor Living Apart**

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

**Students Not Enrolled**

A student enrolled in a private school, including a homeschool, shall not be eligible for concurrent enrollment in the District nor for participation in curricular or extracurricular activities, except as required by law. [See EEL and FM]

**Nonresident Student in Grandparent's After-School Care**

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

**“Accredited” Defined**

For the purposes of this policy, “accredited” shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

**Grade-Level Placement**

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student entering a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal.

Nonaccredited private schools shall be asked to furnish the following information in regard to each student coming into the District:

1. Latest standardized test scores for the student. These tests must be scored by a testing agency and not hand scored by the school. If a standardized test is not available, the District shall test the student.
2. Report card grades or course grades for the current and prior year(s) as deemed necessary by the District.

The District shall allow admission of a student on a probationary status from nonaccredited private schools at any grade level without specific course subject matter testing to determine grade level or competency. The following shall apply:

1. The District shall determine from the information received from the nonaccredited private school the course level and grade level at which a student will enter the District. Admission of the student to District classes shall be on a probationary basis for a period of six weeks, during which time the student’s competency and progress in the grade and subject level will be monitored. Parents or legal guardians shall be notified of this procedure when they enroll the student.
2. If at the end of or prior to the end of the probationary period it is determined that the student has not been placed in the proper grade or course level, the student will be placed in the level appropriate for his or her competency and ability. The District personnel shall make this decision.

3. If at the end of the probationary period the student is performing satisfactorily, the student shall be removed from probation and given credit for courses passed prior to entering the District. The grades a student brings to the District shall be accepted.

**Foreign Exchange Students**

In order to ensure the best possible experiences for foreign exchange students, the guidelines listed below shall be followed:

1. Sponsoring agencies shall be approved by the United States Information Agency. Each sponsoring agency shall have a representative/contact person who resides within the area and who has power to make decisions for the agency.
2. The sponsoring agency and the host family shall complete all forms necessary for the placement of the exchange student before June 1 preceding the school year in which the student will be enrolled. The student shall provide the District with:
  - a. A translated, certified, and legal copy of his or her parent's or legal guardian's consent enabling the host family to act on behalf of the student.
  - b. Health records for the District's inspection and duplication.
  - c. Translated, certified, and official copies of all student records, grades, transcripts, and coursework in the English language.
3. Exchange students shall be classified according to age and ability, and may be eligible for graduation only if they meet District and TEA requirements.
4. All foreign exchange students shall comply with all federal, state, and District rules/regulations.

While the foreign exchange student is enrolled in a school within the District, the adult with authority to act for the student shall be available for and shall participate in school meetings and conferences regarding the status and/or progress of the student when requested by the principal, teacher, counselor, or other school professional designated by the principal.

**Transfer of Credit**

Accredited Texas  
Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or  
Nonaccredited  
Schools

Before recognizing credit in a course earned in an accredited non-public school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's



records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition  
Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ~~determine transfer of~~ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

**Withdrawal**

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

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**Note:** This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyber-bullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

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<b>Bullying Prohibited</b>	The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.
Examples	Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.
<b>Minimum Standards</b>	In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.
<b>Retaliation</b>	The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
<b>False Claim</b>	A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.
<b>Timely Reporting</b>	Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.
<b>Reporting Procedures</b>	To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.
Student Report	

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
<b>Notice of Report</b>	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
<b>Prohibited Conduct</b>	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
<b>Investigation of Report</b>	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
<b>Concluding the Investigation</b>	<p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.</p> <p>The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.</p>
<b>Notice to Parents</b>	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

<b>District Action</b>	
Bullying	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
<i>Discipline</i>	<p>A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
<i>Corrective Action</i>	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
<b>Confidentiality</b>	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
<b>Appeal</b>	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
<b>Records Retention</b>	Retention of records shall be in accordance with CPC(LOCAL).
<b>Access to Policy and Procedures</b>	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

**Consider approval of student and employee out of state travel  
July 17, 2023**

1. Background:

The Uvalde High School 2023 Varsity Los Coyotes Mariachi has been invited to perform at the Imagen Awards in Los Angeles, California at the Plaza de Cultures de Artes. The president of the foundation, Helen Hernandez, read in the *Rolling Stone* Magazine, about the group winning the 2023 UIL State Mariachi Festival and has invited the group to perform at the Imagen Awards.

2. Process:

The Imagen Awards recognizes and encourages the entertainment industry to portray the Latino community in a positive manner. This is a Red Carpet event that will air on PBS providing great exposure for our Los Coyotes Mariachi, 2023 State Winners, a group of 19 students. Our students would be working directly with Cheche Alara who is a Grammy, and Latin Grammy winner, composer, musical director, arranger, producer, conductor and performer. This would be an opportunity of a lifetime for our students.

The out-of-state travel request is for Wednesday, August 23rd till Sunday, August 27th. The itinerary would include the following:

Wednesday, August 23rd: Travel Day

Thursday, August 24th: Sightseeing & Rehearsal

Friday, August 25th: Rehearsal

Saturday, August 26th: Performance (this award ceremony will be nationally televised)

Sunday, August 27th: Travel Day

3. Fiscal Impact:

Helen Hernandez, president of Imagen Foundation, has offered to fundraise \$15,000 to cover airfare, shuttle, and hotel accommodations for the 2023 UHS Varsity Los Coyotes, a group of 19 students to include 4 chaperones and the Director of Mariachi. This would be the group that won the 2023 UIL State Mariachi Festival.

The president of Imagen Foundation, Helen Hernandez, is suggesting a district representative to attend with the group to be the official press representative for our group at the event. However, the cost of the district representative will be at the District's expense.

4. Recommendation:

Administration recommends the approval of the Uvalde High School 2023 Varsity Los Coyotes Mariachi, Director of Mariachi, and a district representative to travel out of state to perform at the Imagen Awards with the generosity of the Imagen Foundation covering airfare, shuttle, and hotel accommodations for the students 4 chaperones and the Director of Mariachi.

5. Action Required:

Board approval is required.

6. Contact Person:

Albert Martinez, Director of Performing Arts & Mariachi

## Consider approval of the Student Code of Conduct

July 17, 2023

1. Background:

The Student Code of Conduct is reviewed and updated annually. Required changes are addressed and inserted as necessary for the upcoming school year. The Student Code of Conduct serves as a guide for principals to develop their grade level campus discipline plan.

2. Process:

The Student Code of Conduct has been reviewed to ensure it has all required elements. Please see attached form with a list of changes.

3. Fiscal Impact:

Minimal – The Student Code of Conduct will be placed on the district’s website for parents and students to access in English and Spanish. Each administrative office in UCISD as well as the UCISD Central Office will have a hard copy for parents to review. In addition, the Central Office will honor and fill any parent request for a hard copy of the Student Code of Conduct whether in English or Spanish as requested.

4. Recommendation:

Administration recommends approval of the 2023-2024 Student Code of Conduct

5. Action Required:

Board approval

6. Contact Person:

Zeke De La Fuente

## Quick Reference to Changes in the Student Code of Conduct

Listed below are the page numbers where changes to the 2023-2024 Student Code of Conduct can be found. All items are italicized and in bold print. Items that will be removed are stricken through.

***Pg.14*** - The district permits students to possess personal cell phones. However, these devices must remain turned off during all testing & instruction days. Unless, they are being used for approved instructional purposes. - added

***Pg.47*** - Shirts - added

2023-2024  
**Uvalde CISD**  
**Student Code of Conduct**



**Uvalde CISD**  
**Loyal and True**

School Board Approved: \_\_\_\_\_

UCISD does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission to its programs, services, or activities, in access to them, in treatment of individuals, or in any aspect of their operations. The district Title IX Coordinator is Esequiel

De La Fuente who can be reached at [edelfuente8743@uvaldecisd.net](mailto:edelfuente8743@uvaldecisd.net) or (830) 278-6655



## **ACKNOWLEDGMENT**

### *Student Code of Conduct*

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

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

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

Thank you.

Gary Patterson, Interim Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the Uvalde CISD Student Code of Conduct for the 2023–2024 school year or to electronically access them on the district's website at <http://www.ucisd.net>. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct on the district's website.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

Grade level: \_\_\_\_\_

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

**2023-2024 Uvalde CISD  
Campus Principal/Director**

**Dalton Early Childhood Center**

**Margaret Tarski**

[mtarski9174@uvaldecisd.net](mailto:mtarski9174@uvaldecisd.net)

600 N. Fourth  
Uvalde, TX 78801  
830-591-4933

**Morales Jr. High**

**Patricia Merlos, Principal**

[pmerlos1697@uvaldecisd.net](mailto:pmerlos1697@uvaldecisd.net)

615 Studer St.  
Uvalde, TX 78801  
830-591-2980

**Uvalde CISD Dual Language Academy**

**Norma Hill-Garcia, Principal**

[nhill-garcia9159@uvaldecisd.net](mailto:nhill-garcia9159@uvaldecisd.net)

224 N. Benson  
Uvalde, TX 78801  
830-591-2988

**Uvalde High School**

**Jorge Cerna, Principal**

[jcerna7384@uvaldecisd.net](mailto:jcerna7384@uvaldecisd.net)

1 Coyote Trail  
Uvalde, TX 78801  
830-591-2950

**Crossroads Academy High School**

**Dr. Hector Lopez, Principal**

[hlopez6926@uvaldecisd.net](mailto:hlopez6926@uvaldecisd.net)

537 E. Oppenheimer  
Uvalde, TX 78801  
830-591-4987

**Uvalde Elementary**

**Christy Perez, Principal**

[cperez3458@uvaldecisd.net](mailto:cperez3458@uvaldecisd.net)

601 Dean Street  
Uvalde, TX 78801  
830-333-7002

**Batesville School**

**Sandra Gonzales, Principal**

[sgonzales4331@uvaldecisd.net](mailto:sgonzales4331@uvaldecisd.net)

496 Garden St  
Batesville, TX 78829  
830-376-4221

**Praxedis Mata Torres Complex**

**Loretta Dalrymple Interim of SPED**

[ldalrymple4173@uvaldecisd.net](mailto:ldalrymple4173@uvaldecisd.net)

129 Goldbeck  
Uvalde, TX 78801  
830-591-4928

**Flores School**

**Marinda Santos, Principal**

[msantos2324@uvaldecisd.net](mailto:msantos2324@uvaldecisd.net)

901 N. Getty  
Uvalde, TX 78801  
830-591-2976

## **Mandatory Drug Testing – Excerpt from Board Poly FNF (Local)**

MANDATORY DRUG-TESTING PROGRAM	The District requires drug testing of any student in grades 9–12 who chooses to participate in school-sponsored extracurricular activities or requests a permit to park a vehicle on school property.
COVERED ACTIVITIES	School-sponsored extracurricular activities for which testing is required include all extracurricular activities.
SCOPE/PURPOSE	The purposes of the drug-testing program are to prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol; help enforce a drug-free educational environment; deter student use of illegal and performance-enhancing drugs or alcohol; and educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol.
DISTRIBUTION OF POLICY	The District shall provide each parent and student a copy of the drug-testing policy and consent form prior to the student's participation in an affected activity or receipt of a parking permit.
ORIENTATION MEETINGS	<p>The District shall conduct meetings with parents and interested student participants prior to the beginning of the fall practice period. District employees shall explain the drug-testing program, review the policy and consent form, and provide an educational presentation on the harmful effects of drug and alcohol abuse.</p> <p>Student attendance at the orientation meeting is mandatory; however, parent attendance is not required.</p>
CONSENT	Before a student is eligible to participate in extracurricular activities or to receive a parking permit, the student shall be required annually to sign a consent form agreeing to be subject to the rules and procedures of the drug-testing program. If the student is under the age of 18, the student's parent or guardian shall also sign a consent form. If appropriate consent is not given, the student shall not be allowed to participate in extracurricular activities or to receive a parking permit.
USE OF RESULTS	<p>Drug test results shall be used only to determine eligibility for a parking permit and participation in extracurricular activities. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.</p> <p>Nevertheless, nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Code of Conduct.</p>
CONFIDENTIALITY	Drug test results shall be confidential and shall be disclosed only to the student, the student's parents, and designated District officials who need the information in order to administer the drug-testing program. Drug test results shall not be maintained with a student's academic record. Results shall not be otherwise disclosed except as required by law.

TESTING  
LABORATORY

The Board shall contract with a certified drug-testing laboratory to conduct testing of students' urine samples. Testing laboratories shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.

SUBSTANCES  
FOR WHICH  
TESTS ARE  
CONDUCTED

The District shall make available to students and parents a list of the exact substances for which tests were conducted.

COLLECTION  
PROCEDURES

Personnel from the drug-testing laboratory shall collect urine samples under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student shall be escorted to the school's testing site by a District employee and shall remain under employee supervision until the student provides a sample. A student shall produce a sample within a closed restroom stall. A District employee of the same gender as the student shall be present when any samples are collected.

RANDOM  
TESTING

Random tests shall be conducted on as many as ten dates throughout the school year.

No less than five percent and no more than 50 percent of the students participating in the program shall be randomly selected for each random test date. The drug-testing laboratory shall use a random selection method to identify students chosen for random testing. Students shall not receive prior notice of the testing date or time.

REFUSAL TO  
TEST OR  
TAMPERING

A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any.

If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

CONFIRMATION  
OF POSITIVE  
RESULTS

An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.

Upon receiving results of a positive drug test, the District shall schedule a meeting with the student, the student's parent if the student is under the age of 18, and the coach or sponsor of the extracurricular activity, as applicable, to review the test results and discuss consequences.

The student or parent shall have three school days following the meeting to provide a medical explanation for a positive result.

RETESTING

If the student wishes to return to participation in extracurricular activities or have a parking permit reinstated after any applicable consequences, the student must be retested at the end of the period of suspension and have a negative test result; following that, the student shall be retested on the next two random test dates so long as the student wishes to participate in extracurricular activities or park a vehicle on school property.

DRUG ABUSE  
PREVENTION

The District shall notify the parent and student of drug and alcohol abuse prevention resources available in the area.

CONSEQUENCES	Consequences of positive test results shall be cumulative through the end of the current school year.
FIRST OFFENSE	<p>Upon a first offense of receiving a confirmed positive drug test, a student shall be suspended from any extracurricular activity, and the student's parking permit shall be suspended, for 30 calendar days following the date the student and parent are notified of the test results.</p> <p>During the period of suspension, the student shall not be permitted to participate in practices.</p>
SECOND OFFENSE	<p>Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from any extracurricular activity, and the student's parking permit shall be suspended, for 60 calendar days following the date the student and parent are notified of the test results.</p> <p>During the period of suspension, the student shall not be permitted to participate in practices.</p>
THIRD OFFENSE	<p>Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity, and the student's parking permit shall be suspended, for 180 calendar days following the date the student and parent are notified of the test results.</p> <p>During the period of suspension, the student shall not be permitted to participate in practices.</p>
APPEALS	<p>A student or parent may appeal a decision made under this policy in accordance with NG (LOCAL). The student shall be ineligible for participation in Extra-curricular activities or reinstatement of parking privileges while the appeal is pending.</p>



**UCISD**



**ATTENDANCE WARNING NOTICE**

**TO PARENTS OR GUARDIANS**

This letter is to inform you that if your child incurs unexcused absences for three or more days or parts of days within a four-week period. As required by law this notice serves as a reminder that you as parent or guardian must monitor your child's attendance and to insure your child attends school every day.

This letter also serves as notice that a meeting between you and a school administrator on your child's campus will be needed if attendance laws are violated. In addition to meeting with the campus administrator Truancy Prevention measures will be initiated. Truancy prevention measures may include a behavior intervention plan, counseling, school-based community service and any other measures considered appropriate to eliminate the truant behavior. If the truancy prevention measures are not successful and truancy continues civil action may be brought against your child.

Information from the Texas Education Code is listed below for your review.

**TEC Sec. 25.085: COMPULSORY SCHOOL ATTENDANCE**

- (a) A child is required to attend school under this section shall attend school each school day for the entire period the program of instruction is provided.
- (b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not reached the child's 19th birthday shall attend school if not legally exempt.
- (c) On enrollment in pre-kindergarten or kindergarten, a child shall attend school.
- (d) Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend an extended year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084.

**TEC Sec. 25.095:**

If a student is absent without an excuse for ten (10) or more days or parts of days in a six-month period or three or more days or parts of days in a four-week period:

- (a) The student's parent is subject to prosecution under Section 25.093; and
- (b) The student is subject to prosecution under Section 25.094.

An offense under these sections may result in court filing. Each day the child remains out of school after the warning has been given/sent or the child had been ordered to attend school by the juvenile court may constitute a separate offense and each offense can carry a fine of up to \$500. Your child's school attendance is immediately required.

**TEC Sec. 25.092: ATTENDANCE FOR CREDIT**

Except as provided by TEC 25.092, a student may not be given credit for a class unless the student is in attendance for at least 90 percent of the days class is offered (tardies are considered parts of days)

*Uvalde Consolidated Independent School District*

# Student Code of Conduct

2023/2024 School Year

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## **Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services**

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

### Special Education Referrals:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the *Notice of Procedural Safeguards*. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

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

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

Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost.

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

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Lorretta Dalrymple      Phone Number: 830-591-4928

Section 504 Referrals:

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Lorretta Dalrymple

Phone Number: 830-591-4928

Additional Information:

The following websites provide information and resources for students with disabilities and their families.

- [Legal Framework for the Child-Centered Special Education Process](#)
- [Partners Resource Network](#)
- [Special Education Information Center](#)
- [Texas Project First](#)

## **THE PURPOSE OF THE STUDENT CODE OF CONDUCT**

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adhering to high standards of behavior.

The Student Code of Conduct that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may - or must - result in a range of specific disciplinary consequences. This Student Code of Conduct is an outgrowth of collaboration among District and campus staff, parents, and other community members. This code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

In case of conflict between the Student Code of Conduct and District policy enacted prior to the approval of this Student Code of Conduct by the District's Board of Trustees or student/parent handbooks, the Student Code of Conduct will prevail, to the fullest extent permitted by law. References to the Texas Penal Code are to define offenses only. In order to be punished under the Student Code of Conduct, it is not necessary for the student to be charged or convicted under the Texas Penal Code. The laws of the criminal courts, including definitions of "usable amount," do not always apply to student discipline.

The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act [IDEA] and Section 504 of the Rehabilitation Act of 1973 [Section 504]) is subject to the provisions of those laws. The placement of a student with a disability who receives special education services is made only after a duly constituted Admission, Review, and Dismissal Committee (ARD Committee) or a Section 504 Committee reviews the circumstances and makes the required manifestation determination. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for an alternative education placement in Section 37.006 or 37.007. Federal law regulates discipline for students with disabilities; a Special Education handbook providing information about the applicable law and the rights of students with disabilities is available on each campus in the principal's office.

### **ACCESSIBILITY**

If you have difficulty accessing the information in this document because of disability, please contact Esequiel De La Fuente, Executive Director of Special Projects/Student Services [edela Fuente8743@uvaldecisd.net](mailto:edela Fuente8743@uvaldecisd.net) or 830-278-6655

### **STATEMENT OF NON-DISCRIMINATION**

The Uvalde CISD does not discriminate in its educational programs and services on the basis of sex, race, religion, color, national origin, or disability. The District complies with Title IX of the Education Amendments of 1972 and with Section 504 of the Rehabilitation Act of 1973. Any questions or concerns about the district's compliance with these federal programs should be brought to the attention of the persons shown below as Title IX and Section 504 Coordinators.

The Title IX Coordinator is Esequiel De La Fuente and 504 Section Coordinator for the District is Lorretta Dalrymple. This office is located at 1000 N. Getty, and can be reached by calling 278-6655.

As noted above, Uvalde CISD does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Lorretta Dalrymple, whose office is at 129 Goldbeck and can be reached by phone at (830) 591-4928

## **SECTION I - JURISDICTION**

School rules and the authority of the District to administer discipline apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored or school-related activities.

### **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the district's website [www.ucisd.net/parents-community/student-guidelines](http://www.ucisd.net/parents-community/student-guidelines)

The District has disciplinary authority over a student:

- During the regular school day or while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
  - District transportation, including while at bus stops;
  - Within 300 feet of school property as measured from any point on the school's real property boundary line;
  - While the student is in attendance at any school-related activity, regardless of time or location;
  - For any school-related misconduct, regardless of time or location;
  - When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
  - When the student commits a felony, as provided by Texas Education Code 37.006; and
  - When criminal mischief is committed on or off school property or at a school-related event.
- 
- When a student engages in cyberbullying, as provided by Education Code 37.0832;  
When the individual is required to register as a sex offender.
  - Continuous sexual abuse of a young child or disabled individual.

The District has as one of its primary responsibilities assuring that its schools are safe. Students whose conduct on or off District property poses an imminent threat to the safety of members of the school community, or results in substantial or material disruption at school, will be subject to appropriate disciplinary action and/or possible criminal penalties.

The District has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.

Video cameras are installed in common areas on some campuses of Uvalde CISD to promote a safe environment conducive to the educational goals of the District. Audio tapes may be made of student and teacher or administrator conference with parental knowledge to ensure accuracy.

Lockers, desks and any other fixture or facility provided for student use are the property of the Uvalde Consolidated Independent School District and remain under the jurisdiction and control of the District even when assigned to an individual student. District officials may at any time conduct searches or use other detection devices with respect to all lockers, desks and any other fixture or facility provided for student use, whether or not the students are present, and whether or not there is reasonable cause to believe they contain articles or materials prohibited by District policy. As noted above, school officials may also search vehicles parked on school property if there is reasonable cause to

believe they contain articles or materials prohibited by District policy or the Student Code of Conduct. Students are hereby put on notice that: (1) lockers may be sniffed by trained dogs at any time; (2) vehicles parked on school property may be sniffed by trained dogs at any time; (3) classrooms and other common areas may be sniffed by trained dogs at any time when students are not present; and (4) if contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with this Student Code of Conduct.

School officials may also search any purse, book bag, gym bag, gym basket, supply packets, back packs and/or any other item carried or possessed by a student, found on the student's person, found in a student's pockets, or found in a vehicle owned, possessed, under the control of or being used by the student, if there is reasonable cause to believe they contain articles or materials prohibited by District policy or the Student Code of Conduct. In addition, any items prohibited by District policy or this Student Code of Conduct shall be confiscated.

The District is not responsible for the loss or theft of any items of personal property, whether a prohibited item or not, and whether confiscated or not. As a result, the District is not obligated to and will not replace or provide reimbursement for any such item of personal property lost or stolen at school or at any school-related activity, including (but not limited to) any cell phones or other types of electronic devices.

**[Please take note: nearly every year there is an incident involving a student whose vehicle is found to contain some prohibited item, and the student claims that he or she had no knowledge it was in the vehicle. Students are held responsible for making sure that whatever vehicle they drive to and park on any school property does not contain any prohibited items. Therefore, it is important that the vehicle be checked by the student before the student comes onto school property.]**

The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct. Withdrawal from school after a student has been accused of or charged with a violation of the Student Code of Conduct will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequences and enforcing that consequence should the student re-enroll in the District. In addition, the district shall continue a DAEP placement or expulsion of a student who enrolls from a charter school or another district.

### **REPORTING CRIMES**

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

### **“PARENT” DEFINED**

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

### **PARTICIPATING IN GRADUATION ACTIVITIES**

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

### **UNAUTHORIZED PERSONS**

In accordance with Education Code 37.105, a school administrator, or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

See **DAEP—Restrictions During Placement**, for information regarding a student assigned to DAEP at the time of graduation

## **SECTION II - STANDARDS FOR STUDENT BEHAVIOR**

Each student is expected to:

- Demonstrate courtesy even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.

- Prepare for each class and take appropriate materials and assignments to class.
- Meet District and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order, and discipline.
- Avoid violations of the Student Code of Conduct.
- Pursue and attempt to master the Texas Essential Knowledge and Skills.
- Pay required fees and fines, except as exempted by law or waived by the District.
- Be aware of all rules and regulations for student behavior, and conduct himself or herself in accordance with them.
- Express opinions and ideas in a respectful manner, so as not to insult or slander others.
- Follow all District rules, including safety rules, while being transported in District vehicles to and from school and school-related or school-sponsored trips.
- Refrain from making profane, insulting, threatening or inflammatory remarks, and from cheating, lying or engaging in disruptive conduct.
- Seek changes in school policies and regulations in an orderly and responsible manner, through approved channels.
- Refrain from engaging in acts of bullying or harassment.
- Promote school pride.

The District may impose campus, classroom, extracurricular, organization or transportation rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may also constitute violations of the Student Code of Conduct. **See: CQ (LOCAL), FNCE (LEGAL), FFI (LEGAL)**

The District has a number of policies and rules involving computer use and accessing the internet; violations of those policies and rules may result in termination of privileges involving computer use and internet access as well as disciplinary action under this Student Code of Conduct.

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

Any student who represents the District by participating in extracurricular activities, is the recipient of any District award or honor, or is a member or participant in any District sponsored club or organization, may be suspended from membership and/or any and all participation in the activity, club or organization, and may have the award or honor withdrawn, if the student is found to have violated laws related to hazing, alcohol, drugs (including marijuana) and/or controlled substances, volatile chemicals, and abusable glue and aerosol paint, regardless of whether such violation occurs on school property or at school-sponsored or school-related events, or not, and regardless of whether such violation occurs during the school year. These consequences affect all extracurricular activities and participation in all activities of the organization or club, regardless of whether such activities occur during the school year. The consequences are incorporated in and are in addition to any other consequences set out in the Student Code of Conduct, or any other Code of Conduct for students involved in such extracurricular activities, awards, honors, clubs, and/or organizations. These consequences will be determined by appropriate school officials on a case-by-case basis.

School administrators shall report crimes as required by law, and shall call an appropriate law enforcement official when an administrator suspects that a crime has been committed on campus or at a school-sponsored or school-related activity. Certain acts of misconduct under this Student Code of Conduct may constitute criminal offenses in addition to violations of this Code. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding, and may not be affected by the outcome of any criminal proceeding.

### **SECTION III - GENERAL MISCONDUCT VIOLATIONS**

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more of the disciplinary consequences set out in the **Discipline Management Techniques – Consequences** section of this Code if the behavior is committed at the school, a school-sponsored or school-related activity, or when the District has disciplinary jurisdiction as set out in the Student Code of Conduct. If such misconduct occurs off school property or while not at a school-related or school-sponsored activity, students will be subjected to discipline under this Code if the conduct causes a substantial or material disruption at school.

The following behaviors are prohibited:

#### **Disregard for Authority:**

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission
- Disobey rules for conduct in district vehicles
- Refuse to accept discipline management techniques assigned by a teacher or principal.

#### **Misconduct Involving Others:**

- Throwing objects that can cause bodily injury or property damage.
- Directing profanity, vulgar language, obscene and/or gang related gestures toward other students, District employees, or District volunteers.
- Fighting or scuffling.
- Hazing.
- Forcing an individual to act through the use of force or threat of force.
- Bullying (see Glossary), including intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence. (As noted in Board Policy FFI (Local), a student who makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary actions.)
- Retaliating against a student for (1) reporting either a violation of the Student Code of Conduct or bullying, or (2) participating in an investigation of a violation of the Student Code of Conduct or bullying.
- Engaging in threatening behavior toward another student, a District employee or a District volunteer.
- Engaging in harassment, including harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student, a District employee or a District volunteer, to include publishing on a website.



including a social media platform, repeated electronic communications that are reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student, a District employee, or a District volunteer.
- Engaging in aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
- Making or preparing a hit list. (See Glossary.)
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes dating violence. (See glossary)
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture or any other sexual conduct, including requests for sexual favors directed toward another student, a District employee or a District volunteer. (Additional information concerning Sexual Harassment/Sexual Abuse can be found in District Policies FNCJ (Legal) and FCNJ (Local) as well as later on in this Student Code of Conduct.)
- Committing sexual acts, which do not qualify as public lewdness or indecent exposure.
- Engaging in inappropriate or indecent exposure of private body parts, including but not limited to the acts of "mooning" and "flashing."
- Fighting or threatening to fight.
- Engaging in verbal abuse (i.e. name calling, using ethnic or racial slurs or making derogatory statements addressed publicly to others) directed toward another student, a District employee or a District volunteer that may disrupt the school program or incite violence.
- Directing threats, profanity, vulgar language, or obscene gestures towards a teacher, another student, an employee, a volunteer or other individuals. This provision includes intentionally or knowingly threatening another person with imminent bodily injury, or intentionally or knowingly causing physical contact with another person when the student knows or should reasonably believe that the person will regard the contact as offensive or provocative.
- Harming or threatening to harm in any way a Uvalde CISD student, employee or volunteer, or any relative, pet or property of a Uvalde CISD student, employee or volunteer as a witness, prospective witness or informant in connection with any violation of the Student Code of Conduct. Disciplinary consequences for violating this provision of the Student Code of Conduct may be imposed whether or not the harm or threat of harm occurs on Uvalde CISD property or at any school-related or school-sponsored activity.
- Sending or posting messages that are abusive, threatening, obscene, sexually oriented, harassing, damaging to another's reputation, or illegal.
  - Record the voice or image of another without the prior consent of the

individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

- Using profanity, vulgar language or obscene gestures, or drawing and/or displaying obscene illustrations or materials.
- Engaging in any inappropriate verbal, physical or sexual contact. This item includes but is not limited to inappropriate public display of affection.
- Making false accusations of or providing false statements concerning wrongful, unlawful, inappropriate or illegal conduct alleged to have been committed by any District officer, official, employee, volunteer or student.
- Continuous sexual abuse of a young child or disabled individual.

### **Possessing, Using, Giving, Selling, or Buying Prohibited Items:**

- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Possessing any weapon not classified in the Texas Penal Code (examples include but are not limited to a sling shot, pocket knife, pen knife, or chemical dispensing devices, firearm silencer).
- Possessing razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling "look-alike" weapons.
- Possessing or using articles not generally considered to be weapons, including school equipment or supplies, when the Principal or Principal's designee determines that a danger exists.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
  - Possessing, using, giving or selling look-alike drugs or substances, items attempted to be passed off as drugs and contraband, analogues (see the Glossary), or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant depressant, or intoxicant of any kind, including substances that contain chemicals which produce the same effect of illegal substances, including but not limited to Spice, climax and K-2.
- Possessing, using, giving or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug on school property or at a school-related or school-sponsored event.
- Abuse over-the-counter drugs. (See glossary for "abuse".) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for "under the influence".)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy. **FNCF (LEGAL)**
- Possessing or distributing material that is pornographic, obscene, sexually oriented, or reveals a person's private body parts.

- Using or possessing any instrument, object or device that might reasonably threaten or cause bodily harm, even if they have not been used to actually threaten or cause bodily harm. Such instruments include but are not limited to :any weapon, knife or gun which does not meet the definition of those terms under the Texas Penal Code; fireworks or pyrotechnic devices; razors; box cutters; air guns; stun guns; BB guns; paintball guns; pepper spray; chains; ammunition; *firearm silencer*; smoke or stink bombs; maces; and items of the martial arts.
- Inhaling or using any substance, whether or not intrinsically harmful and whether or not prohibited by any law that impairs a student’s faculties and is detectable by the student’s physical appearance, actions, breath or speech.
- Use, possession, or distribution of tobacco products, tobacco paraphernalia and electronic cigarettes (e-cigs), *including a consumable liquid solution or other material aerosolized or vaporized during the use of an e-cigarette or other device, as defined by law.*
- Possession of any instrument, device or object not already referred to or identified elsewhere in this Student Code of Conduct that can be used to injure or threaten another person.
- Possession of published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Using, possessing or distributing “look-alike” weapons.
- Possessing or using laser pointers or pens, DVD players, electronic games, and other electronic equipment.
- Using or possessing matches or a lighter.

**Misuse of Property:**

- Stealing from students, employees, volunteers, visitors, or the District.
- Damaging or vandalizing property owned by the District or others. This includes any attempt to destroy or disable District computer equipment or data.
- Committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.
- Vandalizing or damaging property, including, but not limited to, cutting, scratching, marking, painting, defacing or engaging in any other type of activity in anyway damaging property belonging to the District, its employees, its volunteers, visitors or other students. This item also includes, but is not limited to, defacing or damaging school property (including textbooks, furniture, building and other equipment) with graffiti or by other means, as well as writing, drawing or marking on school property. It also includes any attempt (successful or not) to destroy, damage or disable computer equipment or data, or the data of another user of the District’s system, or any of the agencies or other networks that are connected to the Internet, including the uploading or creating of computer viruses.
- Littering on school property.
- Trespassing while truant.
- Trespassing on District property, or entering any District building or structure after regular District working hours or on any day when school is not in session, unless with the written permission of a District administrator, teacher or coach. Disciplinary consequences for conduct prohibited by this provision of the Student Code of Conduct will be imposed even if no physical damage is caused to District property as a result of the trespass unauthorized

entry.

- Using or having in operational mode CD players, cassette players, I-Pods, MP3 players, Walkman devices, Gameboys, radios, and stereo headsets between **8:00 am** and the end of the campus' school day. The possession and use of such devices on extra-curricular and co-curricular trips and functions will be determined solely by the activity sponsor.

### **Safety/Disruption:**

- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing a sprinkler system to activate when there is no smoke, fire, danger, or emergency.
- Making or participating in hoaxes regarding school safety.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially or materially disrupt the school program or incite violence.
- Communicating a threat or false alarm of bomb, fire, explosion or other incendiary device, poison or toxic substance. This includes but is not limited to calling for emergency assistance (911) or setting of an alarm when no emergency exists. Making threats (whether real or false), hoaxes or false accusations regarding school safety are prohibited, and such conduct will result in placement into DAEP.
- Engaging in a careless act causing harm or injury.
- Making or assisting in making threats, whether against individuals or groups, including, engaging in verbal or written exchanges that threaten the safety of another student, an employee, a volunteer or school property.
- Disruption of classes or any other school activities or programs.
- Throwing objects that could cause bodily harm or property damage. This item includes but is not limited to throwing objects out of school buses or other types of motor vehicles.
- Making a hit list (see the Glossary).
- Adding any substance, whether harmful or not, to any food or beverage meant to be consumed by any District official, officer, employee, volunteer, student or visitor, without the express permission of the person who is consuming or is intending to consume the food or beverage.

### **Technology:**

~~Using, displaying or having in operational mode any paging device, cellular telephone or telecommunication device (see Glossary) at school from 8:00 A.M. to the end of the campus-school day is not permitted.~~ ***The district permits students to possess personal cell phones.***

***However, these devices must remain turned off during all testing & instruction days. Unless, they are being used for approved instructional purposes.*** (Telecommunication devices include any type of device that permits the recording, transmission and or receipt of messages, voices, images or information in any format or media, electronic or otherwise, including but not limited to iPhones and Blackberry devices). Use of these technological resources, which include the district's network or systems and use of district equipment, is restricted for approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these district resources.

- Possession and use of cell phones and other telecommunication devices on extra- curricular and co-curricular trips and functions are at the sole discretion of the activity sponsor.

- Using e-mail, other forms of electronic communications, District or campus websites, or the Internet to threaten students, volunteers, visitors or employees, cause disruption to the educational program, or encourage illegal behavior.
  - Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
  - Engaging in verbal or written exchanges that threaten the safety of another student, a District employee, a District volunteer, or school property.
  - Possessing published or electronic material that is designed to promote or encourage illegal behavior or threaten school safety.
  - Using any device to copy or capture an image of any District document (including, but not limited to any tests, exams or portions of tests or exams), whether for personal use or to pass on to another person, with or without receiving anything of value in return, without the express written permission of a teacher or administrator.
  - Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
  - Tampering with, changing or altering records or documents of the District by any method, including, but not limited to, computer access or other electronic means.
  - Damaging and/or destroying and/or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
  - Inappropriately using instructional materials, including computers, printers, and computer systems. This item includes, but is not limited to, using the Internet to threaten students, District employees or District volunteers, or to cause disruption to the educational program. This provision also includes, but is not limited to, violating computer use policies, rules, or agreements signed by the student and/or the student's parent or guardian.
  - Using or having on or in an operational mode any device that permits recording the voice or image of another person, unless all persons whose voices or images are being recorded are made aware of the recording prior to the actual recording of their voices or images. Students are prohibited from using any type of recording device in any manner that interferes with or is disruptive of the educational process or invades the privacy of students, employees, volunteers or visitors. If they violate this prohibition, then they are subject to discipline under this provision and/or any other provision in the Student Code of Conduct that may be applicable to the circumstances involved. The provision involving obtaining prior consent of the individual being recorded does not include those situations where the individual or individuals being recorded are engaging in or are the victims of either a crime or a violation of the Student Code of Conduct, so long as the student making the recording turns over the recording to a school employee as soon as possible after the incident is recorded, and does not provide a copy of the recording to anyone other than law enforcement or school employees.
  - Substantially disrupting the educational process as a result of showing disrespect to school employees or officials by the use of a computer or the internet, wherever the computer is located or however the internet is accessed, including the posting of any comments about or images of school employees or officials on any internet website that are demeaning,

obscene vulgar or profane, and which comments or images can be accessed using a District computer.

- Substantially disrupting the educational process as a result of using, in any manner OR format, any voice recording, picture or visual display of any school employee or official without the written authorization of the campus principal and the school employee or official in the picture or visual display or on the recording.
- Installing any device or software onto or into any part of the District's computer or electronic communications system that will permit or facilitate the recording of any keystrokes or the acquisition of any passwords or other security-related information.

### **Failure to Follow Rules:**

- Causing class disruption, which consists of any behavior which violates school rules, classroom rules, rules of conduct for school activities or a teacher's rules. Class disruption also includes any behavior which interferes with a teacher's ability to teach or communicate or with another student's opportunity to concentrate on a presentation or assignment.
- Engaging in insubordination, including failure to comply with lawful directives from District personnel.
- Engaging in academic dishonesty, including cheating, copying the work of another, plagiarism or unauthorized collaboration with another person in preparing an assignment.
- Leaving School grounds or school-sponsored events without permission.
- Disobeying rules concerning conduct on school buses or other means of transportation.
- Violating the District's policy on taking prescription drugs, non-prescription drugs, herbal substances, anabolic steroids, or dietary supplements or any type at school. (See policy FFAC (LOCAL).)
- Violating policies, rules, or agreements signed by the student and/or agreements signed by the student's parent or guardian involving computer use and/or accessing the internet. (Violation of such rules, policies or agreements may result in termination of use and privileges, as well as other disciplinary action.)
- Violating dress and grooming standards as communicated in this Student Code of Conduct or in any student/parent handbook or guidelines.
- Violating extracurricular standards of behavior.
- Refusing to accept disciplinary management techniques proposed by a teacher or school administrator.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Failing to ensure that personal property, modes of transportation, or school property used by the student does not contain prohibited items.
- Engaging in insubordination, and/or failing to comply with directives given by school personnel.
- Leaving the classroom, school grounds or school-sponsored events without permission.
- Engaging in a serious (see the Glossary) violation of the Student Code of Conduct. (Engaging in serious misbehavior (see the Glossary) while the student is assigned to DAEP may result in expulsion.)
- Being tardy or truant.

- Loitering in unauthorized areas.
- Parking illegally and/or driving recklessly or over posted speed limits.
- Failing to secure an assigned locker or sharing a locker with another student.
- Failing to return documents on time.
- Leaving school without signing out.
- Being absent from scheduled detention.
- Violating the codes of conduct or standards of behavior adopted or required by any extracurricular organization, student organization, student club or student athletic team.

**Other Misconduct:**

- Falsifying, altering, forging, or destroying school records, passes, or other school-related documents, or documents presented to District employees.
- Gambling.
- Engaging in inappropriate or indecent exposure of a student's private body parts. This includes mooning, flashing and any other type of inappropriate exposure of body parts, or wearing attire in a sexually suggestive manner.
- Participating in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
- Becoming involved in a public-school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of public-school fraternity, sorority, or secret society.
- Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of or material interference with the District's programs or activities, including, but not limited to, gang or cult activity.
- Disrespecting a school employee, volunteer, or visitor, verbally or otherwise.
- Engaging in horseplay or scuffling.
- Engaging in evasion. (See the Glossary.)

General misconduct identified above will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct. The District's general practice is to have the violation be reported to the principal or other appropriate administrator, who will send notification to the parent or guardian within 24 hours of receiving the report. The failure to send any notice within the time period noted above or any other notice time period noted elsewhere in this Student Code of Conduct will not preclude disciplining a student involved in a violation of this Student Code of Conduct.

Any student who knowingly assists, aids or helps another student in committing a violation of the Student Code of Conduct shall also be subject to disciplinary action, up to the same extent as the student who commits the offense.

The discipline of Students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

## **SECTION IV - DISCIPLINE MANAGEMENT TECHNIQUES - CONSEQUENCES**

Discipline management techniques include any action which is intended to promote proper behavior and/or discourage misconduct or misbehavior.

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practice. Disciplinary action, within the minimum and maximum ranges set out below will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Self-defense will be considered as a factor in determining suspensions, expulsions or DAEP placement. (See the Glossary.) As a result of considering these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

In addition to considering the seriousness of the offense, the student's age, frequency of misconduct, the student's attitude, the potential effect of the misconduct on the school environment, and whether the student acted in self-defense, the District, when deciding to order the out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP, will also consider the student's disciplinary history, the student's intent or lack of intent at the time the student engaged in the conduct, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, in accordance with and to the extent required to do so under state or federal laws and regulations involving students with disabilities and a student's status in the conservatorship of the Department of Family and Protective Services, and a student's status as homeless.

The discipline of students with disabilities who are eligible for services under Federal legislation (the Individuals with Disabilities Education Act [IDEA] and Section 504 of the Rehabilitation Act of 1973 [Section 504] is subject to the provisions of those laws. (See also Board Policy FOE (Legal).) The placement of a student with a disability who receives special education services is made only after a duly constituted Admission, Review, and Dismissal Committee (ARD Committee) or a Section 504 Committee reviews the circumstances and makes the required manifestation determination. A student with a disability who receives special education services may not be placed in disciplinary alternative education programs solely for educational purposes if the student does not also meet the criteria for an alternative placement in Section 37.006 or 37.007 of the Texas Education Code. Federal law regulates discipline for students with disabilities; a Special Education handbook providing information about the applicable law and the rights of students with disabilities is available on each campus.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (See Glossary) until an ARD committee meeting has been held to review the conduct.



A student who, upon investigation, is found to be subject to bullying will not be disciplined on the basis of using reasonable self-defense in response to the bullying.

For rule violations that are not also violations of the Student Code of Conduct, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents.

There is no appeal to the imposition of disciplinary consequences that do not involve a DAEP placement or expulsion. (See the sections of this Student Code of Conduct dealing with DAEP placements and expulsions for the applicable appeal processes relating to those consequences.) However, questions from parents regarding disciplinary measures other than DAEP placements or expulsions should be addressed to the teacher or campus administrator, as appropriate. Grievances or complaints involving the use or application of specific disciplinary management techniques should be addressed in accordance with Board Policy FNG (Local). Disciplinary consequences will not be delayed or deferred pending the outcome of any grievance or complaint.

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

- **Restorative Practices**
  - Cooling-off time or “time-out.”
  - Verbal correction
  - Seating changes within the classroom.
  - Counseling by teachers, counselors, or administrative personnel.
  - Parent-teacher conferences.
  - Confiscation of items that disrupt or interfere with the educational process.
  - Grade reductions as permitted by policy.
  - Rewards or demerits.
  - Behavioral contracts.
  - Detention.
  - Sending the student to the office or other assigned area, or to in school suspension.
  - Out-of-school suspension.
  - Placement in DAEP.
  - Assigned school duties such as scrubbing desks or picking up litter.
  - Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school- sponsored clubs or organizations.
  - Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
  - Withdrawal or restriction of bus privileges.
  - School-assessed and school-administered probation.
  - Restitution or restoration.
  - Corporal punishment (with written permission from parent/guardian and in accordance with District policy FO (LOCAL)).
  - Extended classroom opportunities on Tuesday, Wednesday, Thursday and Saturday.
  - Referral to outside agency and/or legal authority for criminal prosecution in

addition to disciplinary measures imposed by the District.

- Expulsion.
- Other strategies and consequences as specified by the Student Code of Conduct, or set out in campus or classroom rules.

In addition to utilizing the discipline management techniques and the various sanction options set out in this Student Code of Conduct for managing the conduct of students and disciplining them for violations of the SCOC, the District intends to provide the following methods and options for preventing and intervening in discipline problems.

The District intends to provide character education programs that will seek to prevent disciplinary issues from arising. These character education programs will be modified to meet the needs and capabilities of the various ages of the students involved in the programs, and will include training geared toward preventing and dealing with bullying and harassment.

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a suspension, placement in DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation. Failure to send the notice within the time period noted above will not preclude disciplining a student involved in a violation of the Student Code of Conduct.

In addition to the above, students may be removed from riding on a District school bus or other means of District-provided transportation for engaging in any behavior on a bus or other means of transportation provided by the District that is prohibited under the section of this Student Code of Conduct that sets out General Misconduct violations. This possibility of removal for engaging in any prohibited conduct under the General Misconduct section of this Student Code of Conduct is also specifically applicable to any student who has been placed into the District's DAEP but has been afforded the privilege of District-provided transportation to the DAEP.

School bus drivers are specifically authorized to send students to the principal's office in order to maintain effective discipline on District school buses or other forms of District-provided transportation going to and from school or to and from any school-sponsored or school-related activities. Any student referred to the principal's office by a District bus driver shall be disciplined by the principal or other appropriate administrator, who will employ whatever discipline management technique provided for under this Student Code of Conduct that is appropriate under the circumstances that resulted in the referral.

Security personnel are important members of the District safety team. State law requires that the job duties of the peace officers, school resource officers and security personnel be listed in the District Student Code of Conduct.

**See job duties in Board Policy CKE (LEGAL) [www.ucisd.net](http://www.ucisd.net)**

## SECTION V – REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

### A.) Discretionary Removal

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.

### B.) Formal Removal by a Teacher

Formal removal initiated by a teacher will occur if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the classroom cannot learn.

Any “formal removal” of a student by a teacher requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator will then send a copy of the report to the student's parent or guardian within 24 hours of receiving the teacher's report. (Failure to send the notice within the time period noted above will not preclude taking appropriate disciplinary action against a student engaging in conduct that justifies removal from the class).

A teacher or administrator must remove a student from class if the student engages in behavior for which the Texas Education Code requires the student to be placed in DAEP and/or suspended.

A teacher or administrator may remove a student from class for a behavior for which the District has determined a student may be placed in DAEP.

Within three school days of receiving a Student Code of Conduct violation report, an administrator will schedule a conference with the student's parent, the student, and the teacher in the case of a teacher removal.

At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and give the student an opportunity to give his or her version of the incident. The principal or appropriate administrator will notify the student of the consequences of the Student Code of Conduct violation.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place a student in:

- Out-of-school suspension;
- In-school suspension; or
- Another appropriate classroom.

When a student has been formally removed from class by a teacher, the principal may not return the student to the teacher's class without the teacher's consent; unless the Placement

Review Committee determines that the teacher's class is the best or only alternative available. Students who violate the Student Code of Conduct shall be subject to the appropriate disciplinary consequence, including in-school suspension, out-of-school suspension, assignment to the DAEP, and/or expulsion.

### **C.) Suspension**

Students may be suspended for engaging in any of the offenses that are set out in this Student Code of Conduct.

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

State law allows a student to be suspended out-of-school for as many as three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

A student who is to be suspended (either in-school or out-of-school) will be given an informal conference by the principal or appropriate administrator advising the student of the conduct with which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the principal or other appropriate administrator, but any out-of-school suspension will not exceed three school days.

Students who are suspended (either in-school or out-of-school) may not participate in any school related or school sponsored extra-curricular activities until the first day they return to classes.

Suspended students will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension, and will have the opportunity to receive full credit for completed academic work.

A student who is in second grade or younger cannot receive an out-of-school suspension unless, while at school or at a school-sponsored activity, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

A student who is homeless, as that term is defined in federal law for homeless children and youth, cannot receive an out-of-school suspension, unless the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

## **SECTION VI – PLACEMENT IN DAEP**

The Board has delegated to the campus Principal or the Principal's designee the authority to

recommend a student be assigned to DAEP. For purposes of DAEP, elementary classification shall be kindergarten-grade 6 and secondary classification shall be grades 7-12.

The designated District or campus administrators or their designees will conduct a DAEP conference and will determine placement. In order to complete the DAEP placement, the student must actually be in attendance for the required number of school days; that is, if a student is absent, whether the absence is excused or unexcused, that absence will not count as a school day for the purpose of completing the assignment. However, the Superintendent or the Superintendent's designee may exercise professional judgment and discretion and shorten the placement period, if extenuating circumstances exist.

In deciding whether to place a student in DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

**A.) Mandatory DAEP Placement:** A student must be placed in DAEP for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property (as measured from any point on the school's real property boundary line) or while attending a school-sponsored or school-related activity on or off school property, or as otherwise specified in the individual items set out below:

- Engages in conduct punishable as a felony.
- Commits an assault (see the Glossary) resulting in bodily injury (see the Glossary) to another.
- Unless expelled for the conduct, engages in conduct relating to a false alarm or report (including making false bomb threats) or a terroristic threat involving a public school. (See the Glossary.) The above conduct may result in expulsion; students not expelled for this conduct shall be placed in the District's DAEP.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in any amount not punishable as a felony, or possesses drug-related paraphernalia (see the Glossary). (School-related felony drug offenses are addressed in the expulsion section in this Student Code of Conduct; controlled substances are defined in Chapter 481 of the Texas Health and Safety Code or 21 U.S.C. Section 801, while dangerous drugs are defined in Chapter 483 of the Texas Health and Safety Code.)
- Sells, gives, delivers, possesses, or uses an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or is under the influence of an alcoholic beverage, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.)
- Sells, gives, delivers, possesses, uses, or is under the influence of designer drugs, synthetic marijuana, synthetic cannabinoids (such as K2 or spice), stimulants (such as bath salts), or

analogous of any drug in any form, regardless of whether currently scheduled or classified as an illegal drug under state or federal law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption."

- Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034 of the Texas Health and Safety Code.
- Engages in public lewdness.
- Engages in conduct that contains the elements of the offense of harassment under specific provisions of the Texas Penal Code (see definitions), against an employee of the school district.
  - Engages in indecent exposure.
  - Engages in expellable conduct if the student is between six and nine years of age.
  - Retaliates (see the Glossary) against a school employee or volunteer, whether on or off of school property. In addition, as noted in the expulsion section of this Student Code of Conduct, if the student commits a mandatory expellable offense against any employee in retaliation for or as a result of the employee's employment or association with the Uvalde Consolidated Independent School District, the student will be expelled under Texas Education Code 37.007(d), without regard to whether the conduct occurs on or off school property **or** while attending a school-related or school-sponsored activity.
  - Stores a firearm **not** defined by Section 46.01(3) of the Texas Penal Code in a vehicle on school property or while attending a school-related or school-sponsored activity on or off school property. (As noted in the expulsion section below, storing a firearm as defined by Section 46.01(3) of the Texas Penal Code in a vehicle on school property or while attending a school-related or school-sponsored activity on or off school property is mandatory expulsion offense.)
  - Commits a federal firearms violation and is six years of age or younger.
  - Regardless of location, becomes involved in or with a public-school fraternity, sorority, secret society, or gang (see the Glossary), including participating as a member or pledge, or soliciting another person to become a member or pledge.
  - Regardless of location, becomes involved in or with a criminal street gang (see the Glossary) or encourages, solicits, recruits, enables, or causes another person to become a member of a criminal street gang.
  - Regardless of location, engages in criminal mischief if the damage is greater than \$750
  - Is a registered sex offender (see the Glossary) under court supervision, probation, community supervision, or parole?
  - A student shall be placed in DAEP for engaging in a Title 5 (see the Glossary) felony offense or aggravated robbery while off campus and not in attendance at a school-sponsored or school-related activity if:
    - a. The student receives deferred prosecution;
    - b. A court or jury finds that the student has engaged in delinquent conduct; **or**

- c. The appropriate Administrator has a reasonable belief that a student has engaged in the prohibited conduct;

Students who are: (1) convicted of continuous sexual abuse of a young child or children; *a disabled individual*; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Any time limitation otherwise applicable to DAEP placements are **not** applicable to a placement under this provision of the Student Code of Conduct, and placement in this circumstance may be for any length of time considered necessary by the appropriate Administrator.

In case of an emergency, the principal or the principal's designee may order the immediate placement of a student in DAEP for any reason for which placement in DAEP may be made on a non-emergency basis.

Except in an emergency, removals to DAEP will be made by the campus hearing officer or the campus hearing officer's designee.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Texas Penal Code, the campus hearing officer or the campus hearing officer's designee or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27 of the Texas Code of Criminal Procedure.

A student, who on school property or at a school-related event on or off school property, sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an inhalant, if the conduct is not punishable as a felony, will be placed in DAEP Program on the first offense. **However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an inhalant of any amount a second time in the same year, the student will be expelled.**

**The minimum placement for a mandatory DAEP placement offense is thirty (30) school days, in actual attendance at the DAEP, while the maximum is a full year (175) school days, again in actual attendance at the DAEP:**

**B.) Discretionary DAEP Placement:** Students engaging in any of the following offenses or behaviors on school property or within 300 feet of school property (as measured from any point on the school's real property boundary line) or while attending a school-sponsored or school-related activity on or off school property, or as otherwise specified in the individual items set out below, may be suspended (including out-of-school for up to three days) pending a conference, and subsequent to the conference may be placed in the DAEP:

- Committing any offense included in Section III, General Misconduct Violations.
- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code or aggravated robbery, that occurs off of school property and not at a school-sponsored or school-related event, and for which the Superintendent or the Superintendent's designee has a reasonable belief that the student's

presence in the regular classroom threatens the safety of other students or teachers, or will hinder or be detrimental to the educational process. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Texas Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27 of the Texas Code of Criminal Procedure.

- Engaging in criminal mischief if the damage is less than \$500.
- Engaging in any conduct which disrupts or threatens to disrupt the school environment or educational process.
- Cheating or copying the work of another.
- Engaging in bullying, (See Glossary for definition).
- Engaging in harassment, (See Glossary for definition).
- Making a hit list, (See Glossary for definition).
- Hazing, as defined in Section 37.151 of the Texas Education Code. (See Glossary.)
- With respect to any motor vehicle driven to school by a student and/or parked on school property, failing to make sure that there are no prohibited items in the vehicle the student will be held responsible for what prohibited items are found in the vehicle.
- Engaging in any other conduct that constitutes a violation of local, state or federal law but which is not identified above.
- Making or participating in any way in the making of a recording in any media (digital, video, audio) during the school day or at any school related event, of an actual or simulated act that involves conduct prohibited by any other provision of the Student Code of Conduct. If the recording is transmitted to or played on or through the Internet, or is transmitted to any other electronic or digital device that permits subsequent transmittal to or playing on any other type of electronic or digital device, and if the transmittal or playing substantially disrupts or materially interferes with school activities or programs, or gives school officials reasonable cause to believe such conduct will substantially disrupt or materially interfere with school programs or activities, a violation of this provision of the Student Code of Conduct becomes a mandatory DAEP placement offense rather than a discretionary DAEP placement offense. This provision of the Student Code of Conduct is violated even if all of the participants in the recording agree to being recorded; it is not violated if the recording is made by a witness not involved in the prohibited conduct who reports the incident being recorded and turns the recording in to a campus administrator as soon as possible after witnessing and recording the conduct, and who does not provide a copy of the recording to anyone other than a District employee or a law enforcement official. Entering into or accessing the District's computer or electronic system and altering any grades that are recorded or stored in that system.
- Engaging in off-campus conduct for which DAEP placement is required by state when the campus Administrator does not learn of the conduct until more than a year passes after the conduct occurred.

The minimum placement for a discretionary DAEP placement is twenty (20) school days, in actual attendance at the DAEP, while the maximum is a full year or (175) school days, again in actual attendance at the DAEP:

Other misconduct not specified in this Student Code of Conduct, including any conduct that



constitutes a violation of local, state or federal law, may be dealt with by any appropriate discipline management technique(s) or assignment to an Alternative Education Program, depending upon the nature of the misconduct.

**C.) Emergency Alternative Education Program Placement:**

In an emergency, the Principal or the Principal's designee may order the immediate placement of a student into DAEP when a student is so unruly, disruptive, or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. When an emergency placement occurs, there is a ten (10) day deadline to afford a due process proceeding after the placement. Within a reasonable amount of time after the emergency placement, the student will be given appropriate due process required for placement in a DAEP Program. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

**D.) Length of DAEP Placement:**

The duration of a student's placement in DAEP will be as determined by the Assistant Principal or the Assistant Principal's designee, and will be for no longer than a full year (175) school days. Students placed in DAEP at the end of one school year may be required to complete that placement at the start of the next school year. For a placement in DAEP to extend beyond the end of the school year, the administrator entering the placement order must determine that: (1) the student's placement in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in persistent (See the Glossary) or serious misconduct that violates the Student Code of Conduct. (For purposes of this provision, the word "serious" means any misconduct identified or being punishable by expulsion or placement in DAEP.) Students are reminded that engaging in serious misbehavior (see the Glossary) while in DAEP can result in expulsion.

**SECTION VII – PROCEDURAL REQUIREMENTS FOR DAEP PROGRAM PLACEMENT**

After receiving a Student Code of Conduct violation report, a campus Assistant Principal as the Principal's designee will schedule a conference within three school days with the student's parent, the student, and the teacher in the case of a teacher removal. Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal or principal's designee may place a student in:

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension (not to exceed three school days).

At the conference, the Assistant Principal will inform the student, orally or in writing, of the allegations against him or her, and give the student an opportunity to give his or her version of the incident. If the Assistant Principal determines that the student's conduct was in violation of the Student Code of Conduct, the Assistant Principal will inform the student of the consequences of the misbehavior and the student's length of placement in the DAEP. Following valid attempts to require attendance, the Assistant Principal may hold the conference and make a placement decision regardless of whether the student or student's parents attend the conference.

After the conference, if the student is placed in the DAEP, the Assistant Principal will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines in this Code, the placement order will give notice of the inconsistency.

### **Newly Enrolled Students**

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to DAEP in an open-enrollment school or another district.

### **DAEP Placement Appeals**

Appeals regarding the decision to place a student in DAEP or the length of the placement must be in writing and delivered to the Principal of the campus (at which the student attended at the time the placement decision was made) by no later than two school days from the date the student or parent receives the written placement order. The written appeal must set out every reason the student or parent believes the placement decision was wrong or the length of the placement is too long, and must have attached to it a copy of the placement order and a copy of any document the student or parent believes supports the appeal. Within three school days of the receipt of the appeal, the Principal will contact the student and parents and schedule an appeal conference. Within two days of the appeal conference, the Principal will send a written decision to the student and parent denying or granting the appeal. If the student or parent is not satisfied with the appeal ruling of the Principal, the student or parent may appeal that ruling to the Director of Student Services, as the Board's designee. The appeal must be in writing, and delivered to the designee by no later than two school days from the date the student or parent receives the Principal's decision. The written appeal must set out every reason the student or parent believes the Principal's decision was wrong, and must have attached to it copies of the original placement order, the appeal filed with the Principal (with all of its attachments, if any), and the written decision of the Principal. The Superintendent's designee will not consider any document, reason, or argument not presented to the Principal. The designee will review the appeal documentation, conduct any additional investigating the Superintendent's designee deems necessary or appropriate, and will send a written decision denying or granting the appeal within five school days of the filing of the appeal. As noted above, the Superintendent's designee's decision in any DAEP placement matter is final, and, except as noted below, cannot be appealed to the Board.

As noted in Board Policy FNG (Local), which is the District's student/parent grievance, complaints concerning removal to a DAEP program are not covered by that policy, and no other Board Policy permits appeal of a DAEP placement decision to the Board except in two distinct contexts. As a result, except as provided below, with respect to DAEP placements involving law enforcement actions concerning certain felonies and registered sex offenders, there are no appeals to the Director's decision concerning a DAEP placement. In addition, the DAEP placement imposed by the campus Administrator who conducts the placement conference shall not be delayed or deferred pending the outcome of any permitted appeal. Parental questions or complaints regarding disciplinary measures separate and apart from issues involving the

placement decision should be addressed to the teacher or campus administration, as appropriate and in accordance with policies FOC and FNG(LOCAL). A copy of those policies may be obtained from the Principal's office or the central administration office. In addition, all Board policies can be accessed on the Internet, from the School Board heading located at [www.ucisd.net](http://www.ucisd.net). (As noted earlier, disciplinary consequences will not be deferred pending the outcome of any complaint or grievance.)

Notice to Juvenile Court of Certain Types of DAEP Hearings:

Not later than the second business day after the conference conducted by the Assistant Principal, the Assistant Principal will deliver to the juvenile court a copy of the order placing a student in DAEP and information required by Section 52.04 of the Family Code.

**A.) School Sponsored or School-Related Activities While Assigned to DAEP**

State law prohibits students placed in a DAEP Program for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular, co-curricular or non-curricular activities during the period of placement, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

The District does not permit a student who is placed in DAEP for any reason to attend or participate in any school-sponsored or school-related extracurricular, co-curricular or non-curricular activity during the period of placement including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

**B.) Transportation While Assigned to the DAEP**

The District, as a privilege, will provide transportation to students in a DAEP Program. The privilege may be taken away if a student does not at all times cooperate with the driver and other District personnel involved in providing transportation.

**C.) Placement Beyond the Next Grading Period**

The decision of the Assistant Principal as the Principal's designee to remove a student for a period extending beyond the end of the next grading period is reviewable in a proceeding before the Superintendent or the designee. The decision made by the Superintendent or the designee concerning the appeal of a DAEP placement beyond the applicable time period noted above is final and may not be appealed.

**D.) 120-Day Review of DAEP Placement**

A student placed in DAEP will be provided a review of his or her placement, including academic status, at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent or guardian will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For placement in DAEP to extend beyond the end of the school year, the Superintendent or the Superintendent's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others; **or**
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

When a student violates the District's Student Code of Conduct in a way that requires that the student be placed in the DAEP, if the student withdraws from the District before starting or completing the DAEP placement and returns during the school year, that student will be placed in the DAEP to complete the assigned term of placement.

A school district shall provide the parents of a student removed to a disciplinary alternative education program with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation.

A student assigned to a DAEP placement in another district at the time he or she moves into the District will be placed directly into the District's DAEP Program.

For seniors who are eligible to graduate but are in DAEP during the last week of school, the DAEP placement will continue through graduation, and the student **WILL NOT** be allowed to participate in commencement exercises and related graduation activities. In addition, seniors who are eligible to graduate but who are suspended or serving a suspension on the last day of instruction **WILL NOT** be allowed to participate in commencement exercises and related graduation activities.

#### **E.) Transition from DAEP**

As soon as practicable after the DAEP administrator determines the date a student will be released from the program, the administrator will provide written notice of the date to the student's parent/guardian and to the administrator of the campus to which the student will return. The DAEP will also provide the campus administrator an assessment of the student's academic growth while attending the alternative education program and the results of any assessment instruments administered to the student. Not later than five instructional days after the date of release from the DAEP, the campus administrator will coordinate the student's transition to a regular classroom, which must include assistance and recommendations from school counselors, school district peace officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who are or may be responsible for implementing the student's personalized transition plan, and any other appropriate school district personnel.

#### **F.) Transition Plan**

Each student must be provided a personalized transition plan developed by the campus administrator. The transition plan must include recommendations for the best educational placement of the student and may include recommendation for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals; recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; the provision of

information to the student's parent/guardian about the process to request a full individual and initial evaluation of the student for purposes of special education services under Section 29.004; and a regular review of the student's progress toward the student's academic or career goals. If practicable, the campus administrator or designee will meet with the student's parent/guardian to coordinate plans for the student's transition.

**G.) Additional Review of DAEP Placements for Felony Cases  
Dismissed/Not Prosecuted**

The review and appeal process described below does **not** apply if the student was placed in DAEP as required by law for conduct on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school. The juvenile court or the office of the prosecuting attorney will notify the District if a student was placed in DAEP for any felony offense or for misdemeanor offenses involving unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized criminal activity, certain drug offenses or possession of certain weapons, and:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or,
2. The court or jury found the student not guilty, or made a finding that the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receiving such a notice, the Superintendent or Superintendent's designee will review the student's placement in the DAEP and will schedule a review of the student's placement with the student's parent or guardian not later than the third day after the Superintendent or Superintendent's designee receives notice from the juvenile court. The DAEP placement will be continued during the period of review.

After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or Superintendent's designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent or guardian may appeal the Superintendent or Superintendent's designee's decision to the Board. The DAEP placement will be continued during the pendency of the appeal.

The Board will, at the next scheduled meeting following the Superintendent's receipt of a written request from the parent or guardian to appeal to the Board, review the notice from the juvenile court and receive information from the student, the student's parent or guardian, and the Superintendent or Superintendent's designee, and confirm or reverse the decision of the Superintendent or Superintendent's designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or Superintendent's designee, the Board will inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. As previously noted, the DAEP placement will continue during the pendency of any appeal.

This appeals process does not apply to placements resulting from offenses for which the state

requires placement of the student in DAEP.

## **SECTION VIII – COURT ORDERED DAEP PLACEMENTS**

Under various provisions of state law, municipal courts, juvenile courts and/or justice of the peace courts in certain circumstances have the authority to place students into a DAEP. If the student has not already been assigned to DAEP after the required conference set out above as a result of a disciplinary action instituted by school officials in connection with the same conduct or activities that resulted in the court order placing the student into DAEP, the campus principal or campus principal's designee will conduct a conference in accordance with Section 37.009(a) of the Texas Education Code before admitting the student to the DAEP pursuant to any court order. An expelled student cannot be placed into DAEP by court order unless a memorandum of understanding between the school district and the court is adopted under Section 37.010(c) of the Texas Education Code. If the student is placed in DAEP by court order, then he/she must meet all requirements at the DAEP as stated for any student in DAEP. The placement into DAEP solely on the basis of the order of a municipal court or justice of the peace cannot exceed 180 days. A student placed into DAEP as a result of any court order shall be prohibited from attending or participating in any school- sponsored or school-related activities.

## **SECTION IX – PARTICULAR RULES FOR SEX OFFENDERS**

The general SCOC rules for DAEP placement apply to registered student sex offenders (see the Glossary) except as modified in this section.

Registered sex offenders under court supervision will be placed in DAEP for a minimum of 90 school days, which is the equivalent of one semester. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must also serve a minimum of 90 school days, which is the equivalent of one semester.

Registered sex offenders (whether under court supervision or not) that transfer into the District will be required to complete the DAEP assignment assessed by the previous district, but will receive credit for any time already spent in DAEP. In making a decision regarding the placement of a registered sex offender that transfers into the District, the District will consider the recommendation of the review committee as described in the "Periodic Review for Registered Sex Offenders" section described below.

Registered sex offenders who are not under any form of court supervision may be placed in DAEP for no less than the number of school days that constitute a semester or the placement may be in a regular classroom. The placement **will not** be in the regular classroom if the Superintendent or the Superintendents designee the safety of other students or teachers; (2) will be detrimental to the educational process; or (3) is not in the best interest of District students.

### **A). Periodic Review for Registered Sex Offenders**

After 80 school days in DAEP, a review committee will determine by majority vote and

recommend to , Director of Student Services (as the Board-approved designee of the Superintendent) whether the student should remain in DAEP or be returned to the regular classroom. Esequiel De La Fuente, Executive Director of Special Projects/Student Services will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process or is not in the best interests of the District's students. Conversely, Esequiel De La Fuente, Executive Director of Special Projects/Student Services will follow the committee's decision to continue the student's placement in DAEP unless student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interest of the District's students. If a student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

Placement into the DAEP under this section of the SCOC of a student with a disability who receives special education services shall be made in compliance with the Federal law governing special education. For such students, the review process set out above must be conducted by the student's duly constituted Admission, Review and Dismissal (ARD) committee; however, that ARD committee may request that the committee described above convene to assist in conducting the ARD committee's review and making the placement decision.

The members of the committee charged with conducting reviews involving registered sex offenders must include a classroom teacher from the campus to which the student would be assigned if not in the DAEP, the student's parole or probation officer (if one has been assigned; if not, then a representative of the juvenile probation department), an instructor from the DAEP to which the student is assigned, a District administrator selected by the Superintendent as the designee of the Board of Trustees, and a counselor employed by the District.

**B). Appeals for Registered Sex Offenders.**

DAEP placement for registered sex offenders under the provisions noted above may be appealed by submitting a written request to the Superintendent for a conference with the Board. The conference will be limited to the factual question of whether the student is required to register as a sex offender under the law, and the decision of the District's Board of Trustees is final and may not be appealed.

**SECTION X- STUDENT EXPULSIONS**

The term expulsion means removal of a student from school and the end of education services for a specified period of time. The Board delegates to the Superintendent or the Superintendent's designee the authority to expel students. There are numerous reasons for expulsion from school; most are required by law but a few are at the District's discretion. The Uvalde CISD upholds all other district's expulsion orders for the term of the expulsion. If a student appeals an expulsion decision made by the Superintendent or the Superintendent's designee, the beginning of the expulsion period shall not be delayed or deferred pending the outcome of the appeal to the Board.

The minimum expulsion is five (5) school days, while the maximum is a one (1) calendar year.

**A.) Students Under the Age of Ten:** When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in DAEP. Students under age six will not be removed from class and placed in DAEP.

**B.) Mandatory Student Expulsion:** A student 10 years of age or older must be expelled

for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property, or as otherwise specified in the individual items set out below:

Bringing to school a firearm, as defined by federal law 18 U.S.C. Section 921.

- a. State and federal law require that a student be expelled from the regular classroom for a period of at least one (1) calendar year for bringing a firearm, as defined by federal law, to any District school.

Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:

- a. A firearm, defined as any device designed, made or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance, or any device readily converted to that use.
- b. An illegal knife, defined as: a knife with a blade over 5 1/2 inches; a hand instrument designed to cut or stab another by being thrown; a dagger, including but not limited to a dirk, stiletto, and poniard; a bowie knife; a sword; or a spear. (The length of a knife blade is measured from the hilt to the tip of the blade.)
- c. A club, defined as an instrument specially designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument. Clubs include, but are not limited to, blackjacks, nightsticks, maces and tomahawks.
- d. A prohibited weapon identified in Section 46.05 of the Texas Penal Code, such as: an explosive weapon; a machine gun; a short-barrel firearm; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.
- e. A firearm as defined by Section 46.03(3) of the Texas Penal Code, which is stored in a vehicle on school property or while attending a school-related or school-sponsored activity on or off school property.

**Firearm Note:** So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition, or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the Department.

Engaging in:

- a. Aggravated assault, sexual assault, or aggravated sexual assault.
- b. Arson. (See the Glossary.)
- c. Murder, capital murder, or criminal attempt to commit murder
- d. Indecency with a child.



- e. Aggravated kidnapping.
- f. If the behavior is punishable as a felony, selling, giving, delivering, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage; or committing a serious act or offense while under the influence of an alcoholic beverage.
- g. Retaliation against a school employee or volunteer by committing a state-mandated expellable offense, regardless of where the conduct occurs.
- h. Aggravated robbery under Section 29.03 of the Texas Penal Code.
- i. Manslaughter under Section 19.04 of the Texas Penal Code if occurs on campus or at school-related or school-sponsored activities.
- j. Criminally negligent homicide under Section 19.05 of the Texas Penal Code if occurs on campus or at school-related or school-sponsored activities.

Engages in the conduct that contains the elements of the offense of continuous sexual abuse against a child or children under Section 21.02 of the Texas Penal Code.

**C.) Discretionary Student Expulsion:** A student may be expelled for committing any of the following offenses on school property or while attending a school-sponsored or school-related activity or within 300 feet of school property (as measured from any point on the school's real property boundary line), or as otherwise specified in the individual items set out below.

1. Selling, giving, delivering, possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug.
2. Selling, giving, delivering possessing, using, or ~~is~~ being under the influence of an alcoholic beverage, or committing a serious act or offense while under the influence of an alcoholic beverage, if the conduct is not punishable as a felony.
3. Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034 of the Texas Health and Safety Code.
4. Engaging in criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related event.
5. Committing an assault resulting in bodily injury to a District employee or a District volunteer. If such conduct is directed against any District teacher, employee or volunteer in retaliation for or as a result of the person's employment or association with the District, it is punishable by expulsion no matter where or when the conduct occurs.
6. Engaging in conduct that contains the elements of the offense of deadly conduct (see the Glossary).
7. Engaging in conduct involving or related to a false alarm or report, or a terroristic threat (see the Glossary), involving a public school.

NOTE: A student may be expelled for engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property. Students not

expelled for the offenses set out in this provision of the Student Code of Conduct shall be placed into DAEP.

8. Engaging in any state-mandated expellable offense, if the offense is committed on the property of another school district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas.
9. Committing aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, aggravated robbery, or a felony drug or alcohol related offense within 300 feet of school property.
10. Using, exhibiting or possessing a firearm, an illegal knife, a club or a prohibited weapon as defined by state law within 300 feet of school property. (See **“Firearm Note”** in the mandatory expulsion section above).
11. Possessing a firearm as defined by federal law within 300 feet of school property. (A student six years of age or younger may be placed into DAEP for a federal firearm violation.)
12. Engaging in the following offenses against another student, regardless of where the conduct occurs: aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery.
13. Engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:
  - a. The conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and
  - b. The student knowingly:
    - i. alters, damages, or deletes school district property or information; or
    - ii. commits a breach of any other computer, computer network, or computer system.
14. Engaging in documented serious misbehavior (see the Glossary) while in a Disciplinary Alternative Education Program and on the DAEP site or campus, despite documented behavioral interventions.
15. Engaging in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Texas Penal Code, when it involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and knowingly altering, damaging, or deleting school property or information, or breaching any other computer, computer network, or computer system.

**Please note:** A student who is not expelled under the Discretionary Student Expulsion provisions above shall be subject to DAEP placement.

After an opportunity for a hearing as provided for in connection with other expulsion offenses set out in this SCOC, a student may also be expelled and placed in the District's DAEP if the student:

- is arrested for a Title 5 felony offense (see the Glossary) or aggravated robbery;
- is charged with engaging in a Title 5 felony offense or aggravated robbery;
- receives deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery;
- is on probation for a Title 5 felony offense or aggravated robbery;
- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery;
- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery; or
- was convicted of a Title 5 felony offense or aggravated robbery, **and** The Superintendent or the designee determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students. Under this provision of the SCOC, expulsion does not have the same meaning as it does when used in other provisions; as used here, expulsion is not a removal from school and an end to educational services, but an expulsion into the DAEP. Under this section of the SCOC, expulsion to the District's DAEP may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct. A student is subject to an expulsion and placement under this section of the SCOC until: (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to another program.

A student expelled and placed pursuant to this section of the SCC is entitled to the same periodic review afforded to other students placed into the DAEP. An expulsion and placement ordered in under this section of the SCOC is final and may not be appealed beyond the Board of Trustees.

**PLEASE NOTE:** This section of the Student Code of Conduct does not supplant but is an alternative to the provisions dealing with Title 5 felony offenses occurring off school grounds and while not in attendance at a school-sponsored or school-related activity that are set out in the Section), headed Mandatory DAEP Placement.

**D.) Emergency Expulsion:** In an emergency, the Principal or the Principal's designee may order the immediate expulsion of a student when the administrator reasonably believes that the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for an emergency expulsion must also be a reason that would permit expulsion on a non-emergency basis at the time of the emergency expulsion, the student will be given oral notice of the reason for the action. No later than the tenth day after the date of the emergency expulsion, the student will be given a hearing as required for regular expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law. To the extent any

conflict exists, state and/or federal law will prevail.

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

**E.) Procedural Requirements for Expulsion:** If a student is believed to have committed an expellable offense, the appropriate administrator will schedule a hearing within a reasonable time with the student's parent or guardian, the student, and the teacher if appropriate. The student's parent or guardian will be invited in writing to attend the hearing. The written notice to the student and the student's parent or guardian will include setting out the charges and the proposed sanctions, as well as the time and place of the hearing, so as to provide a reasonable opportunity for preparation. The notice will also include the names of the witnesses against the student and the nature of the evidence in support of the proposed expulsion. (Note: if the District makes a good-faith effort to inform the student and the student's parent/guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parents/guardian or another adult representing the student attends.)

Until a hearing can be held, the Principal, the Superintendent or the Superintendent's designee may place the student in:

1. Another appropriate classroom;
2. In-school suspension;
3. Out-of-school suspension (not to exceed three school days); or
4. Emergency Placement in the DAEP (if applicable, under the circumstances previously set out in this Code).

A student facing expulsion will be given appropriate due process. The student is entitled to:

1. Representation by the student's parent or guardian, or another adult who can provide guidance to the student and who is not an employee of the District.
2. An opportunity to testify and to present evidence and witnesses in the student's defense.
3. An opportunity to examine the evidence presented by the administration and to question the administration's witnesses.

In the expulsion hearing, the administration may rely upon hearsay evidence. The decision of the Superintendent or the Superintendent's designee shall be based exclusively upon the evidence presented at the expulsion hearing, and shall be communicated promptly to the student and the student's parent or guardian.

When a student has violated the District's Student Code of Conduct in a way that requires DAEP or expulsion from the District and the student withdraws from the District before the placement or expulsion hearing takes place, the District will conduct a hearing after sending written notice to the parent/guardian and student. If the student returns during that school year or the next school year, he or she will be placed or expelled for the time specified during the placement or expulsion order. However, the period of the placement or expulsion must be reduced by the number of days that the student served if he or she enrolled in another district that honored the original placement or expulsion order.

**F.) Appeal of Expulsion to Board of Trustees:** After the due process hearing a student expelled may request that the Board review the expulsion decision. The student or parent/guardian must submit a written request to the Superintendent or designee within seven (7) calendar days after receipt of the written decision made by the Superintendent or the Superintendent's designee. The Superintendent or designee must provide the student or parent/guardian written notice of the date, time, and place of the meeting at which the Board will review the decision. The Board shall review the record of the due process hearing on the expulsion in closed meeting, unless the parent/guardian requests, in writing, that the matter be heard in an open meeting. The Board may also hear a statement from the student or parent/guardian and from the Superintendent or Superintendent's designee. The Board shall base its decision on evidence in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation. If the Board's decision is to uphold the expulsion determination, the Board shall direct the Superintendent or designee to issue the final expulsion order within three (3) school days.

Disciplinary consequences will not be delayed or deferred pending the outcome of any appeal complaint or grievance.

**G.) Notice to Juvenile Court of Expulsion:** Not later than the second business day after the hearing, the Superintendent or the Superintendent's designee will deliver to the authorized officer of the juvenile court in the county in which the student resides a copy of the order expelling the student and the information required by Section 52.04 of the Texas Family Code. If the student is expelled under Texas Education Code Section 37.006(b), the Superintendent or the Superintendent's designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3 of the Texas Family Code.

**H.) Length of Expulsion:** The Superintendent or the Superintendent's designee will set a term for the expulsion based on the seriousness of the offense and other relevant factors. The student will usually be expelled for the remainder of the semester. Other than for firearm-related offenses, the expulsion will usually not extend beyond the end of the semester, unless the conduct for which the expulsion was assessed occurred during the final six weeks of the semester, in which case the expulsion shall not extend beyond the end of the subsequent semester. Generally, the duration of an expulsion will not exceed 180 school days.

**I.) School Sponsored or School-Related Activities While Expelled:** Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

**J.) Academic Credit During Expulsion:** No District academic credit will be earned for work missed during the period of expulsion, unless the student is enrolled in a Juvenile Justice Alternative Education Program or other District-approved program.

**K.) Expulsion Orders Provided to Receiving School Districts:** If the District has expelled a student and the expelled student enrolls in another school district, the District shall provide to the other school district in which the student enrolls, at the same time other records of the student are

provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court.

**L.) Students Enrolling from Other School Districts:** If a student has been assigned to a DAEP in another Texas district or Texas open-enrollment charter school at the time the student enrolls in the District as a resident, that student will be placed directly into the District's DAEP for the amount of days remaining in the other school's placement assignment. If a student enrolling in the District as a resident was placed in DAEP or its equivalent by a school district in another state for behavior that is also a reason for DAEP placement in the District, and if the out-of-state district provides to this District a copy of the placement order, that student will be placed directly into this District's DAEP. If the out-of-state placement exceeds one year, this District will, as required by state law, reduce the period of the placement so that the total placement does not exceed one year unless, after a review by the Superintendent or the Superintendent's designee, the District determines that the student is a threat to the safety of other students or employees, or that an extended placement is in the best interest of the student.

If a student enrolling in the District as a resident was expelled by another District or an open-enrollment charter school in Texas, this District will continue the expulsion under the terms of the expulsion order issued by the other district or school. If a student enrolling in the District as a resident was expelled by a district in another state for a reason that is also a reason for expulsion in this District, and if the out-of-state district provides to this District a copy of the expulsion order, this District will continue the expulsion under the terms of the out-of-state expulsion order. If the out-of-state expulsion exceeds one year, this District will, as required by state law, reduce the period of the expulsion so that the total of the expulsion does not exceed one year unless, after a review by the Superintendent or the Superintendent's designee, the District determines that the student is a threat to the safety of other students or employees, or that an extended placement is in the best interest of the student.

**M.) Impact of Additional Misconduct:** If, during the term of a DAEP placement or an expulsion, the student engages in additional conduct for which DAEP placement or expulsion is required or permitted, additional proceedings may be conducted, and additional disciplinary orders entered as a result of those proceedings.

## **SECTION XI- STUDENT COMPLAINTS**

Student complaints regarding gender discrimination, sexual abuse or sexual harassment, special education decisions under IDEA or Section 504, complaints against peace officers, instructional materials, loss of credit on the basis of attendance, removal to alternative education programs, expulsion, or prior review of non-school sponsored materials intended for on-campus distribution to students shall be addressed by procedures set forth by Board policy. (See Board policy FFH (Local), FNG(Local).) Students should contact the campus administrator for the applicable policies.

If the complaint involves a problem with an employee of the District, the student shall in most circumstances be expected to discuss the matter with the employee before requesting a conference with the principal at Level One. In general, student complaints involving topics other than those set out above shall proceed as follows:

**A.) Level One:** Complaint forms must be filed:

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

In most circumstances, students and parents shall file Level One complaints with the campus principal.

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

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator. The appropriate administrator shall hold a conference with the student or parent within ten District business days after receipt of the written complaint.

The administrator shall have ten District business days following the conference to provide the student or parent a written response.

**B.) Level Two:** If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten District business days after receipt of a response or, if no response was received, within ten District business days of the response deadline at Level One.

The Superintendent or designee shall hold a conference within ten District business days after the appeal notice is filed. At the conference, the Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice. The Superintendent or designee shall have ten days following the conference to provide the student or parent a written response.

**C.) Level Three:** If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten District business days after receipt of a response or, if

no response was received, within ten District business days of the response deadline at Level Two.

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

The Superintendent or designee shall provide the Board with copies of the complaint form, all responses, all appeal notices, and all written documentation previously submitted by the student or parent or the administration. The Board shall consider only those issues and documents presented at the preceding levels and identified in the appeal notice.

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

The presiding officer may set reasonable time limits and guidelines for the presentation. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels. In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The Board shall vote on each Level Three Complaint.

## **SECTION XII- SEXUAL HARASSMENT/SEXUAL ABUSE**

The Uvalde CISD encourages parental and student support in its efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with a teacher, counselor, principal or designee, or Kenneth Mueller, the District's Director of Student Services who serves as the Title IX Coordinator for students.

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect, to avoid any behaviors known to be offensive, and to stop these behaviors when asked or told to stop.

A substantiated complaint against a student will result in appropriate disciplinary action,



according to the nature of the offense and the Student Code of Conduct.

The District will notify the parents of all students involved in sexual harassment by student (s) when the allegations are not minor, and will notify parents of any incident of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation or support appropriate disciplinary action.

A student and/or parent may report or present a complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member to a teacher, counselor, the Campus Principal or the Campus Principal's designee, the Title IX coordinator or any other District employee (As noted above, the Title IX coordinator for students for the 2021-2022 school year is Kenneth Mueller, the District's Director of Student Services.) The parent or other advisor may accompany the student throughout the complaint process.

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

Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser.

A report against the Title IX coordinator/Director of Student Services may be made directly to the Board. (If after the approval of this Code by the Board someone other than the Director of Student Services is named the Title IX coordinator, a report against that coordinator may be made directly to the Superintendent.)

The principal or District official shall promptly notify the parents of any student alleged to have experienced prohibited harassment by a District employee or another adult associated with the District. In cases of student-to-student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.

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

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form. Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation. If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation. The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Absent extenuating circumstances, the investigation should be completed within ten business days

from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

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

If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment. The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.

A student, including a complainant, may appeal through FNG (LOCAL), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.

District policy involving sexual harassment and sexual abuse is found in District Policies FFH (Legal) and FFH (Local), and information on the procedure for addressing the Board can be obtained from any campus office or the Interim Superintendent's office.

### **SECTION XIII-TRANSPORTATION POLICIES**

**Discipline-** Student discipline is as important on a school bus or other District vehicle as in the classroom. Unlike a teacher, however, the bus or vehicle driver is occupied primarily with driving the bus or vehicle through traffic in all kinds of weather. When definite discipline guidelines are maintained on the bus or vehicle, passengers will have a safe, pleasant trip.

#### **A.) Rules of Conduct for Students Riding the Bus or other District vehicle -**

Riding to and from school each day is a privilege, not a right. The privilege may be taken away if a student does not cooperate with the driver and other school personnel at all times.

##### **1. Expectations**

- a) Be on time at the bus or vehicle stop.
- b) Stand away from the pavement, allowing the bus or vehicle to pull off the pavement onto the shoulder of the road.
- c) As the bus or vehicle approaches, form an orderly line. d) Board the bus carefully and courteously.
- e) Take a seat and remain seated while the bus or vehicle is in motion. f) Be courteous to other riders, but do not try to save seats for friends.
- g) Leave the bus or vehicle carefully and courteously.
- h) Bring a signed note from parents in order to get off the bus or vehicle at a stop other than the previously designated regular stop.
- i) Cooperate with the driver and other school personnel at all times.

## **2. Conduct Resulting in the Loss of Transportation Privileges**

- a) Extending head, arms, legs, items of clothing or other articles out the windows.
- b) Throwing articles within the bus or vehicle or out the windows.
- c) Boarding or leaving the bus or vehicle through the emergency door unless there is an emergency.
- d) Taking, touching, or handling any emergency equipment inside the bus or vehicle.
- e) Writing on, disfiguring, or destroying any part of the inside or outside of the bus or vehicle. In addition to being charged for the damages, further transportation privileges may be denied.
- f) Eating or drinking while on the bus or vehicle.
- g) Bringing animals on the bus or vehicle unless previously authorized by the Transportation Department.
- h) Playing radios or similar equipment while on the bus or vehicle.
- i) Yelling, screaming, or making other unnecessary noise.
- j) Directing profanity, vulgar language, obscene and/or gang related gestures toward other students or District employees.
- k) Fighting while on the bus or vehicle or at any bus or vehicle stop.
- l) Engaging in inappropriate verbal, physical, or sexual contact.
- m) Dipping snuff, chewing tobacco, or spitting inside the bus or vehicle or out the window.
- n) Smoking, using, consuming or possessing intoxicating beverages, controlled substances, or dangerous drugs, including marijuana.
- o) Carrying weapons or other harmful and/or dangerous articles such as knives, explosives, or fireworks onto the bus or vehicle.
- p) Engaging in any serious or persistent misbehavior not included above while on the bus or vehicle or while entering or exiting the bus or vehicle.

## **3. Consequences for Violations of School Transportation Rules and Regulations:**

Students removed from riding district school buses or any District transportation service for an offense shall not be allowed to ride another school bus or vehicle for transportation to and from school during the removal period. The student may also be denied transportation on special trips during this time. Offenses involving violation of District's transportation rules will be handled as follows:

- a) First Offense: (Verbal Warning) The bus driver will warn the student verbally for the first incident of misconduct. (Exception: See Major Offense, below)
- b) Second Offense: (1st Written Offense) The bus driver will submit a written report to the Transportation Director and the campus principal(s). This document signifies the second warning of misconduct. The administrator will take the appropriate action and send copies of

- the report to the Transportation Department.
- c) Third Offense: (2nd Written Offense) The bus driver will submit a written report to the Transportation Director and the campus principal(s). This document signifies the third warning of misconduct. The administrator will take the appropriate action and send copies of the report to the Transportation Department.
  - d) Subsequent Offenses: May result in extended or permanent removal of transportation privileges

**Major Offense:** Regardless of sequence, any offense considered major by the school administration could result in the immediate removal of transportation privileges. Major offenses include but are not limited to any violation of the Student Code of Conduct that can result in a mandatory DAEP placement or expulsion.

## **SECTION XIV-DRESS CODE AND GROOMING POLICIES**

### **Introduction/Purpose**

This dress code and grooming policies are intended to: (1) teach students grooming and hygiene; (2) create and maintain a respectful and positive learning environment; (3) prevent the disruption, interference with, or detraction from the educational environment and school activities; (4) avoid or minimize health and safety hazards; and (5) teach respect for authority.

Students and parents share responsibility for complying with the District's dress code and grooming policies and should be aware of dress and grooming provisions set out in this dress code.

### **Enforcement:**

Teachers and administrators have the authority to enforce the dress code and grooming policies.

Note: This dress code and grooming policies provide guidance regarding common situations but cannot cover every style of dress and specific situations that may arise.

The District reserves the right to prohibit any jewelry, clothing or grooming style that the administration determines to be reasonably expected to pose a health or safety hazard or to cause substantial or material disruption of, distraction from, or interference with general school operations. In addition, extracurricular programs may have additional requirements or guidelines for students participating in those programs.

### **Violations:**

If a student fails to comply with the dress code and grooming policies, the campus administrator will request that the student make the appropriate corrections. This may include changing into clothing provided by the school.

If the student refuses to make the appropriate corrections, the student's parent/guardian will be contacted for assistance in making the necessary corrections. If both the student and parent/guardian refuse, the student will either be assigned to in-school suspension for the remainder of the day or sent home until the problem is corrected. Repeated violations of the dress code and grooming policies will result in more serious disciplinary action. In all cases, appropriate disciplinary action will be administered in compliance with the Student Code of Conduct. Medical conditions may qualify for an exception from certain dress and grooming policies; however, any

exceptions must receive prior approval by the campus Principal or Assistant Principal and be supported by documentation from a physician. Likewise, certain recognized religious or spiritual beliefs may qualify for an exception from provisions of the dress code and grooming policies; however, any exceptions must receive prior approval by the campus principal or assistant principal and be supported by documentation from an appropriate official or representative of the religion or spiritual belief. Finally, certain extra-curricular activities or special events may qualify students for an exception, when appropriate, from provisions of the dress code and grooming policies; however, as with the other possible exceptions noted above, any such exceptions must receive prior approval by the campus Principal or Assistant Principal.

### **A.) General Requirements**

Any makeup, hairstyle, jewelry, clothing, etc. that is disruptive or distracting to the school environment and anything that might cause a substantial disruption of the learning environment is not permitted. (Such as but not limited to pictures, emblems, symbols, slogans, or writings that are lewd, vulgar, obscene, contain sexual innuendoes, depict sexual or violent acts, or cause disruption or distraction to the educational process is prohibited. Articles of clothing that advertise or depict tobacco products, alcoholic beverages, drugs, controlled substances, or other outlawed items are also prohibited.)

1. Clothing shall be appropriately sized. See-through attire is unacceptable unless an article of clothing is worn underneath the garment that complies with the dress code. The use of proper undergarments is mandatory and undergarments must be covered at all times. At no time should undergarments, including bra-strings, be visible.
2. Shorts are acceptable, provided that the length is not less than the length of the individual's arm, hand and fingertip of the longest finger, when fully extended along the length of the individual's body. Shorts must be modest for sitting as well as for standing.
3. Shirts/blouses may be worn outside trousers/skirts/shorts provided that they are appropriately sized for each individual student and length should not exceed the top of the individual student's leg. Shirts/blouses must be modest, must not have low-cut necklines, and must not be shrink-top or midriff blouses that allow any part of the front, back, or midsection of the body to show.
4. Steel-toed footwear is prohibited on campus.
5. While Jeans are allowed, they cannot be worn if they have a hole through the garment that is above the longest fingertip of the longest finger, when the arm is fully extended along the length of the individual's body. If there is a hole in the garment above the length of the fingertip leggings must be worn underneath.
6. Shorts, skirts and dresses should be modest for sitting, as well as standing, and the length shall not be less than the length of the individual's arm, hand and fingertip of the longest finger, when fully extended along the length of the individual's body.
7. Sleeveless, collarless blouses/shirts may be worn provided that the shoulder straps have a minimum two-inch/three-finger width.
8. Dresses, which are strapless, have low cut necklines, and shrink tops or midriff blouses/*shirts* that allow any part of the side, front, back, or midsection of the body to show are not permitted; cleavage should not be visible.
9. Shirts with square-cut hemlines may be worn unbuttoned provided that they are worn over acceptable tee-shirts.
10. Sleeveless, collarless shirts may be worn provided that the shoulder straps

have a minimum two inch/three finger width for boys in PK – 4<sup>th</sup> grade

## **SECTION XV - GLOSSARY**

The Glossary provides easy access to the definitions of many of the legal terms found in the Student Code of Conduct.

**ABUSABLE GLUE** - glue that is (a) packaged in a container holding a pint or less by volume or less than two pounds by weight; and (b) labeled in accordance with the labeling requirements concerning precautions against inhalation established under the Federal Hazardous Substances Act and under regulations adopted under that Act. (Defined under the Texas Health and Safety Code Section 485.001.)

**ABUSABLE VOLATILE CHEMICAL** – those substances as defined in Texas Health and Safety Code Section 485.001.

**ADMISSIONS, REVIEW, AND DISMISSAL COMMITTEE** - a committee established by the school district or special education cooperative which shall make decisions concerning the educational program of a student referred for consideration for special education services. (Defined under the Rules and Regulations for Special Education.)

**AEROSOL PAINT** - an aerosolized paint product, including a clear or pigmented lacquer or finish that is (a) packaged in a container holding a pint or less by volume or less than two pounds by weight; and (b) labeled in accordance with the labeling requirements concerning precautions against inhalation established under the Federal Hazardous Substances Act and under regulations adopted under that Act. (Defined under the Texas Health and Safety Code Section 485.001.)

**AGGRAVATED ASSAULT** - conduct that causes a serious bodily injury to another, including the person's spouse, or includes using or exhibiting a deadly weapon during the commission of the assault. (Defined under Texas Penal Code Section 22.02.)

**AGGRAVATED KIDNAPPING** - intentionally or knowingly abducting another person with the intent to hold him or her for ransom or reward, use him or her as a shield or hostage, facilitate the commission of a felony or flight after felony, inflict bodily injury on him or violate or abuse him or her sexually, terrorize him, her or a third person or interfere with the performance of any governmental or political function. (Defined under Texas Penal Code Section 20.04.)

**AGGRAVATED SEXUAL ASSAULT** - a person commits a sexual assault if that person engages in sexual acts that meet the definition of aggravated sexual assault in Section 22.021 of the Texas Penal Code.

**ALCOHOLIC BEVERAGE** - those substances as defined in Texas Alcohol Beverage Code § 1.04.

ANALOGUE – a substance which mimics the stimulant, depressant, or hallucinogenic effect on the central nervous system that is similar to the stimulant, depressant, or hallucinogenic effect of a controlled substance.

ARMOR PIERCING AMMUNITION – handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers, or other firearms.

ARSON - conduct that starts a fire or causes an explosion with intent to destroy or damage any vegetation, fence or structure on open-space land, or any building, habitation or vehicle knowing that it is within the limits of an incorporated city or town, subject to a mortgage, located on property belong to another or has located within it property belonging to another, or when the actor is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another. (Defined under Texas Penal Code Section 28.02.)

ASSAULT – for student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

BEHAVIOR - the way a person acts.

BLACKMAIL - obtaining money or other objects of value from an unwilling person or forcing a person to act through the use of force or threat of force.

BODILY INJURY – physical pain, illness, or impairment of a physical condition.

BOMB THREATS - an expression of intention to use an explosive device to hurt, destroy, punish, or in retaliation or intimidation.

BREACH OF COMPUTER SECURITY- includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

BULLYING - is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property or on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity, and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**BURGLARY**- conduct that occurs when, without the effective consent of the owner, a person enters a habitation, or building (or any portion of a building) not then open to the public, with intent to commit a felony or theft; or when a person remains concealed, with intent to commit a felony or theft, in a building or habitation; or when a person enters a building or habitation and commits or attempts to commit a felony or theft. (Defined under Texas Penal Code Section 30.02).

**CAPITAL MURDER** - conduct that occurs when a person commits a murder as defined under Section 19.02(b)(1) of the Texas Penal Code and: the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person know is a peace officer or fireman; the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation; the person commits the murder for payment or the promise of payment or employs another to commit the murder for payment or the promise of payment; the person murders more than one person during the same criminal act or during different criminal acts but the murders are committed under the same scheme or course of conduct; the person murders an individual under six years of age; the person commits the murder while escaping or attempting to escape from a penal institution; the person, while incarcerated in a penal institution, murders another who is employed in the operation of the penal institution or with the intent to establish, maintain, or participate in a combination or in the profits of a combination; or the person murders another while incarcerated for an offense under this Section or Section 19.02 of the Texas Penal Code or while serving a life imprisonment or a term of 99 years for an offense under Sections 20.04, 22.021, or 29.03 of the Texas Penal Code. (Defined under the Texas Penal Code Section 19.03)



CHEMICAL DISPENSING DEVICE- a device other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

CLUB - an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace or tomahawk.

COERCION - forcing an unwilling individual to act through the use of force or threat of force.

CONTINUOUS SEXUAL ABUSE – This offense consists of a person 17 years of age or older committing two or more acts of sexual abuse (regardless of whether against one or more victims) during a period of time that is 30 or more days in duration against a child younger than 14 years of age or a disabled individual.

CONTROLLED SUBSTANCE - defined in Chapter 481 of the Texas Health and Safety Code or 21 U.S.C. § 801 et seq.

CORPORAL PUNISHMENT - the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

CRIMINAL ATTEMPT TO COMMIT MURDER OR CAPITAL MURDER - conduct that occurs when a person, with specific intent to commit murder, does an act amounting to more than mere preparation that tends but fails to affect the commission of the offense intended. (Defined under Texas Penal Code Section 15.01.)

CRIMINAL MISCHIEF - conduct that occurs when a person, without the effective consent of the owner, intentionally or knowingly: (A) damages or destroys the tangible property of the owner; (B) tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or (C) makes marking, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner. If the amount of the pecuniary loss is \$1,500 or more, the conduct is punishable as a felony.

CRIMINAL STREET GANG – three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in commission of criminal activities.

CYBERBULLYING: Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet based or electronic communication tool and that occurs off school property or outside of a school-sponsored or school-related activity, if the cyberbullying interferes with a student’s educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

DAEP – ‘DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM’ – a disciplinary placement provided in a setting other than a student's regular classroom; is located on or off of a regular school campus; provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program; focuses on English language arts, mathematics, science, history, and self-discipline; provides for students' educational and behavioral needs; and provides supervision and counseling.

DANGEROUS DRUG – substances defined in Chapter 483 of the Texas Health and Safety Code.

DEADLY CONDUCT – recklessly engaging in conduct that places another in imminent danger of serious bodily injury, or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

DEADLY WEAPON: A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

DEFERRED ADJUDICATION- is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

DEFERRED PROSECUTION- may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

DELINQUENT CONDUCT- is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

DISABILITIES, STUDENTS WITH - children with mental retardation, hearing impairments including deafness, speech, or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, by reason thereof, need special education and related services. (Defined under the Individuals with Disabilities Education Act, 20 U.S.C.A. § 1401.)

DISCIPLINE MANAGEMENT TECHNIQUES - any action, which is intended to promote proper behavior and/or discourage misconduct or misbehavior. Such techniques include, but are not limited to, student/teacher conferences, detentions, suspensions, withdrawal of privileges, Disciplinary AEP placements, ISS, corporal punishment, and expulsions.

DISCRETIONARY – a decision made within the person’s authority, with that person using professional judgment based upon and considering individual circumstances.

DISRUPTION OF CLASSES, SCHOOL ENVIRONMENT - conduct on school property or on public property within 500 feet of school property, in which a person alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. Disruptive conduct includes, but is not limited to: emitting noise of an intensity that prevents or hinders classroom instruction; enticing or attempting to entice a student away from a class or other school activity that the student is required to attend; preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities. (Defined under the Texas Education Code, Section 37.124). This term also includes any behavior that interferes with a teacher’s ability to teach or communicate, or other students’ opportunity to concentrate on, a presentation or assignment.

DISRUPTIVE ACTIVITIES - conduct on the campus or property of any private or public school in which a person, alone or in concert with others: intentionally obstructs or restrains the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school; seizes control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity; prevents or attempts to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use or force or violence or due to a reasonable fear that force or violence is likely to occur; disrupts by force or violence or the threat of force or violence a lawful assembly in progress; or obstructs or restrains the passage of a person at an exit or entrance to the campus or property or prevents or attempts to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school. (Defined under the Texas Education Code, Section 37.123)

DRESS CODE - criteria for maintaining high standards of dress, grooming and appearance and meet mandatory requirements of neatness, cleanliness, safety, and decency.

EVASION- conduct occurring when a student flees from or refuses to accurately identify herself/himself to school personnel.

EXPLOSIVE WEAPON – is any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror. It includes a device designed, made or adapted for delivery or shooting of an explosive weapon.

EXPULSION - to dismiss from school by authority.

EXTORTION - obtaining money or other objects of value from an unwilling person or making an individual act through the use of force or threat of force.

FALSE ALARMS OR REPORTS – knowingly initiating, communicating or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

FELONY - any offense punishable by death or imprisonment for a term exceeding a year or a crime more serious than a misdemeanor.

FIGHTING – two or more persons engaged in any mutual violent or physically aggressive contact toward one other, such as scuffling, pushing, shoving or hitting.

FIREARM (Federal Law) – (1) any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as any explosive, incendiary, or poison gas bomb, grenade, missile, rocket, or mine.

FIREARM (State Law)- any device designed or made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

FIREARM SILENCER – any device designed, made, or adapted to muffle the report of a firearm.

FIREWORKS – compositions or devices designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration or detonation. Section 2154.251 of the Texas Occupation Code prohibits a person from exploding or igniting fireworks within 600 feet of any public primary or secondary school unless the person receives written authorization from that organization.

GAMBLING - playing of games of chance for stakes or the risking of something of value with the hope of making a gain; betting money or any other item of value on the outcome of any event, game, or contest; wagering.

GANGS, FRATERNITIES, SORORITIES, SECRET SOCIETIES - an organization combination, or association of persons composed wholly or in part of students of public primary or secondary schools that: (1) seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its

membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities. (Defined under the Texas Education Code, Section 37.121). For the purposes of this Student Code of Conduct, the term “gang” also means an organization, combination or association that seeks to advance its interests by illegal and/or violent means. In identifying gangs and associated gang attire, the District will consult with law enforcement authorities; for a list of gangs covered by this Student Code of Conduct, contact the school Principal.

GRAFFITI – making marks of any kind on the tangible property of another without the effective consent of the owner.

GRIEVANCE - a circumstance thought to be unjust and grounds for complaint.

HARASSMENT - (as defined by Board Policy and federal law) – Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another’s physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student’s performance; creates an intimidating, threatening, hostile, or offensive educational environment: affects a student’s ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student’s educational opportunities. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

HARASSMENT – (as defined by the Penal Code) – Actions against a school employee with intent to harass, annoy, alarm, abuse, torment, or embarrass, whereby the student initiates the communication and makes a comment, request, suggestion, or proposal that is obscene; threatens, in a manner reasonably likely to alarm the employee receiving the threat, to inflict bodily injury on the employee or to commit a felony against the employee, a member of the employee’s family or household, or the employee’s property; conveys, in a manner reasonably likely to alarm the employee receiving the report, a false report, which is known by the student to be false, that another person has suffered death or serious bodily injury; or sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse torment, embarrass, or offend an employee of the District.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization, if the act constitutes any type of physical brutality, involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects

the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, or involves the consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, including in amounts that would lead a reasonable person to believe the student is intoxicated. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**HEARING** - any proceeding required by law or District policy which may result in a student's expulsion or removal to an alternative education program.

**HIT LIST** – list of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

**HOAX BOMBS** - a device that reasonably appears to be an explosive or incendiary device, or by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies. (Defined under the Texas Penal Code Section 46.01.)

**ILLEGAL KNIFE** – a knife with a blade over 5 ½ inches; a hand instrument designed to cut or stab another by being thrown; a dagger, including but not limited to a dirk, stiletto, and poniard; a bowie knife, a sword, or a spear. (Knife blades are measured from the tip of the point to the hilt.)

**IN-SCHOOL-SUSPENSION** - eliminating a student who commits certain disciplinary infraction from classes for a specified period of time and placing the student under adult supervision in a room in the school building during the regular school hours where the student will continue to receive instruction in each course to the extent possible.

**INDECENCY WITH A CHILD** - a person commits indecency with a child if the person engages in conduct described in Section 21.11 of the Texas Penal Code.

**INDECENT EXPOSURE** – those acts defined in Texas Penal Code section 21.08.

**INDIVIDUALIZED EDUCATION PROGRAM** - a written statement for each child

with a disability developed in any Admissions, Review, and Dismissal Committee

meeting which

shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, the teacher, the parents or guardian of such child, which statement shall include: a statement of (a) the present levels of educational performance, (b) annual goals, including short-term instructional objectives, (c) the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (d) the needed

transition services for students beginning no later than age 16 and annually thereafter, (e) the projected date for initiation and anticipated duration of such services, and (f) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved. (Defined under the Individuals with Disabilities Education Act, 20 U.S.C.A. §1401).

**INITIATION** - to admit as a member into a fraternity, sorority, club, gang, or secret society with a special or secret ceremony.

**INSUBORDINATION** - persisting in serious acts of disobedience, defying authority or school personnel, unprovoked display of disrespect toward school personnel, or failing to comply with lawful directives from District personnel.

**INTENT** – the design, resolve, or determination with which a person acts. Since intent is a state of mind, it is ordinarily proved through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. Intent and motive should not be confused; motive is what prompts a person to act or fail to act; intent refers only to the state of mind with which the act is done or omitted.

**INTERROGATIONS** – Administrators, teachers, and other professional personnel may question a student regarding the students' own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

**INTIMIDATION** - to make afraid, as with threats.

**KNIFE** - a bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing.

**KNUCKLES** – any instrument consisting of finger rings or guards made of a hard substance that is designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**LARCENY** - like theft, the unauthorized possession/sale of another person's property without the consent of the owner.

**LEWD** – Sexually unchaste or licentious

**LICENTIOUS** – Lacking legal or moral restraints, especially sexual restraints

**LIAISON OFFICER** - a person who serves as intercommunication between a student and the courts; the Uvalde CISD truant officer will serve as the liaison officer.

LOITERING - the act of lingering idly or aimlessly on school premises.

LOSS OF SCHOOL-RELATED PRIVILEGES – as a disciplinary measure, campus administrators may take away a student’s privilege of attending school activities, including, but not limited to, school dances, athletic contests, band and choir performances and dramatic productions.

MACHINE GUN - any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

MANDATORY - ordered or commanded.

MARIJUANA - the plant *Cannabis sativa* L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include: (a) the resin extracted from a part of the plant or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; (b) the mature stalks of the plant or fiber produced from the stalks; (c) the oil or cake made from the seeds of the plant; (d) a compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; or (e) the sterilized seeds of the plant that are incapable of germination. (Defined under the Texas Health and Safety Code, Section 481.002).

MURDER - conduct that occurs when a person: intentionally or knowingly causes the death of an individual; intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or commits or attempts to commit a felony and in the course of it or immediate flight from it, commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual. (Defined under the Texas Penal Code Section 19.02.)

NUISANCES - items that are considered annoyances and interfere or disrupt the educational environment including, but not limited to, radios, tape recorders, pagers, electronic games, cellular phones and dangerous toys.

OBSCENITY, OBSCENE GESTURES, OBSCENE MATERIAL, PROFANITY - any material, gestures, or language which is offensive or which depicts or describes sexual conduct or nudity in a way which is offensive to the acceptable standards of the community.

PARAPHERNALIA – any article or device used or intended for use to inject, ingest, inhale or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

PARENTS - includes single parent, legal guardian, or person in lawful control.

PENAL CODE – references to the Texas Penal Code are to define offenses only.



In order to be punished under the Student Code of Conduct, it is not necessary for the student to be charged or convicted under the Texas Penal Code. The laws of the criminal courts, including definitions of 'usable amount' do not apply to student discipline.

**PERSISTENT** – three or more violations of the Student Code of Conduct or three or more repeated occurrences of the same violation.

**PHYSICAL RESTRAINT** – any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary to accomplish any of the following:

- (1) protect any person, including the person using physical restraint and the person being restrained, from possible physical injury;
- (2) obtain possession of a weapon or other dangerous object (3) protect property from serious damage;
- (4) remove from a specific location, including from a classroom or any other area or facility on school property, a student refusing a lawful command of a District employee, in order to impose disciplinary measures or to restore order; or
- (5) restrain an irrational or violent student.

**PORNOGRAPHY** - any materials meeting the definition of "obscenity."

**POSSESSION** – to have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

**PROHIBITED WEAPONS** – prohibited weapons include the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, ~~firearm silencer~~, knuckles, machine gun, short-barrel firearm, switchblade knife, zip gun, or tire deflation device.

**PUBLIC LEWDNESS** – those acts defined in Texas Penal Code § 21.07.

**PUBLIC PROPERTY** - includes a street, highway, alley, public park, or sidewalk. (Defined under the Texas Education Code, Section 37.124.)

**REASONABLE BELIEF** – is a determination that misconduct occurred made by the administrator using all available factual and legal information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

**REGISTERED SEX OFFENDER** – A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

RETALIATION – harming or threatening to harm another: (1) on account of their service as a District employee or volunteer; (2) to prevent or delay another’s service to the District; or (3) because the person intends to report a crime.

ROBBERY - conduct that occurs when a person, in the course of committing "theft" as defined in Section 31 of the Texas Penal Code and with intent to obtain or maintain control of the property, intentionally, knowingly, or recklessly causes bodily injury to another, or intentionally or knowingly threatens or places another in fear of imminent bodily injury or death. (Defined under the Texas Penal Code Section 29.02.)

SCHOOL SPONSORED OR SCHOOL-RELATED ACTIVITY – any activity, field trip, special occasion, or extracurricular or co-curricular event where the student is under the control of or being supervised by an official or employee of the school, or is participating in as a representative of a school in the Uvalde Consolidated Independent School District, or is attending as a spectator or observer.

SCHOOL PROPERTY – any property owned by Uvalde Consolidated Independent School District or over which it or its officials or employees exert lawful control. The term includes a public campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity. (Defined under the Texas Education Code, Section 37.124.)

SEARCHES – school administrators or designees have the right, upon reasonable suspicion, to search a student, a student’s purse, gym bag, gym basket, backpack, and/or any other item carried or possessed by a student, found on the student’s person, found in a student’s pockets, or found in a motor vehicle owned, possessed, under the control of or being used by the student. Upon reasonable suspicion, school administrators may also search a motor vehicle owned, possessed, under the control of or being used by the student. Lockers, desks, and any other fixture or facility provided for a student are the property of the Uvalde Consolidated Independent School District and remain under the jurisdiction and control of the District even when assigned to an individual student. School administrators may at any time conduct searches or use other detection devices with respect to all lockers, desks, and any other fixture or facility provided for student use, whether or not the students are present. Any items found as a result of such searches that are prohibited by District policy or this Student Code of Conduct shall be confiscated, and shall subject to the student to disciplinary measures.

SELF-DEFENSE – to claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

SERIOUS – any violation of the Student Code of Conduct that can result in expulsion or a Disciplinary AEP placement, whether mandatory or discretionary. A list of some of the offenses deemed serious are set out in the section of this Student Code of Conduct headed “Discretionary Student Expulsion”.

SERIOUS MISBEHAVIOR – engaging in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercing (meaning to: threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person), (4) public lewdness as defined in Texas Penal Code Section 21.07, (5) indecent exposure as defined in Texas Penal Code Section 21.08, (6) criminal mischief as defined in Texas Penal Code Section 28.03, (7) personal hazing as defined in Texas Educator Code Section 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code Section 42.07 (a)(1).

SEXUAL ASSAULT - a person commits a sexual assault offense if the person engages in sexual acts that meet the definition of sexual assault in Section 22.011 of the Texas Penal Code.

SEXUAL HARASSMENT - sexual harassment consists of unwelcomed sexual advances, request for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature directed toward any other individual. (Defined in Section 39.03 of the Texas Penal Code).

SHORT-BARREL FIREARM - is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

SILENCER – any device designed, made, or adapted to muffle the report of a firearm.

SPECIAL EDUCATION - specially designed instruction, at no cost to parents guardians, to meet the unique needs of a child with a disability, including: (a) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (b) instruction in physical education. (Defined under the Individuals with Disabilities Act 20 U.S.C.A. §1401.)

SUSPENSION - removing a student from privileges of education services for disciplinary reasons for any given period of time. Out-of-school suspension may not exceed any three consecutive school days.

SWITCHBLADE – is any knife with a blade that folds, closes or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

TELECOMMUNICATIONS DEVICE - Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and or receipt of messages, voices, images, or information in any format or media, electronic or otherwise.

Telecommunication devices do not include an amateur radio under control of someone with an amateur radio license.

TERRORISTIC THREAT - threatening to commit any offense involving violence to any person or property with intent to: (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation or use of a building, a room, a place of assembly, a place to which the public has access, a place of employment or occupation, an aircraft, automobile, or other form of conveyance, or other public place; or cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service. (Defined under the Texas Penal Code Section 22.07).

THEFT - conduct that occurs when a person unlawfully appropriates property with intent to deprive the owner of property. (Defined under the Texas Penal Code Section 31.03.)

TITLE 5 OFFENSES - criminal offenses against the person. Depending on the circumstances, such offenses include: murder; manslaughter; unlawful restraint; deadly conduct; kidnapping; sexual assault; continuous sexual abuse of a young child or children; improper photography or visual recording; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product; and a number of other criminal offenses.

TRUANCY - staying away from school without permission of parent or guardian or in violation of state attendance law.

UNDER THE INFLUENCE - when in the appropriate District employee's professional judgment, a student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior, or by the student's admission. The student need not be legally intoxicated to be determined to be under the influence.

USE - with respect to prohibited substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service, or availing oneself of the object or device to carry out an action or purpose.

VANDALISM - willful act which results in destruction, damage, or defacement of property belonging to or rented by the District or owned by the District personnel or student.

VERBAL ABUSE - the use of unprovoked or derogatory comments or gestures directed toward another individual.

VIOLATION - failing to keep or observe correct forms of behavior as stated in the Student Code of Conduct; engaging in conduct that is not permitted by the Student Code of Conduct.

VOLATILE CHEMICALS - the following chemicals and their isomers: toluene, hexane, trichloroethylene, acetone, ethyl acetate, methyl ethyl ketone, trichloroethane, carbon tetrachloride, methanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, amyl nitrite, butyl nitrite, chloroform, diethyl ether, petroleum distillate, aliphatic hydrocarbons, chlorinated hydrocarbons, ketone solvent, glycol ether solvent, glycol ether inter solvent, xylol or xylene, and chlorofluorocarbons.

VULGAR – Morally crude and/or lacking civility

VULGAR LANGUAGE - language which is lewd, profane, offensive, coarse, crude, or obscene.

WEAPONS, PROHIBITED - weapons used to caused bodily harm, including weapons commonly used or designed to inflict bodily harm and/or intimidate and articles designed for other purposes, but which could easily be used to inflict bodily harm or intimidate. The Texas Penal Code defines prohibited weapons as: explosive weapons, machine guns, short-barrel firearms, switchblade knives, knuckles, armor-piercing ammunition, chemical dispensing devices or zip guns. (Defined under the Texas Penal Code Section 46.05.)

ZIP GUN – is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

Copies of the provisions of the Texas Penal Code, the Texas Education Code and other statutes that are referred to in the Student Code of Conduct can be obtained at the District's central administrative office. These include: Sections 15.01, 19.02, 19.03, 20.04, 21.01, 21.02, 21.07, 21.08, 21.11, 21.15, 22.01, 22.02, 22.04, 22.07, 22.011, 22.021, 28.02, 46.01, and 46.05 of the Texas Penal Code; Chapters 481 and 484 and Sections 485.031 through 485.035 of the Texas Health and Safety Code; 21 U.S.C. §801 et seq.; Section 1.04 of the Texas Alcoholic Beverage Code; and 18 U.S.C. §921.

**Consider approval of district accounts payable for the month of June 2023**

**July 17, 2023**

1. Background:

At the regular board meeting held on Thursday, May 16, 2022 the board reorganized the duties of its members. Mr. Cal Lambert and Mr. J.J. Suarez were selected to review and approve the monthly accounts payable bills

2. Process:

In accordance with board policy CHF (Local), the administration has provided all necessary documentation to all board members to comply with this local policy. All the bills have been paid in accordance with the current adopted accounting procedures

3. Fiscal Impact:

The accounts payable listing is provided to Mr. Cal Lambert and Mr. J.J. Suarez for review and approval. Payments are charged to various funding sources and amount to \$925,149.57.

4. Recommendation:

Board approval of the accounts payable for the month June 2023 as presented

5. Required:

Board action

6. Contact Person

Superintendent  
Chief Financial Officer

FUND SUMMARY

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
161	CO-CURRICULAR - ATHLETICS	1,877.59	0.00	32,935.20	34,812.79
162	CO-CURRICULAR - BAND	567.56	0.00	3,816.46	4,384.02
163	CO-CURRIC.-DRILL SQUAD/CHEERLE	82.72	0.00	0.00	82.72
199	GENERAL FUND	89,296.54	0.00	507,612.68	596,909.22
201	DEPT OF JUSTICE	0.00	0.00	3,424.27	3,424.27
211	TITLE I PART A, BASIC PROGRAMS	12,791.93	0.00	20,047.91	32,839.84
212	TITLE I PART C, MIGRATORY CHLD	728.58	0.00	2,837.72	3,566.30
224	IDEA PART B FORMULA	5,722.97	0.00	0.00	5,722.97
225	IDEA PART B PRESCHOOL	281.72	0.00	0.00	281.72
240	FOOD SERVICE	6,573.56	0.00	6,503.12	13,076.68
244	CARL PERKINS	0.00	0.00	3,044.34	3,044.34
255	TT II, PT A - TEACHER & PRINCI	1,047.05	0.00	8,739.74	9,786.79
258	PUBLIC CHARTER SCHOOLS	0.00	0.00	6,686.61	6,686.61
265	21ST CENTURY (5 YR GRANT)	7,610.54	0.00	18,788.62	26,399.16
270	T.VI,PART B, RURAL & LOW INCOM	563.35	0.00	0.00	563.35
282	ESSER III	11,350.95	0.00	68,929.98	80,280.93
284	IDEA Part B, Preschool - ARRA	3,466.46	0.00	40,727.88	44,194.34
288	Tx.Placement Spanish Language	0.00	0.00	1,557.27	1,557.27
289	FEDERAL SPECIAL REVENUE FUND	10,051.31	0.00	9,635.26	19,686.57
315	SSA-IDEA-DISCRETIONARY	0.00	0.00	4,991.62	4,991.62
429	TEA Various watch for program	247.35	0.00	0.00	247.35
435	SSA RDSFD & STATE DEAF	2,513.55	0.00	0.00	2,513.55
461	Co-Curricular/Campus Accounts	0.00	0.00	21,264.81	21,264.81
499	SPECIAL REVENUE W/STIPULATIONS	53.28	0.00	527.78	581.06
865	STUDENT ACTIVITY ACCOUNTS	0.00	0.00	8,251.29	8,251.29
***	Fund Summary Totals ***	154,827.01	0.00	770,322.56	925,149.57

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

**Item of Information on Budget Workshop #1  
July 17, 2023**

1. Background:

Budget development occurs throughout the year with workshops to present information and gather input from the Board prior to approval of the adoption of budget and tax rate for the fiscal year.

2. Process:

Administration provides information for planning and development of the budget including property values, projected tax rates, revenues & expenses for the upcoming fiscal year. The finance committee meets to provide guidance to administration throughout the process.

3. Fiscal Impact:

Workshops provide the Board and Administration with the current financial information with which to make decisions regarding budget and tax rate adoption.

4. Recommendation:

None

5. Action Required:

No action is required

6. Contact Person:

Jim Selby



**Consider Approval of Food Service Budget Amendment #2**  
**July 17, 2023**

1. Background: The Board of Trustees approves the District's General Fund, Debt Service, and Food Service budgets at the fund and function levels to comply with the state's legal level of control mandates. The school district must amend the official budget before exceeding a functional expenditure category such as instruction, administration, etc., in the total district budget.
  
2. Process: Amending the budget will ensure funds are appropriated to the correct function(s) which will allow expenditures in the correct budget code(s). The requested budget amendment, along with any impact to the district budget is presented to the Board of Trustees for consideration.
  
3. Fiscal Impact: Fiscal impact is included on the budget amendment detail sheet.
  
4. Recommendation: Approve the Food Service Budget Amendment #2 as presented.
  
5. Action Required: Action required
  
6. Contact Person: James Selby

2022-2023  
**Food Service Budget Amendment #2**  
 July 17, 2022

Account	Description	2022-2023 Adopted Budget	2022-2023 Revised Budget	Proposed Amendment #2	Proposed Revised Budget
<b>Revenues</b>					
5700	Local Revenues	\$0	\$109,000		\$109,000
5800	State Revenues	0	\$3,000		\$3,000
5900	Federal Revenues	\$3,324,897	3,212,897		\$3,212,897
7900	Other Revenues		0		
<b>TOTAL REVENUES</b>		<b>3,324,897.00</b>	<b>3,324,897.00</b>	<b>-</b>	<b>\$3,324,897</b>
<b>Expenditures</b>					
11	Instruction				\$0
12	Inst. Resources and Media Svcs				\$0
13	Curriculum Dev. & Instructional Staff Dev				\$0
21	Instructional Leadership				\$0
23	School Leadership				\$0
31	Guidance and Counseling				\$0
32	Social Work Service				\$0
33	Health Services				\$0
34	Pupil Transportation				\$0
35	Food Services	\$3,157,523	\$3,157,523	\$264,526	\$3,422,049
36	Co-Curr/ExtraCurr. Act				\$0
41	General Administration				\$0
51	Plant Maintenance and Operations	\$79,000	\$79,000.00		\$79,000
52	Security & Monitoring Services				\$0
53	Data Processing Services				\$0
61	Community Services				\$0
71	Debt Service				\$0
81	Facility Acquisition & Construction				\$0
93	Payments to Fiscal Agents				\$0
99	Other Intergov't Charges				\$0
<b>TOTAL EXPENDITURES</b>		<b>\$3,236,523</b>	<b>\$3,236,523</b>	<b>\$264,526</b>	<b>\$3,501,049</b>
<b>SURPLUS OR -DEFICIT</b>		<b>\$88,374</b>	<b>\$88,374</b>	<b>-\$264,526</b>	<b>-\$176,152</b>

Function: 35: For Equipment and Vehicle Purchase (Excess Fund Plan)

**Consider Approval of General Fund Budget Amendment  
July 17, 2023**

1. Background: The Board of Trustees approves the District's General Fund, Debt Service, and Food Service budgets at the fund and function levels to comply with the state's legal level of control mandates. The school district must amend the official budget before exceeding a functional expenditure category such as instruction, administration, etc., in the total district budget.
  
2. Process: Amending the budget will ensure funds are appropriated to the correct function(s) which will allow expenditures in the correct budget code(s). The requested budget amendment, along with any impact to the district budget is presented to the Board of Trustees for consideration.
  
3. Fiscal Impact: Fiscal impact is included on the budget amendment detail sheet.
  
4. Recommendation: Approve the General Fund Budget Amendment as presented.
  
5. Action Required: Action required
  
6. Contact Person: James Selby

**Consider approval of the Resolution naming the District’s Truth in Taxation Officer  
July 17, 2023**

1. Background:

Board Policy CCG - Local Revenue Sources: Ad Valorem Taxes - states “an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district.”

2. Process:

The Administration has prepared a resolution naming the Chief Financial Officer as the employee designated to calculate the no-new-revenue tax rate for the district and the voter-approval tax rate for the district.

3. Fiscal Impact:

No Fiscal Impact

4. Recommendation:

The Administration recommends approval of the resolution as presented.

5. Action Required:

Approval of the Resolution naming the District’s Truth in Taxation Officer

6. Contact Person:

Pam Bendele

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
UVALDE CONSOLIDATED INDEPENDENT  
SCHOOL DISTRICT  
RESOLUTION # \_\_\_\_\_**

**WHEREAS**, the Board of Trustees (“Board”) of the Uvalde Consolidated Independent School District (“District”) is authorized by Texas Education Code § 11.151 to govern and oversee the management of the public schools in the district; and

**WHEREAS**, the Board, as authorized by Texas Education Code § 45.002, .003(a) may levy, assess, and collect annual ad valorem taxes for the maintenance of the district’s schools; and

**WHEREAS**, after the district’s assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district; and

**WHEREAS**, the designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate; and

**WHEREAS**, pursuant to Texas Tax Code § 26.04(c), (d-1), (d-3), as soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE UVALDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT:**

**RESOLVED**, the Board of Trustees hereby appoints the District’s Chief Financial Officer as the designated officer responsible for calculating and reporting the no-new-revenue tax rate and the voter-approval tax rate as determined by state law.

**RESOLVED**, the authority granted by this resolution is effective henceforth unless the Board takes action to change the title of the appointee.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_ 2023 by the Board of Trustees for the Uvalde Consolidated Independent School District.

By: \_\_\_\_\_  
Luis Fernandez, Board President

Attest: \_\_\_\_\_  
Laura Perez, Board Secretary

**Consider approval of Proposed Revisions to UCISD Grading Guidelines  
July 17, 2023**

1. Background: The current grading guidelines does not include a key provision regarding no pass no play for advanced courses. This is in contradiction with board approved policy (FM Local)
2. Process: When updating the UCISD Grading guidelines to reflect the changes approved by the board on 5/15/23 it was discovered that important information was omitted from the grading guidelines.

3. Fiscal Impact:

None

4. Recommendation: Effective 8/2023, the UCISD Grading Guidelines will add the following highlighted statements:

FM Local : The Board has chosen to establish strict academic standards for participation in extracurricular activities; therefore, all students, including those enrolled in Advanced Placement (AP), Pre-AP, dual credit courses, and locally designated honors or advanced courses shall be subject to the “no pass, no play” guidelines. [See FM (LEGAL)]

**Minimum Number of Grades**

1. Teachers are encouraged to provide a sufficient number of grades to allow multiple opportunities for students to demonstrate mastery of the TEKS.
  2. Each grading period will have a minimum of 18 total grades. At least 3 of the 18 grades must be major/summative grades.
5. Action Required:  
  
Board approval
  6. Contact Person: Randall Harris

**Consider Approval of SWTJC 2023-2024 Memorandum(s) of Understanding  
July 17, 2023**

1. Background:

Board approval is being requested by UCISD Curriculum & Instruction Department for the implementation of the following memorandum(s) of understanding with Southwest Texas Junior College:

- 2023-2024 Uvalde Early College High School
- 2023-2024 Dual Credit Partnership Agreement
- 2023-2024 Technical Course Agreement

2. Process:

Extensive collaborative work has been done between district and college liaisons to secure an agreement towards dual credit or concurrent credit opportunity for students, defining the alignment of high school with college courses, instructional and human resources, and cost of implementation, among other aspects of understanding.

3. Fiscal Impact:

Upon the Board's approval, financial obligations will be secured through the use of both local and federal funds.

4. Recommendation:

It is recommended that the Board approve the agreements listed above.

5. Action Required:

Board Action Required

6. Contact Person:

Norma Carranza

**2023-2024 Memorandum of Understanding  
Between Southwest Texas Junior College and Uvalde Consolidated Independent School District  
for an Early College High School**

This Memorandum of Understanding {hereinafter referred to as Agreement} is made and entered into by and between Southwest Texas Junior College (hereinafter SWTJC) and the Uvalde Consolidated Independent School District, (hereinafter the ISD, ISD, District or School District) pursuant to the authority granted in compliance with Section 29.908 of the Texas Education Code. This Agreement is aligned with the Statewide Goals for Dual Credit Programs that were collaboratively developed by the Texas Higher Education Coordinating Board and the Texas Education Agency (House Bill 1638: 85th Legislature, Regular Session). The Statewide Goals for Dual Credit Programs are provided in Appendix A and cited throughout this Agreement where applicable.

Whereas the parties to this Agreement desire to implement an Early College High School (hereinafter ECHS or the ECHS) for the 2023-2024 academic year, serving grades 9-12;

Whereas services under this Agreement is a campus-wide program that is targeted towards low- income, first generation college goers, students who are highly motivated but have not received the academic preparation necessary to meet higher educational standards, students who are English learners, students for whom a smooth transition into postsecondary education is now problematic, including low- income students, students whose family obligations keep them at home, and students for whom the cost of college is prohibitive; and

Whereas under this Agreement, the ECHS is a school with an approximate enrollment of \_\_\_\_ students who earn both a high school diploma, and up to 60 hours of college credit; the parties agree to follow the intent of the Guiding Principles of the ECHS especially in providing dual credit classes with sufficient time for the students to complete a 60 hour course articulation; and

Whereas the Early College High School will prepare high school students for successful career and academic futures through a full integration of high school, college, the world of work, improve academic performance and self-concept, and increase high school and college/university completion rates.

Now, therefore the parties to this Agreement mutually agree to the following:

1. Guiding Principles: The Early College High School and SWTJC will function on the following principles:
  - a. A mutually beneficial arrangement between SWTJC and the ISD that allows a flexible and creative response to the organizational, fiscal and mission needs of all institutions.
  - b. Collaboration in planning, implementation, and continuous improvement of the Early College High School program including the provision for faculty, staff, and administration; curriculum development; training; and student services.
  - c. Provision of rigorous college readiness, dual credit, and early college credit courses.



- d. Financial collaboration that addresses costs of all partners and assists each in obtaining necessary funds from local, state, federal and private foundation sources to operate the program successfully.
- e. Vertical alignment of curriculum and focus that promotes a college-going culture by all parties, teachers, college faculty, counselors, and academic advisors.

**2. Scope of Agreement and Limitations of Authority:**

All parties agree as follows;

**A. Governance**

**1. The ECHS will:**

- a. Be governed by the ISD and subject to the ISD, SWTJC, State and Federal policies;
- b. Have the autonomy to operate as a “college for all” or “school within a school,” as appropriate, within the rules and guidelines established by the Texas Education Agency (TEA), the Texas Education Code, and the Texas Administrative Code;
- c. Operate within the hours to be established by the parties.

**2. The ECHS Principal (Director)**

- a. Within the rules and guidelines established by TEA, the ISD and SWTJC will have the authority to implement:
  - 1. governance
  - 2. staffing (non-faculty)
  - 3. budget
  - 4. student assessment, curriculum and scheduling
  - 5. professional development;
  - 6. requests for access to SWTJC student data for the ISD’s college students.
  - 7. parent and community involvement consistent with the mission and needs of the school.
- b. Will report to the ISD Superintendent or designee through the established ISD governance structure.
- c. Will report to the Office of the SWTJC Vice President of Academic Affairs or designee on academic issues concerning the ISD and SWTJC.
- d. Will annually evaluate and report findings of the ECHS to the SWTJC

President or designee.

- e. Is the primary contact for the ECHS with the community and SWTJC.
- f. Will be an employee of the ISD. The ISD will be responsible for payment of salary and benefits.

3. The Early College High School Steering Committee (Statewide Goal 1)

- a. Will serve as an advisory committee to the ISD Superintendent and the SWTJC President in establishing policies and developing a coherent program across institutions.
- b. Will consist of members including, but not be limited to, representatives of the ISD, SWTJC, parents, and community members. The specific membership of the ECHS Steering Committee will be determined by the Superintendent of the ISD and the President of SWTJC.
- c. Will be co-chaired by the ISD and SWTJC. Chairs for the Steering Committee will be selected by the Superintendent of the ISD and the President of SWTJC.
- d. Will meet quarterly each academic year.
- e. Will evaluate the effectiveness of the collaboration each academic year. The results will be reported to the ISD and SWTJC Boards of Trustees.

B. Awarding Credit for Courses

1. SWTJC will award credit for college courses which have been approved by the ISD Administration as fulfilling TEKS and other requirements for High School credit and have been approved by SWTJC Administration and Faculty for credit applying to an SWTJC certificate or degree. These courses shall have been evaluated and approved through the official college curriculum approval process in accordance with Texas Higher Education Coordinating Board requirements and TEA requirements for high school graduation **and shall be at a more advanced level than courses taught at the high school level.**
2. The Crosswalk required by HB 1638 indicating the credit hour relationship between SWTJC courses and High School courses is provided in Appendix B. The values provided in the Crosswalk for High School credit are typical; each ISD decides on the credit it will award a student who successfully completes a college course.

C. Duties of SWTJC (Statewide Goals 3 & 4)

SWTJC will:

1. Ensure that SWTJC course requirements are followed, enabling a participating student to receive a high school diploma and either an Associate's degree or 60 semester hours toward a baccalaureate degree during grades 9-12;

2. Apply the standards of expectation and assessment uniformly in all courses offered by SWTJC for the ECHS;
3. Coordinate with the ECHS counselor to ensure that all SWTJC Core Curriculum courses are in the students' Individual Graduation Plan for Dual Credit by the midterm of their freshman year;
4. Designate personnel to monitor the rigor and quality of instruction in order to assure compliance with the standards established by the State, the Southern Association of Colleges and Schools Commission on Colleges, SWTJC, and the ISD;
5. Provide professional development for all ISD personnel serving as classroom Monitors for Video Conferencing or Internet courses.
6. Participate in support of the ECHS Director as appropriate and provide feedback to the supervisor of the Director; provide articulation support for transition of ECHS graduates to a four-year college;
7. Provide dual enrolled students access to the instructional and digital resources available on the campus of SWTJC, for example:
  - Support Services
  - Library
  - Tutoring
8. Provide security for ECHS students, just as provided for any other SWTJC student, when they attend courses on a SWTJC campus;
9. Select, supervise, and evaluate instructors of all college-level curricula offered for college credit through ECHS. Classroom Monitors assigned for Video Conferencing or Internet courses will also be supervised and evaluated by SWTJC personnel.
10. To provide further alignment of the SWTJC/ISD Dual Credit Program Goals with Statewide Goals 1-4:
  - a. The SWTJC Office of Institutional Effectiveness will provide disaggregated data to College and ISD officials on the enrollment and persistence of ECHS students.
  - b. SWTJC will continue to provide ECHS students, in collaboration with ISD staff, academic and career advising and student success services.
  - c. The SWTJC Office of Institutional Effectiveness will provide data on student success in courses and SWTJC programs; as feasible, the Office will provide data on student success in course work completed subsequent to participation in SWTJC courses taken for dual credit.
  - d. SWTJC faculty will provide numerical student grades, if available, to the ECHS registrar within three (3) business/working days of the email request by the ECHS registrar to course faculty. The three-day report period will not include the date of the request but will begin on the following day. The ECHS will request ECHS student grades by email every three weeks for progress

reporting measures. Reporting format will comply with SWTJC Information Technology security protocols in order to protect student data.

- e. When applicable, and upon request, SWTJC will provide evidence of Industry Based Certifications (IBCs), Level 1 and Level 2, along with data related to pass/fail rate for each IBC exam.

**D. Duties of the ISD (Statewide Goal 1)**

The ISD will:

1. Provide to the SWTJC Outreach office all course requests according to the following schedule of deadlines:

Fall term – 3rd Friday in June, noon

Spring term – 2<sup>nd</sup> Friday in November, noon

Summer terms – 2<sup>nd</sup> Friday in May, noon

Requests received from the ISD by SWTJC for courses or course changes after these deadlines will be processed on a case-by-case basis. The official student enrollment count will be taken on the course sections' census date.

1. Be the fiscal agent and manage any funding for the ECHS. The Early College High School shall generate ADA funds for the ISD from the attendance of students, which will be used to provide funding for the operations and expenditures of the high school as authorized by the Texas Education Code.
2. Consult with SWTJC faculty on course goals and outcomes for the ECHS;
3. Pay the salaries of the ISD teachers who teach ECHS students; ISD staff will report working hours for ISD employees to the Teacher Retirement System.
4. Provide transportation to and from the student's high school to the SWTJC campus; as mutually agreed;
5. Provide all technology needs for the ECHS students;
6. Ensure that all the ISD high school courses are in the students' Individual Graduation Plans by the end of the midterm of their Freshman year;
7. Immediately inform the SWTJC Vice President of Academic Affairs Office of any ECHS student's placement into "Homebound" status. Depending on the number of courses affected, the course subject(s), the weeks remaining in the semester, and the availability of qualified faculty to assume instruction, SWTJC administration may require a "Homebound" student to withdraw from the course(s).
8. Assess student college readiness. For this assessment, the ISD may use any instrument approved by the State of Texas in accordance with §§ 4.54 and

4.56 Texas Administrative Code, Title 19, Part 1, including, but not limited to STAAR, EOC, PSAT, ACT scores, and SAT scores. After assessment, the ISD will, using SWTJC guidelines, determine what forms of assistance and remediation, if any, are necessary prior to a student's enrollment in any college-level curriculum based on the results of the assessment and other indicators of student readiness.

9. Will be a TSI testing site (where applicable)

10. Bear the costs of student regalia associated with students' graduation from SWTJC. SWTJC will waive the graduation fee for graduating students.

**E. Joint Duties (Statewide Goals 1 & 3)**

1. The ISD and SWTJC are jointly responsible, through the Steering Committee, for the development and implementation of an evaluation process to determine the effectiveness of the ECHS. Measures of effectiveness will include, but are not limited to: student results on the K-12 accountability assessments and success indicators of graduates at Texas public institutions of higher education (e.g., participation rates, grade point average, retention rates, graduation rates and college course completion rates).
2. To comply with Senate Bill 1277 (2021) the ISD and SWTJC hereby designate the Uvalde Early College High School Assistant Principal as the staff member responsible for providing academic advising to all students before they enroll in dual credit courses.
3. The ECHS college counselor will be trained as a college advisor by SWTJC. This counselor will also have office space available at the college to access information from the college. The counselor will also have access to all pertinent student information that can help in the advising of ECHS students. (FERPA – 34CRR section 99.31).
4. The ISD and SWTJC shall provide opportunities for ECHS teachers and higher education faculty to collaborate through planning, teaching, and professional development. ECHS will provide common planning time for instructional faculty and include higher education faculty when possible. Teacher mentoring and professional development will be made available where necessary.
5. To comply with Senate Bill 25 (2019) ECHS and SWTJC staff will collaborate to compel any dual credit student to file a degree plan with SWTJC “not later than: 1) the end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student; or 2) if the student begins the student's first semester or term at the institution with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, the end of the student's second regular semester or term at the institution.”
6. A student must follow the course sequence recommendations or requirements of an SWTJC degree plan, program, or pathway. A student will not be permitted to combine SWTJC Applied Science program requirements with A.A., A.S., A.A.T.,

or ASES requirements unless the SWTJC Registrar's Office receives official notice from an appropriate ISD official of the student's desire/intent. Such notice must be received by SWTJC on or before the last SWTJC working day in May of the student's High School Sophomore year. A student who is permitted by an ISD to add a Technical Endorsement after this May deadline may not fulfill the Technical Endorsement's requirements with college courses taken for dual credit.

7. SWTJC and the ISD will collaborate to inform all ISD students and parents of the benefits and costs of dual credit. Efforts will include, but not be limited to, information sessions and a marketing campaign.

#### **F. Faculty**

1. Full-time SWTJC faculty:
  - a. may be assigned to the ECHS upon fulfilling their SWTJC contractual teaching load.
  - b. will teach only college courses for dual credit.
2. SWTJC Adjunct faculty:
  - a. may not exceed the number of courses allowable per semester under SWTJC Faculty Handbook Policy "Class Assignments."
3. Faculty provided by the ISD:
  - a. will teach high school courses in the ECHS;
  - b. may be designated by SWTJC administration as SWTJC Adjunct faculty to teach college courses for dual credit, if credentialed.
4. Modes of Instruction:
  - a. Course Delivery (face-to-face, video conferencing, online, hybrid) will be determined by the SWTJC administration in consultation with the ISD.

#### **G. Classroom and Facilities**

1. Through mutual agreement, SWTJC or the ECHS will provide classrooms or work space for all courses offered for the ECHS.
2. ECHS students will be issued a SWTJC identification card for access to SWTJC services and to appropriate facilities.
3. The ISD will solely bear the cost of any remodeling of ISD space that may be required to meet the specific needs of the ECHS.
4. The ISD, through the ISD's budget, will be responsible for the costs associated with the maintenance, repair, and use of ISD spaces for the ECHS.

5. The ISD through the ISD's budget will be responsible for all other operating costs such as telephone, utilities, custodial and any other operating costs associated with ECHS.

#### H. Tuition and Fees (Statewide Goal 1)

1. When an ISD instructor assigned by SWTJC teaches a college course for dual credit, SWTJC will waive tuition and fees.
2. The ISD agrees to pay SWTJC \$2,500 per course section taught by any individual SWTJC teacher at a(n) ISD facility, UP TO TWO (2) COURSE SECTIONS in a Fall or Spring semester. Beyond two course sections in either a Fall or Spring semester, the ISD agrees to the following payment schedule for each individual SWTJC faculty member:
  - a. For a "full" teaching load, defined by SWTJC as five (5) three-hour classes or three (3) class/laboratory combinations (e.g., Biology) in a Fall or Spring semester, the ISD will pay SWTJC \$35,000.00 per academic year, defined as a Fall semester and its subsequent Spring semester.
  - b. For four-fifths (4/5) of a "full" teaching load, the ISD agrees to pay SWTJC four-fifths of \$35,000.00, or \$28,000.00 per academic year.
  - c. For three-fifths (3/5) of a "full" teaching load, the ISD agrees to pay SWTJC three-fifths of \$35,000.00, or \$21,000.00 per academic year.
3. Online/Internet courses are not defined as face-to-face courses; by definition they do not require a particular space or time to be held. Therefore, internet/online classes do not qualify for the \$2,500 per-course rate. ISDs with students in online/internet courses will be charged the tuition rate described below in section 5.
4. Courses delivered to a(n) ISD facility by an SWTJC instructor via Video Conferencing (television), or other video platforms such as Zoom or Microsoft Teams, are considered to be face-to-face, since students receive instruction at a set place and time. Therefore, the \$2,500 per-course fee will apply to Video Conferencing course sections, regardless of the number of students enrolled in the ECHS portion of the class section.
5. For Early College High School students enrolled in internet classes or in classes held on an SWTJC campus, SWTJC will charge a discounted tuition rate. The discount will be 15% off of the approved "In-District" tuition rate for the given semester. Therefore, the charged tuition for each student would be 85% of the "In-District" rate for the given semester.
6. In the case of Clauses H2 and H3 as stated above, all other course and administrative fees will be waived.
7. Labs:
  - a. Lab materials and equipment costs for labs conducted at an ISD facility will be borne by the ISD. SWTJC will bear lab materials and equipment costs for labs taught at an SWTJC facility.
8. Invoices are to be paid net 45 days from the date of the invoice.

**I. Books and Supplemental Instructional Materials**

1. Courses offered for dual credit will be identified as college-level courses. SWTJC Master Syllabus requirements for books, materials, and learning outcomes must be followed for all college courses. Books used for the ECHS courses will be used for at least 3 years.
2. The ISD will purchase necessary textbooks for all ECHS classes.
3. When possible, SWTJC will authorize the use of approved Open Educational Resources (OER) as instructional materials.

**J. Recruitment and Enrollment of Students (Statewide Goal 1)**

1. Students will be recruited from all currently enrolled ISD students. ISD officials will be solely responsible for determining which students are admitted to the ECHS.
2. Students enrolled in the ECHS will comply with all expectations of compliance in the rules and policies of the ISD Code of Conduct and the SWTJC Code of Conduct.
3. Students enrolled in college courses for dual credit will comply with all policies of the ISD and the policies of SWTJC including but not limited to residency and attendance requirements of both SWTJC and the ISD.
4. SWTJC will assist with recruitment, enrollment and retention, as necessary, of all students selected for the ECHS.
5. To secure the broadest applicant pool possible, the ISD will recruit qualified eighth grade students enrolled in the ISD. This process will include:
  - a. Creation of an ECHS website that provides recruitment and admission information;
  - b. Distribution of recruitment/admission packets to middle school students in the school district;
  - c. Meetings with middle school counselors to introduce and explain the concept of the ECHS;
  - d. Student/parent meetings at all middle school campuses explaining the opportunities and commitment required of students in ECHS;
  - e. Presentation of recruitment and admission information in a bilingual mode; and
  - f. Parent and student interviews

**K. Composition of Classes (Statewide Goals 1 & 3)**

1. The Texas Administrative Code (TAC) Title 19, Part 1, Chapter 4, Subchapter D describes the allowable options for students attending any college course for dual credit. The ISD and SWTJC Administrations agree to those options, quoted from TAC, below:

“Dual credit courses may be composed of dual credit students only or of dual and college credit students. Exceptions for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions:

- (1) If the course involved is required for completion under the State Board of Education High School Program graduation requirements, and the high school involved is otherwise unable to offer such a course.



(2) If the high school credit-only students are College Board Advanced Placement students.

(3) If the course is a career and technology/college workforce education course and the high school credit-only students are earning articulated college credit”

In the case of K1, above, SWTJC administration may require that the ECHS administration demonstrate the need for such a “mixed class.”

2. Dual credit course class size shall not exceed the capacity limit as set by the college. Distant Learning/Online courses shall not exceed the capacity limit of 15 students per class. Stand Alone/Traditional Face-to-Face courses shall not exceed the capacity limit of 30 students, unless otherwise specified by individual program definitions. Exceptions must be approved by the SWTJC Vice President of Academic Affairs.

3. A student who qualifies for accommodations/services through the Americans with Disabilities Act (ADA) may request an accommodation to participate in the educational programs and activities of Southwest Texas Junior College. Accommodations are provided through the SWTJC Disability Support Services (DSS) office. SWTJC is not required or able to utilize the qualification criteria used by an ISD to determine a student’s eligibility for accommodations. Therefore, a student enrolled in a college course offered for dual credit who qualifies for disability support services may have differing accommodations from the school district and the college.

A student seeking disability support services from the college must meet with an SWTJC DSS representative and submit the appropriate diagnostic/medical documentation for the requested service. Upon review of the documentation, SWTJC DSS staff provides an official college accommodations letter for the student and the school district counselor, who then provides the letters to the student’s instructor(s). Accommodations required by state law or school district policy exceeding those implemented by the college shall be the responsibility of the school district. The SWTJC DSS representative and the appropriate school district official will keep each other informed of requests for accommodations and accommodation complaints regarding students enrolled in college courses offered for dual credit.

#### **L. Grading Periods and Policies**

SWTJC will keep the ECHS Principal/Director abreast of students in jeopardy of failing a class and, if requested to do so, provide numerical grades for the purpose of calculating District GPAs. Semester grades and grading policies are outlined in each instructor’s course syllabus. ECHS personnel are responsible for advising ECHS students concerning academic progress in the course’s high school component.

Grades are due in the Office of the SWTJC Registrar by the published date and time for each semester. SWTJC transcripts and degree plans will have cumulative GPAs. Transcript corrections due to change in program or pathway or to repeating a course are updated prior to the next grade reporting period. The SWTJC Registrar will provide appropriate security and confidentiality measures for reporting and posting of grades and transcript maintenance.

The ECHS shall follow ISD policy as to the weighing system for a college course grade for the ECHS student’s final high school grade point average (GPA). Aside from providing SWTJC course grade data, SWTJC faculty, administration, and staff will have no role in the development or implementing of the ISD weighing system.

Under no circumstances will an SWTJC instructor enter student grades or attendance data directly into an ISD's grade management system, e.g., Skyward. SWTJC faculty will provide ISD Staff daily attendance data and six-week grade averages, when requested.

To achieve ongoing enrollment at SWTJC, ECHS students must meet SWTJC academic standards for coursework completed through the college. As outlined in the SWTJC Catalog, students will be placed on Academic Probation at the conclusion of any long semester (Fall or Spring) when their institutional cumulative grade point average at SWTJC falls below 2.0. Such students are encouraged to participate in **academic support programs** and to seek academic advising. Students on Academic Probation may enroll for one additional semester in an attempt to achieve the required institutional cumulative grade point average of 2.0 or better. All grade points earned by a student will be included in the computation of the overall cumulative grade point average. In the case of a repeated course, the last grade recorded will be used in the computation.

Students on Academic Probation who fail to achieve the minimum institutional cumulative grade point average during the next long semester will be placed on Academic Suspension. Students on Academic Suspension must sit out one long semester and may re-enroll after such absence under Conditional Academic Probation. Prior to enrolling, the returning student must meet with the ECHS Counselor to develop an academic improvement plan.

The student may appeal the Academic Suspension to the SWTJC Vice-President of Academic Affairs, or to a designee, by submitting to the VP's Office the SWTJC Scholastic Suspension Appeal Form with required documentation. If the appeal is approved, the student will be permitted to enroll under Conditional Academic Probation and will be restricted to enrollment in a maximum of 2 college courses for the probationary semester. Prior to enrolling, the returning student must meet with the SWTJC Vice President of Academic Affairs, or designee, to develop an academic improvement plan.

#### Attendance/Absence

- (1) Students are expected to regularly attend all classes in which they are enrolled and are responsible for the completion of all work missed because of an absence. Therefore, the instructor may consider all absences except when prohibited by State law or statute.
- (2) Acceptable reasons for absences are, but not limited to: personal illness, death in the immediate family, religious holy days in compliance with Section 51.911 of the Texas Higher Education Code, military or legal obligations, or school trips. It is the responsibility of the students to inform the instructor of an excused absence related to one or more of the aforementioned categories and to ask for make-up work.
- (3) A high school student who misses class due to a required function at their school district or a University Scholastic League (UIL) event will be excused. Documentation of such activities must be provided to the instructor. Arrangements must be made with the instructor prior to the absence. Students must be allowed to complete missed work due to an excused absence without penalty.
- (4) An instructor may request the withdrawal of a student from a class when the total number of absences exceeds SWTJC criteria for "Excessive Absences" and the student has failed to make the appropriate contact with the Instructor regarding the validity of the absence and the need for make-up work.

## GRADES

College level course grades are designated in terms of letters and grade points, which may be interpreted according to the following chart. Grade point averages are computed by assigning value to each grade as follows:

<b>A</b>	Excellent (90-100)	4 grade points
<b>B</b>	Good (80-89)	3 grade points
<b>C</b>	Average (70-79)	2 grade points
<b>D</b>	Passing (60-69)	1 grade point
<b>F</b>	Failure (59-Below)	0 grade points
<b>Q</b>	Failure based on attendance	0 grade points
<b>I</b>	(Conditional/Incomplete)	0 grade points
<b>W</b>	Withdrew	0 grade points
<b>EW</b>	Administrative withdrawal	0 grade points
<b>NR</b>	Not Reported by Instructor	0 grade points
<b>CIP</b>	Course in Progress	0 grade points
<b>Z</b>	Not counted as courses	0 grade points

**I** becomes **F** if the work is not completed during the designated six-week grace period. The six-week period is to be counted from the beginning of the following semester (including summer school). Mid-term and final grades can be retrieved via Self Service at [www.swtjc.edu](http://www.swtjc.edu). **Please note:** Grading policies may vary depending on program. See individual programs in the SWTJC catalog for specific information.

### M. Instructional Calendar

SWTJC and the ISD will confirm an instructional calendar that is consistent with the mutual needs and requirements of both parties. Inclement weather policies established by the ISD and SWTJC shall be followed by the ECHS.

### N. Student Code of Conduct

The ECHS students shall adhere to the:

1. Policies of the ISD;
2. Policies of SWTJC.

### O. Media and Public Relations

Media and public relations regarding the ECHS will be managed according to ISD and SWTJC protocols. The ISD, when reporting and publicizing high school students' completion of dual credit courses, degrees or certificates, will recognize Southwest Texas Junior College as its Higher Education partner.

## 3. Indemnification

To the extent permitted under the laws and Constitution of the State of Texas and without waiving any defenses, including governmental immunity, SWTJC will indemnify the ISD against claims arising out of this Agreement that result from SWTJC's intentional or negligent acts. To the extent permitted under the laws and Constitution of the State of Texas and without waiving any defenses, including governmental immunity, the ISD will indemnify SWTJC against claims arising out of this Agreement that result from the ISD's intentional or negligent acts. The provisions in this paragraph are solely for the benefit of the parties to this Agreement and are not intended to create or grant any rights, contractually or otherwise, to any third party.

## 4. Term

Subject to prior termination or revocation of this Agreement as provided in section 5 (below) of this Agreement, the initial term of this Agreement is in full force and effect for a period of one year commencing on August 1, 2023 and terminating on July 31, 2024. It may be renewed for additional terms as determined by both partners. At least one hundred twenty (120) days before the expiration of the initial term and any subsequent renewal terms, SWTJC and the ISD shall review this Agreement and may renew this Agreement on approval of SWTJC and the ISD.

#### **5. Right of Revocation**

Either party may terminate this Agreement on 120 days' written notice to the other party. Termination may occur immediately upon the material breach of this Agreement by one of the parties. A breach of this Agreement includes, but is not limited to, a violation of the policies and rules of SWTJC or the ISD, the making of a misrepresentation or false statement by one of the parties, nonperformance of the party's duties, or the occurrence of a conflict of interest between the parties. Each party has 30 days to cure the breach. If this Agreement is terminated during an academic term, students enrolled in classes under this Agreement will be allowed to finish their coursework according to the requirements for discontinuation of an ECHS program outlined in the TEA *Memorandum of Understanding: Guidance for Early College High Schools*.

#### **6. Assignment**

No party may assign their interest in this Agreement without the written permission of the other party.

#### **7. Limitation of Authority**

- A. No party has authority for and on behalf of the other except as provided in this Agreement. No other authority, power, partnership, use of rights are granted or implied.
- B. This Agreement represents the entire Agreement by and between the parties and supersedes all previous letters, understanding or oral agreements between the SWTJC and the ISD. Any representations, promises, or guarantees made but not stated in the body of this Agreement are null and void and of no effect.
- C. No party may make, revise, alter, or otherwise diverge from the terms, conditions, or policies which are subject to this Agreement without a written amendment to this Agreement. Changes to this Agreement are subject to the approval of the SWTJC and the ISD Legal Departments and Boards of Trustees.
- D. No party may incur any debt, obligation expense, or liability of any kind against the other without the other's express written approval.

#### **8. Waiver**

The failure of any party to exercise the rights granted them herein upon the occurrence of any of the contingencies set forth in this Agreement shall not in any event constitute a waiver of any such rights upon the occurrence of any such contingencies.

#### **9. Applicable Law**

This Agreement and all materials and/or issues collateral thereto shall be governed by the laws of the State of Texas applicable to contracts made and performed entirely therein.

#### **10. Venue**

Venue to enforce this Agreement shall lie exclusively in Uvalde County, Texas.

**11. Miscellaneous Provisions**

- A. Parties to this Agreement shall comply with all Federal, State and local law.
- B. If the Texas Higher Education Coordination Board or Texas Education Agency adopts new guidelines for Early College High School programs during the term of this Agreement, the new guidelines shall prevail and shall cause the parties to execute an amendment to the Agreement, if necessary.

**12. Notice**

Notices given pursuant to this Agreement shall be sufficient if actually received and sent by certified or registered mail, postage fully prepaid to:

Southwest Texas Junior College  
Dr. Hector Gonzales, President  
2401 Garner Field Road  
Uvalde, Texas 78801

Uvalde Consolidated ISD  
Mr. Gary Paterson, Interim Superintendent  
1000 North Getty  
Uvalde, Texas 78801

Either party reserves the right to designate in writing to the other party any change of name, change of person, or address to which the notices shall be sent

**13. Nondiscrimination**

Parties to this Agreement shall not discriminate in this Program on the basis of race, sex, national origin, disability, religion, or sexual orientation.

**14. Signatory Clause**

The individuals executing this Agreement on behalf of SWTJC and the ISD acknowledge that they are duly authorized to execute this Agreement on behalf of their respective principals. All parties hereby acknowledge that they have read this Agreement and understand its terms.

**15. Amendment**

The Parties to this MOU acknowledge that the ECHS program anticipated by this MOU is in ongoing stages of development. The parties further understand that it may be necessary to amend and modify this MOU from time to time in order to address concerns or issues that arise as the program progresses. However, no amendment, modification or alteration of the terms of this agreement shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by an authorized representative of the parties hereto.

**16. Safety**

The safety and security of all students is a priority of SWTJC and the ISD. The ISD and SWTJC shall work cooperatively to create reasonable precautions that provide for high school student safety when high school students are on a SWTJC campus. To establish appropriate precautions that provide for the safety and security of high school students it is agreed that when the ISD brings or causes to bring high school students to a SWTJC campus for a dual credit class or for other activities the ISD will provide an ISD staff member to chaperone the high school students when those students are not in the dual credit class or activity. The ISD will submit a brief written explanation of the ISD's Chaperone Plan to the SWTJC Outreach Department for approval prior to bringing the high school students to a SWTJC campus for a dual credit class or other activity. When the high school students are on a SWTJC campus for a dual credit class or for an activity the SWTJC faculty or staff

member assigned to that class or activity will chaperone the students for the scheduled duration of the class or activity. If any high school student, instructor, employee of the ISD or administrator should experience an accident or sudden illness while on the premises of SWTJC, the response to such incidents will be based upon the guidelines, procedures, and operation of SWTJC and ISD regulations. Upon mutual agreement, SWTJC may require the ISD to provide ISD security personnel.

**17. Confidentiality of Student Records:**

The Parties agree to maintain the records of all students in accordance with all applicable Federal, State, and local laws. The parent(s) of any authorized student shall have access to his or her child's records if allowed under the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g). All records relating to ECHS students which are generated or maintained by either party shall be considered education records in accordance with applicable laws and policies. All parties shall maintain the confidentiality of these and all education records in accordance with all applicable State, Federal and local laws and regulations, including FERPA and School District Board Policy. The Parties shall not release education records to any third party without prior written consent by the appropriate person (as defined under FERPA and any applicable local or State law), except as otherwise permitted by law.

**18. Texas Law to Apply**

This agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Uvalde County, Texas

**19. Force Majeure**

Neither party to this Agreement shall be required to perform any term, condition, or covenant in this agreement so long as performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by a governmental authority, civil riots, floods, and any other cause not reasonably within the control of either party to this Agreement and which by the exercise of due diligence such party is unable, wholly or in part, to prevent or overcome. If by reason of force majeure, either party is prevented from full performance of its obligations under this Agreement, written notice shall be provided to the other party within three days.

Executed in duplicate original counterparts effective upon the date indicated below:

**Southwest Texas Junior College**

By: \_\_\_\_\_ Date: \_\_\_\_\_

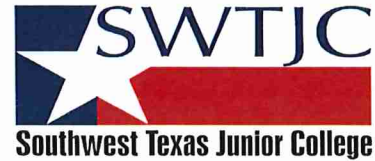
**Uvalde Consolidated Independent School District**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Southwest Texas Junior College | Uvalde**


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2401 Garner Field Rd • Uvalde, Texas 78801-6297  
Main phone: (830) 278-4401



Memorandum

TO: Ms. Norma Carranza, Executive Director of Curriculum & Instruction

FROM: C.A. Garabedian, Dean of Instructional Services and School District Partnerships 

DATE: July 12, 2023

SUBJECT: 2023-2024 Dual Credit Partnership Agreement--Revised

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Enclosed is the revised 2023-2024 Dual Credit Partnership Agreement between SWTJC and your school district. All updates are highlighted in yellow. Your superintendent's signature will be required upon review and approval of the agreement.

SWTJC will continue to offer dual credit classes at the reduced cost which is based strictly on tuition and waiving all other fees. In the event that your school district provides an instructor that meets all of the SACSCOC (Southern Association of Colleges and Schools Commission on Colleges) requirements, tuition could be reduced to absolutely no cost to the student. Textbooks will be available at reduced rates to your school district through the Texas Bookstore, a proprietary bookstore. These rates will only be available directly through ISD purchases and should not be resold to students. Please contact the SWTJC Outreach Dual Credit Department if you would like additional information.

If you have any questions about the 2023-2024 Dual Credit Partnership Agreement please feel free to contact me at any time at (830) 591-7262 or [cagarabedian@swtjc.edu](mailto:cagarabedian@swtjc.edu).

Thank you for your attention and continued partnership with SWTJC.



## Dual Credit Partnership Agreement

2023-2024

### Between Southwest Texas Junior College and Uvalde Consolidated Independent School District

Uvalde Consolidated Independent School District (hereafter ISD, the ISD, District, or the School District) and Southwest Texas Junior College (hereafter SWTJC) agree to the following elements in accordance with the State of Texas Higher Education Coordinating Board's Regulations: Chapter 4 – Rules Applying to All Public Institutions of Higher Education in Texas; –SUBCHAPTER D - Dual Credit Partnerships between Secondary Schools and Texas Public Colleges. This Agreement does not apply to an Early College High School. This Dual Credit Partnership Agreement is aligned with the Statewide Goals for Dual Credit Programs that were collaboratively developed by the Texas Higher Education Coordinating Board and the Texas Education Agency (House Bill 1638: 85th Legislature, Regular Session). The Statewide Goals for Dual Credit Programs are provided in Appendix A and cited throughout this Agreement where applicable.

(A) Eligible Courses are provided in the Crosswalk – See Appendix B. The Crosswalk describes all courses provided by SWTJC to one or more of its partner ISDs. Therefore, not all listed SWTJC courses apply to the ISD.

(1) Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Board.

(2) Courses offered for dual credit by public universities must be in the approved undergraduate course inventory of the university.

(3) A College course offered for dual credit must be:

(A) in the core curriculum of the public institution of higher education providing the credit;

(B) a career and technical education course; or

(C) a foreign language

(i) This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under TEC Section 29.908 or an early college program as defined in this Sub chapter.

(ii) Any college course for dual credit offered as part of an early college program as defined in this subchapter must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a Board approved certificate, AA, AS, AAS degree program, or Field of Study (FOS) curriculum.

(4) Public colleges may not offer remedial and developmental courses for dual credit.

(B) Student Eligibility (Statewide Goal 1)

(1) A high school student is eligible to enroll in academic dual credit courses if the student meets any of the criteria currently described/presented/outlined in Title 19, Part 1, Chapter 4 of the Texas Administrative Code.



- (2) A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under the conditions currently described/presented/outlined in Title 19, Part 1, Chapter 4 of the Texas Administrative Code.
- (3) A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and shall not be required to provide demonstration of college readiness or dual credit enrollment eligibility.
- (4) A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program under the conditions currently presented in Title 19, Part 1, Chapter 4 of the Texas Administrative Code.
- (5) A student who is exempt from taking TAKS or STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.
- (6) Students who are enrolled in private or non-accredited secondary schools or who are home-schooled must satisfy eligibility conditions described/presented/outlined in Title 19, Part 1, Chapter 4 of the Texas Administrative Code.
- (7) To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).
- (8) An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with the "Student Eligibility" section of Title 19, Part 1, Chapter 4 of the Texas Administrative Code.
- (9) An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.
- (10) Dual credit orientation is required for all new high school students enrolling in a dual credit class. Dual credit orientation is offered at the High School and/or SWTJC campuses.
- (11) School districts will be responsible for submitting all required documentation for registering dual credit students by the designated college deadline. This includes the following: admissions applications, dual credit admission form, official high school transcripts, Bacterial Meningitis immunization proof, official test exemption scores, payment agreement form, and class roster form.
- (12) The Crosswalk required by HB 1638 indicating the credit hour relationship between SWTJC courses and High School courses is provided in **Appendix B**. The values provided in the Crosswalk for High School credit are typical; each ISD decides on the credit it will award a student who successfully completes a college course.

(C) Location of Class

- (1) Dual credit courses must be taught on the college campus or on the high school campus, or provided electronically/virtually through SWTJC media. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in Subchapters P and Q of this chapter (relating to approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the Board's adopted "Principles of Good Practice for Courses Offered Electronically."

(D) Registration and Course Scheduling. School Districts must adhere to all dual credit course deadlines set forth by the college.

(1) Course offerings.

(a) The final schedule of courses requested by the ISD for each semester must be submitted to the SWTJC Outreach Office by:

Fall term – 3rd Friday in June, noon

Spring term – 2<sup>nd</sup> Friday in November, noon

Summer terms – 2<sup>nd</sup> Friday in May, noon

(b) Revision of the course schedule after these deadlines will be processed on a case-by-case basis.

(c) SWTJC Outreach Staff and ISD Staff will utilize the “live” course spreadsheets developed and provided by SWTJC to review class rosters, add/drop students, and make corrections after student enrollments. SWTJC staff will not replicate information available via the spreadsheet and submit it to ISD staff via email, scan, or other means.

(d) The official student enrollment count will be taken on the course sections’ census date.

(2) Academic & Career Pathways – Degree Plans (Statewide Goals 2 & 3)

(a) To comply with Senate Bill 25 (2019) any dual credit student must file a degree plan with SWTJC “not later than: 1) the end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student; or 2) if the student begins the student’s first semester or term at the institution with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, the end of the student’s second regular semester or term at the institution.”

(b) A student must follow the course sequence recommendations or requirements of an SWTJC degree plan, program, or pathway. A student will not be permitted to combine SWTJC Applied Science program requirements with A.A., A.S., A.A.T., or ASES requirements unless the SWTJC Registrar’s Office receives official notice from an appropriate ISD official of the student’s desire/intent. Such notice must be received by SWTJC on or before the last SWTJC working day in May of the student’s High School Sophomore year. A student who is permitted by an ISD to add a Technical Endorsement after this May deadline may not fulfill the Technical Endorsement’s requirements with college courses taken for dual credit which are provided by SWTJC.

(c) To comply with Senate Bill 1277 (2021) the ISD and SWTJC hereby designate the Uvalde High School Counselor as the staff member responsible for providing academic advising to all students before they enroll in dual credit courses.

(E) Composition of class: Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of subsection (e) of TAC Title 19, Part1, Chapter 4, Subchapter D, exceptions for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions;



- (1) If the course involved is required for completion under the State Board of Education High School Program graduation requirements, and the high school involved is otherwise unable to offer such a course.
- (2) If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students.
- (3) If the course is a career and technical/college workforce education course and the high school credit-only students are eligible to earn articulated college credit.
- (4) A college course offered for dual credit shall not exceed the capacity limit as set by the college. Exceptions shall be approved by the Vice President of Academic Affairs.

(F) Faculty/Monitor Selection, Supervision, and Evaluation (Statewide Goal 4)

- (1) The college shall select instructors of college courses offered for dual credit. These instructors must meet the same standards (including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges) and approval procedures used by the college to select full-time faculty responsible for teaching the same courses at the college.
- (2) The college shall supervise and evaluate instructors/monitors of courses offered for dual credit using the same or comparable procedures used for full-time faculty/monitors at the college.
- (3) All instructors of courses offered for dual credit must adhere to the Southwest Texas Junior College Faculty Handbook as well as all departmental initiatives set forth by the college that may be implemented throughout the year. This includes, but is not limited to, attendance at faculty meetings, review and implementation of Gen Ed Core assignments, utilization of the adopted Learning Management System for SWTJC, following SWTJC grading policies, and participation in program review and evaluation. ISD administrators will support this requirement by affording the instructors who are hired by the ISD the necessary flexibility in their schedule.
- (4) Monitors who are selected by the school district must follow the same guidelines for duties and responsibilities as the monitors at the college.
- (5) An ISD may request that district faculty be assigned by SWTJC as instructors of record for college courses offered for dual credit. A proposed school district instructor must complete a SWTJC application form, submit official transcripts, meet SACSCOC credential criteria, complete a teaching demonstration and be approved by the Vice President of Academic Affairs. A school district instructor approved to offer a college course for dual credit will thereby effectively be a SWTJC faculty member subject to all policy and procedures set forth by the college. However, the salary and benefits for such an instructor remain the responsibilities of the School District.
  - (a) ISD instructors who are assigned to teach college courses approved for dual credit will attend a yearly mandatory in-service training to review, modify, and/or improve curriculum. Instructors will jointly develop and maintain syllabi, competencies, and standards for the dual credit courses. However, the SWTJC Master Syllabus for each course must serve as the foundation instructional document.
  - (b) ISD Administrators and counselors will attend in-service training, each fall and spring semester, to review the conditions of the Dual Credit agreement.
  - (c) ISD Monitors will attend a yearly mandatory in-service training on the dual credit program, the online testing procedures, and all other guidelines as set forth for monitors at the college.
  - (d) ISD staff will report working hours for ISD employees to the Teacher Retirement System.

(G) Course Curriculum, Instruction, and Grading

- (1) The college shall ensure that a college course offered for dual credit and the corresponding course offered at the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.
- (2) Under no circumstances will an SWTJC instructor enter student grades or attendance data directly into the ISD's grade management system, e.g., Skyward. Instructors will supply appropriate ISD staff with daily student attendance data and six-week grade averages, when requested by the ISD.
- (3) The ISD is responsible for purchasing textbooks for college classes offered for dual credit. However, SWTJC will seek out or develop Open Educational Resources (OER) and utilize them as official textbooks/course instructional material when appropriate.
- (4) The SWTJC Office of Institutional Effectiveness will provide disaggregated data to College and ISD officials on the enrollment and persistence of the ISD's students.
- (5) SWTJC will continue to provide ISD students, in collaboration with ISD staff, academic and career advising and student success services.
- (6) The SWTJC Office of Institutional Effectiveness will provide data on student success in courses and SWTJC programs; as feasible, the Office will provide data on student success in course work completed subsequent to participation in SWTJC courses taken for dual credit.
- (7) SWTJC faculty will provide numerical student grades, if available, to the Uvalde High School registrar within three (3) business/working days of the email request by the Uvalde High School registrar to course faculty. The three-day report period will not include the date of the request but will begin on the following day. Uvalde High School will request Uvalde High School student grades by email every three weeks for progress reporting measures. Reporting format will comply with SWTJC Information Technology security protocols in order to protect student data.
- (8) When applicable, and upon request, SWTJC will provide evidence of Industry Based Certifications (IBCs), Level 1 and Level 2, along with data related to pass/fail rate for each IBC exam.

(H) Academic Policies and Student Support Services (Statewide Goal 3)

- (1) Regular academic policies applicable to courses taught at the college will apply to college courses taught for dual credit.
- (2) Students in dual credit courses are eligible to utilize the same or comparable support services that are afforded to all SWTJC students. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible
- (3) A student who qualifies for accommodations/services through the Americans with Disabilities Act (ADA) may request an accommodation to participate in the educational programs and activities of Southwest Texas Junior College. Accommodations are provided through the Disability Support Services (DSS) office. SWTJC is not required or able to utilize the qualification criteria used by an ISD to determine a student's eligibility for accommodations. Therefore, a student enrolled in a college course offered for dual credit who qualifies for disability support services may have differing accommodations from the school district and the college.

A student seeking disability support services from the college must meet with an SWTJC DSS representative and submit the appropriate diagnostic/medical documentation for the requested service. Upon review of the documentation, SWTJC DSS staff provides an official college accommodations letter for the student and the school district counselor who then provides the letters to the student's instructor(s). Accommodations required by state law or school district policy exceeding those implemented by the college shall be the responsibility of the school district. The SWTJC DSS representative and the appropriate school district official will keep each other informed of requests for accommodations and accommodation complaints regarding students enrolled in college courses offered for dual credit.

(I) Attendance/Absence



- (1) Students are expected to regularly attend all classes in which they are enrolled and are responsible for the completion of all work missed because of an absence. Therefore, the instructor may consider all absences except when prohibited by State law or statute.
- (2) Acceptable reasons for absences are, but not limited to: personal illness, death in the immediate family, religious holy days in compliance with Section 51.911 of the Texas Higher Education Code, military or legal obligations, or school trips. It is the responsibility of the students to inform the instructor of an excused absence related to one or more of the aforementioned categories and to ask for make-up work.
- (3) A high school student who misses class due to a required function at their school district or a University Scholastic League (UIL) event will be excused. Documentation of such activities must be provided to the instructor. Arrangements must be made with the instructor prior to the absence. Students must be allowed to complete missed work due to an excused absence without penalty.
- (4) An instructor may request the withdrawal of a student from a class when the total number of absences exceeds SWTJC criteria for "Excessive Absences" and the student has failed to make the appropriate contact with the Instructor regarding the validity of the absence and the need for make-up work.
- (5) An ISD official must immediately inform the SWTJC Vice President of Academic Affairs Office of any student's placement into "Homebound" status. Depending on the number of courses affected, the course subject(s), the weeks remaining in the semester, and the availability of qualified faculty to assume instruction, the SWTJC administration may require a "Homebound" student to withdraw from the course(s).

(J) Transcribing of Credit

- (1) For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

(K) Tuition & Fees (Statewide Goal 1)

- (1) Students are eligible for dual credit tuition discounts for the credit hours enrolled per semester.
- (2) The school district will be responsible for providing the college with the Dual Credit Payment Agreement which specifies payment options (waived, billed, or sponsored) for students.
- (3) All SWTJC students including Dual Credit students re-instated for non-payment after the census date will be subject to a \$200.00 re-instatement fee in addition to tuition and fees being charged for the current semester.
- (4) If tuition and fees are not paid by Dual Credit students as per the payment agreement the school district agrees to be responsible for payment.
- (5) School districts will bear the costs associated with student regalia for their students' graduation from SWTJC. SWTJC will waive the graduation fee for graduating students.

(L) Funding (Statewide Goal 1)

- (1) The state funding for dual credit courses will be available to both public school districts and colleges based upon the current funding rules of the State Board of Education (TEC 42.005 (g)) and the Board (TEC 61.059 (p) and (q)).

(2) Costs associated with the transportation of students and/or faculty to a classroom site will be borne by either the ISD or SWTJC, as agreed by both parties. The ISD shall generate ADA funds for the School District from the attendance of students, which will be used to provide funding for the operations and expenditures of the high school as authorized by the Texas Education Code.

(3) The college may only claim funding for all students getting college credit in core curriculum, career and technical education, and foreign language dual credit courses.

(4) The college and the ISD will agree on one of the following billing methods for each course section:

- (a) The college will extend a 15% tuition and fee waiver for an academic section taught by an SWTJC instructor or,
- (b) The college will waive all tuition and fees for an academic section taught by an ISD instructor or,
- (c) When SWTJC places an SWTJC instructor on an ISD site to provide a complete program, such as a CTE program, the college and the ISD will agree to a contract price for all technical courses comprising the program.

(5) The ISD will be responsible for indicating on the Payment Agreement which students the ISD will pay for and which students will self-pay by the date rosters are due. Each semester's Census Day (12<sup>th</sup> class day) Roster will constitute the official enrollment for a given class. SWTJC invoices to the ISD are to be paid net 45 days from the date of the invoice.

(6) A student will be identified/coded as a dual credit student in SWTJC registration data while enrolled in a college course approved for dual credit by the given ISD.

(M) To provide further alignment of the SWTJC/ISD Dual Credit Program Goals with Statewide Goals 1-4:

- (1) The ISD, in collaboration with SWTJC Staff, will provide print and online information, as well as informational sessions to ISD students and their families describing the Dual Credit program, its goals and benefits.
- (2) The SWTJC Office of Institutional Effectiveness will provide disaggregated data to College and ISD officials on the enrollment and persistence of ISD students.
- (3) SWTJC will continue to provide ISD students, in collaboration with ISD staff, academic and career advising and student success services.
- (4) The SWTJC Office of Institutional Effectiveness will provide data on student success in courses requiring pre-requisites; as feasible, the Office will provide data on student success in course work completed subsequent to SWTJC courses taken for dual credit.

(N) Instructional Calendar

SWTJC and the ISD will confirm an instructional calendar that is consistent with the mutual needs and requirements of both parties. Inclement weather policies established by the ISD and SWTJC shall be followed.

(O) Student Code of Conduct

Students shall adhere to the

- a. Policies of the ISD;
- b. Policies of SWTJC.



## 1. Indemnification

To the extent permitted under the laws and Constitution of the State of Texas and without waiving any defenses, including governmental immunity, SWTJC will indemnify the ISD against claims arising out of this Agreement that result from SWTJC's intentional or negligent acts. To the extent permitted under the laws and Constitution of the State of Texas and without waiving any defenses, including governmental immunity, the ISD will indemnify SWTJC against claims arising out of this Agreement that result from the ISD's intentional or negligent acts. The provisions in this paragraph are solely for the benefit of the parties to this Agreement and are not intended to create or grant any rights, contractually or otherwise, to any third party.

## 2. Term

Subject to prior termination or revocation of this Agreement as provided in section 5 (below) of this Agreement, the initial term of this Agreement is in full force and effect for a period of one year commencing on August 1, 2023 and terminating on July 31, 2024. It may be renewed for additional terms as determined by both partners. At least one hundred twenty (120) days before the expiration of the initial term and any subsequent renewal terms, SWTJC and the ISD shall review this Agreement and may renew this Agreement on approval of SWTJC and the ISD.

## 3. Right of Revocation

Either party may terminate this Agreement on 120 days' written notice to the other party. Termination may occur immediately upon the material breach of this Agreement by one of the parties. A breach of this Agreement includes, but is not limited to, a violation of the policies and rules of SWTJC or the ISD, the making of a misrepresentation or false statement by one of the parties, nonperformance of the party's duties, or the occurrence of a conflict of interest between the parties. Each party has 30 days to cure the breach. If this Agreement is terminated during an academic term, students enrolled in classes under this Agreement will be allowed to finish their semester courses.

## 4. Assignment

No party may assign their interest in this Agreement without the written permission of the other party.

## 5. Limitation of Authority

- A. No party has authority for and on behalf of the other except as provided in this Agreement. No other authority, power, partnership, use of rights are granted or implied.
- B. This Agreement represents the entire Agreement by and between the parties and supersedes all previous letters, understanding or oral agreements between the SWTJC and the ISD. Any representations, promises, or guarantees made but not stated in the body of this Agreement are null and void and of no effect.
- C. No party may make, revise, alter, or otherwise diverge from the terms, conditions, or policies which are subject to this Agreement without a written amendment to this Agreement. Changes to this Agreement are subject to the approval of the SWTJC and the ISD Legal Departments and Boards of Trustees.
- D. No party may incur any debt, obligation expense, or liability of any kind against the other without the other's express written approval.

6. Waiver

The failure of any party to exercise the rights granted them herein upon the occurrence of any of the contingencies set forth in this Agreement shall not in any event constitute a waiver of any such rights upon the occurrence of any such contingencies.

7. Applicable Law

This Agreement and all materials and/or issues collateral thereto shall be governed by the laws of the State of Texas applicable to contracts made and performed entirely therein.

8. Venue

Venue to enforce this Agreement shall lie exclusively in Uvalde County, Texas.

9. Miscellaneous Provisions

A. Parties to this Agreement shall comply with all Federal, State and local law.

B. If the Texas Higher Education Coordination Board or TEA adopts new guidelines for Dual Credit programs during the term of this Agreement, the new guidelines shall prevail and shall cause the parties to execute an amendment to the Agreement, if necessary.

10. Notice

Notices given pursuant to this Agreement shall be sufficient if actually received and sent by certified or registered mail, postage fully prepaid to:

Southwest Texas Junior College  
Dr. Hector Gonzales, President  
2401 Garner Field Road  
Uvalde, Texas 78801

Uvalde Consolidated Independent School District  
Mr. Gary Paterson, Interim Superintendent  
1000 North Getty  
Uvalde, Texas 78801

Either party reserves the right to designate in writing to the other party any change of name, change of person, or address to which the notices shall be sent

11. Nondiscrimination

Parties to this Agreement shall not discriminate in this Program on the basis of race, sex, national origin, disability, religion, or sexual orientation.

12. Signatory Clause

The individuals executing this Agreement on behalf of SWTJC and the ISD acknowledge that they are duly authorized to execute this Agreement on behalf of their respective principals. All parties hereby acknowledge that they have read this Agreement and understand its terms.

13. Amendment

The Parties to this Agreement acknowledge that it may be necessary to amend and modify this Agreement from time to time in order to address concerns or issues that arise as the program progresses. However, no amendment, modification or alteration of the terms of this agreement shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by an authorized representative of the parties hereto.



14. Safety

The safety and security of all students is a priority of SWTJC and Uvalde CISD. Uvalde CISD and SWTJC shall work cooperatively to create reasonable precautions that provide for Uvalde CISD high school student safety when those high school students are on a SWTJC campus. Uvalde CISD will provide orientation on safety guidelines and expectations for all Uvalde CISD dual credit students that go to the SWTJC campus. Uvalde CISD will provide documentation to the SWTJC Outreach Department of each student's completion of the orientation on safety guidelines and expectations as well as the students' parent or guardian's agreement to the Uvalde CISD's orientation and safety guidelines prior to the start of classes. When Uvalde CISD high school students are on a SWTJC campus for a dual credit class the SWTJC faculty or staff member assigned to that class will chaperone the students for the scheduled duration of the class. Uvalde CISD will provide a chaperone to accompany Uvalde CISD students on any other scheduled activities at SWTJC.

If any high school student, instructor, employee of the ISD, or administrator should experience an accident or sudden illness while on the premises of SWTJC, the response to such incidents will be based upon the guidelines, procedures, and operation of SWTJC and the ISD regulations. Upon mutual agreement, SWTJC may require the ISD to provide ISD security personnel.

15. Confidentiality of Student Records:

The Parties agree to maintain the records of all students in accordance with all applicable Federal, State, and local laws. The parent(s) of any authorized student shall have access to his or her child's records if allowed under the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g). All records relating to the ISD students which are generated or maintained by either party shall be considered education records in accordance with applicable laws and policies. All parties shall maintain the confidentiality of these and all education records in accordance with all applicable State, Federal and local laws and regulations, including FERPA and School District Board Policy. The Parties shall not release education records to any third party without prior written consent by the appropriate person (as defined under FERPA and any applicable local or State law), except as otherwise permitted by law.

16. Texas Law to Apply

This agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in Uvalde County, Texas

17. Force Majeure

Neither party to this Agreement shall be required to perform any term, condition, or covenant in this agreement so long as performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by a governmental authority, civil riots, floods, and any other cause not reasonably within the control of either party to this Agreement and which by the exercise of due diligence such party is unable, wholly or in part, to prevent or overcome. If by reason of force majeure, either party is prevented from full performance of its obligations under this Agreement, written notice shall be provided to the other party within three days.

**Upon approval by the respective governing boards of both partners, and upon signing by the Board Presidents or their designees, this Agreement shall remain in effect until amended or terminated, with 60 days written notice by either party to the other.**

\_\_\_\_\_  
Uvalde CISD Superintendent

\_\_\_\_\_  
SWTJC President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Memorandum

TO: Mr. Gary Patterson, Uvalde CISD Interim Superintendent

FROM: C.A. Garabedian, SWTJC Dean of Instructional Services and School District Partnerships

DATE: July 11, 2023

SUBJECT: 2023-2024 Technical Dual Credit Program Agreement

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Enclosed for your review and approval is the 2023-2024 Technical Dual Credit Program Agreement between SWTJC and your school district. The Technical Dual Credit Program Agreement was produced through a collaborative effort between SWTJC staff and your campus leadership.

I respectfully ask that you review and electronically sign the Technical Dual Credit Program Agreement no later than July 21, 2023. Your approval by that date will enable SWTJC staff to expedite the scheduling of technical classes for your students in time for Fall 2023 Registration.

If you have any questions please feel free to contact me at (830) 703-1582. Thank you for your attention and continued partnership with SWTJC.

**Southwest Texas Junior College and Uvalde Consolidated Independent School District  
Technical Dual Credit Program Agreement  
2023-2024**

**Purpose**

The purpose of this Technical Dual Credit Program Agreement is to disclose all costs, contract fees, and the proposed courses thereby sustaining a transparent and mutually beneficial partnership between Uvalde Consolidated Independent School District and Southwest Texas Junior College. Fundamental to this Technical Dual Credit Program Agreement is the belief that our two institutions working together can be a significant provider of career and technology education that enriches the lives of students and advances growth in our diverse communities. To this end this Technical Dual Credit Program Agreement will set forth the operational plan for the delivery of Southwest Texas Junior College courses in the following technical program areas for Uvalde Consolidated Independent School District students:

1. Air Conditioning and Refrigeration Technology
2. Automotive Technology
3. Business Office Technology
4. Certified Clinical Medical Assistant (CCMA)
5. Certified EKG and Phlebotomy Technician (CET/CPT)
6. Welding Technology

**Parties**

Southwest Texas Junior College (hereafter SWTJC)

Uvalde Consolidated Independent School District (hereafter Uvalde CISD)

**Period of the Technical Dual Credit Program Agreement**

August 1, 2023 to July 31, 2024

**Responsibilities of the Parties**

The Parties agree to:

- I. SWTJC
  - A. If no qualified high school instructor is available SWTJC may provide an instructor for the contract period of one academic school year, approximately 180 days as determined by the Uvalde CISD official calendar. SWTJC will provide the instructor at the cost agreed to by the Parties as documented in the Technical Dual Credit Program Agreement.
  - B. Provide student evaluation and reporting as required by both Uvalde CISD and SWTJC.
- II. Uvalde CISD
  - A. Provide classroom and lab space adequate for the delivery of the courses for students.
  - B. Provide recruitment, assessment, and referral services for potential students in the courses. Report student IBC and/or exam results when requested by SWTJC.
  - C. Limit the class size as indicated in each program.
  - D. Enroll only eligible students based on Texas Higher Education Coordinating Board dual credit rules as stated in "Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges" Chapter 4, Subchapter D, A§4.85, (b) Student Eligibility.
  - E. Enroll students in the appropriate sequence of courses.
  - F. Notify SWTJC of any proposed changes to program offerings 6 months prior to the beginning of the next academic school year.

G. Pay to SWTJC all applicable program contract fees.

CCMA, CET, and CPT Student Enrollment Requirements:

- Graduate within 12 months of certification: Phlebotomy (PLAB), Electrocardiograph Technician (EKG), Certified Clinical Medical Assistant (CCMA)
- Current TB-Skin Test
- Complete Hepatitis-B Series Vaccine
- Provide Immunization Record
- Valid Photo Identification (Texas ID/Driver's License)
- Social Security Card
- Signed Medical Release Form(s)
- CPR Certified – Prior to course commencement
- All NHA exams must be proctored by SWTJC staff.

Uvalde Consolidated Independent School District will follow all outlined program requirements for CCMA, CET, and CPT:

- Enforce adherence to admission requirements as well as program policies and procedures (specifically regarding attendance to meet the minimum clock hours of classroom instruction and clinical experience, as specified in the Texas Department of State Health Services Emergency Medical Training Requirements);
- Inform students of course schedule;
- Provide paperwork of all enrollment requirements listed above prior to course commencement. Any student that does not provide all paperwork will be officially dropped from the course.
- Provide student textbooks, equipment and consumable supplies for all programs;
- Inform students of and enforce uniform requirements for clinical rotations and/or classroom as applicable;
- Provide liability insurance for all students enrolled in the program;
- Be responsible for any photocopies needed;
- Provide access to Uvalde Consolidated Independent School District buildings as necessary for instructional or exam purposes; all NHA exams must be proctored by SWTJC staff;
- Provide the CPR certification for all students enrolled in the program;
- Pay for retesting fees, if necessary;
- Adhere to Southwest Texas Junior College refund policy;
- Provide student performance updates/grades, puncture logs, EKG logs, non-waiver forms to SWTJC Program Coordinator upon request.

### Fee Chart: Study Material, Testing, and Insurance

The fees on the Chart below are billed per student during the respective class only if applicable. (Welding Technology, Construction Carpentry, Automotive Technology, and the Air Conditioning & Refrigeration programs may have certification exams for a fee after completing the program).

Course(s)	Certification	Agency	Study Material	Exam Fee	Liability Insurance Fee	Total per Student
ACNT 1311	Quick Books	Certiport by Pearson VUE	N/A	\$99.00	N/A	\$99.00
EMSP 1501 & EMSP 1455 & EMSP 1456 & EMSP 1360	Emergency Medical Technician (EMT)	National Registry of Emergency Medical Technicians	N/A	\$104.00	\$13.00	\$117.00
ITSW 1307	Microsoft Office Specialist (MOS) - Access	Certiport by Pearson VUE	N/A	\$72.00	N/A	\$72.00
MDCA 1210 & MDCA 1352	Clinical Certified Medical Assistant (CCMA)	National Healthcareer Association (NHA)	\$83.00	\$160.00	N/A	\$243.00
MDCA 1317	Certified EKG Technician (CET)	National Healthcareer Association (NHA)	\$75.00	\$125.00	N/A	\$200.00
NUPC 1320	Certified Patient Care Technician Assistant (CPCT/A)	National Healthcareer Association (NHA)	\$75.00	\$160.00	N/A	\$235.00
NURA 1160 & NURA 1307 & NURA 1401	Certified Nursing Assistant (CNA)	Texas Health & Human Services Commission	\$99.00	\$125.00	\$13.00	\$237.00
PLAB 1323	Certified Phlebotomy Technician (CPT)	National Healthcareer Association (NHA)	\$75.00	\$125.00	N/A	\$200.00
POFT 1309	Microsoft Office Specialist (MOS) - Outlook	Certiport by Pearson VUE	N/A	\$72.00	N/A	\$72.00
POFI 1349	Microsoft Office Specialist (MOS) - Excel	Certiport by Pearson VUE	N/A	\$72.00	N/A	\$72.00
POFI 2301	Microsoft Office Specialist (MOS) - Word	Certiport by Pearson VUE	\$40.00	\$72.00	N/A	\$112.00
POFT 1309	Microsoft Office Specialist (MOS) - Outlook	Certiport by Pearson VUE	N/A	\$72.00	N/A	\$72.00

### Technical Program(s)

#### 1. Air Conditioning and Refrigeration Technology

- **Cost of Program:** \$23,000.00 per Academic Year
- **Instructor:** SWTJC Staff Member
- **Number of Students per Cohort:** Maximum of 20 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
10 <sup>th</sup> Fall & Spring	Heating Ventilation, Air Conditioning and Refrigeration I	CETT 1302 - Electricity Principles
11 <sup>th</sup> Fall	Heating, Ventilation, Air Conditioning and Refrigeration II	HART1407 - Refrigeration Principles
11 <sup>th</sup> Spring	Heating, Ventilation, Air Conditioning and Refrigeration II	MAIR 1449 - Refrigerators, Freezers Window Air Conditioners

## 2. Automotive Technology

- **Cost of Program:** \$46,000.00 per Academic Year
- **Instructor:** SWTJC Staff Member
- **Number of Students per Cohort:** Maximum of 20 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
9 <sup>th</sup>	Principals of Transportation	N/A
10 <sup>th</sup> Fall & Spring	Automotive Basic	AUMT 1305 - Introduction to Automotive
11 <sup>th</sup> Fall	Automotive Technology I	AUMT 1410 - Brake Systems
11 <sup>th</sup> Fall & Spring	Automotive Technology I	AUMT 1407 - Electrical Systems
11 <sup>th</sup> Spring	Automotive Technology I	AUMT 2417 - Engine Performance Analysis I
12 <sup>th</sup> Fall	Automotive Technology II	AUMT 2434 - Engine Performance Analysis II
12 <sup>th</sup> Fall & Spring	Automotive Technology II	AUMT 1416 - Suspension & Steering
12 <sup>th</sup> Spring	Automotive Technology II	AUMT 1445 - Climate Control Systems

## 3. Business Office Technology

- **Cost of Program:** Waived
- **Instructor:** ISD Staff Member
- **Number of Students per Cohort:** 25 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
11 <sup>th</sup> Fall	Business Information Management I	ITSW 1307 - Introduction to Database POFI 2301 - Word Processing
11 <sup>th</sup> Spring	Business Information Management I	POFT 1309 - Administrative Office Procedures I POFI 1349 - Spreadsheets
12 <sup>th</sup> Fall	Business Information Management II	POFT 2331 - Administrative Project Solutions ACNT 1403 - Introduction to Accounting I
12 <sup>th</sup> Spring	Business Information Management II	POFT 1301 - Business English ACNT 1311 - Introduction to Computerized Accounting



#### 4. Certified Clinical Medical Assistant (CCMA)

- **Cost of Program:** Waived
- **Instructor:** ISD Staff Member
- **Number of Students per Cohort:** Maximum of 25 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
12 <sup>th</sup> Fall	Practicum in Health Science Medical Assistant Program	MDCA 1205 – Medical Law and Ethics MDCA 1210 – Medical Assistant Interpersonal and Communication Skills
12 <sup>th</sup> Spring	Practicum in Health Science Medical Assistant Program	MDCA 1352 – Medical Assistant Laboratory Procedures

#### 5. Certified EKG and Phlebotomy Technician (CET/CPT)

- **Cost of Program:** Waived
- **Instructor:** ISD Staff Member
- **Number of Students per Cohort:** Maximum of 25 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
12 <sup>th</sup> Fall	Practicum in Health Science EKG	MDCA 1317 - Procedures in Clinical Setting
12 <sup>th</sup> Spring	Practicum in Health Science Phlebotomy	PLAB 1323 - Phlebotomy

#### 6. Welding Technology

- **Cost of Program:** Waived
- **Instructor:** ISD Staff Member
- **Number of Students per Cohort:** Maximum of 20 Students
- **Program of Study:**

Grade Level/Term	High School Course	College Course Equivalent
10 <sup>th</sup> Fall	Introduction to Welding	WLDG 1323 - Welding, Safety, Tools and Equipment
10 <sup>th</sup> Spring	Introduction to Welding	WLDG 1421 - Welding Fundamentals
11 <sup>th</sup> Fall	Welding I	WLDG 1428 - Intro to Shielded Metal Arc Welding
11 <sup>th</sup> Fall & Spring	Welding I	WLDG 1430 - Gas Metal Arc Welding
11 <sup>th</sup> Spring	Welding I	WLDG 1313 - Intro to Blueprint Reading for Welders
12 <sup>th</sup> Fall	Welding II	WLDG 1457 - Intermediate Shield Metal Arc Welding WLDG 1317 - Intro to Layout and Fabrication
12 <sup>th</sup> Spring	Welding II	WLDG 1435 - Intro to Pipe Welding WLDG 1353 - Intermediate Layout and Fabrication

Uvalde Consolidated Independent School District understands the course sequence (program of study) for the technical dual credit classes and agrees to make payment in the amount(s) stated in this Technical Dual Credit Program Agreement. An invoice will be generated by Southwest Texas Junior College and submitted to Uvalde Consolidated Independent School District shortly after the start date of each course.

**Signing for the Parties:**

\_\_\_\_\_  
Uvalde CISD Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
SWTJC President

\_\_\_\_\_  
Date



## **CLOSED SESSION**

Closed Session: A closed session will be held under Provisions of Texas Government Code, Chapter 551, Sections 551.071 and 551.074.

A. Deliberation regarding the purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code (Deliberation Regarding Real Property).

B. Deliberation concerning approval of personnel employments, assignments, suspensions, and terminations.

Contact Person:

Gary Patterson, Interim Superintendent

**Reconvene from Closed Session for Action Relevant to Items Covered During Closed Session**

A. Consider and take possible action regarding the purchase, exchange, lease or value of real property.

B. Consider and take possible action concerning approval of personnel employments, assignments, suspensions, and terminations.

Contact Person:

Gary Patterson, Interim Superintendent

## **ADJOURNMENT**